



“All laws enacted at a regular session, . . .
excluding a general appropriation law,
shall take effect on the first day of July
following the adjournment of the session of the
General Assembly at which it has been enacted.”
Constitution of Virginia, Article IV, Section 13

In Due Course:

2020 Changes to Virginia’s Laws

In Due Course is a selection of legislation passed by the 2020 Session of the General Assembly that is likely to affect the daily lives of the citizens of Virginia. The following legislation has been signed by the Governor and for the most part will go into effect on July 1, 2020.

The summaries were prepared by the staff of the Division of Legislative Services. Complete information on actions of the 2020 Session is available on the [Legislative Information System](#).

Topics

Alcoholic Beverage Control	Gaming	State Holidays
Animal Care & Control	General Laws	Taxation
Civil Procedure	Health & Health Professionals	Trade & Commerce
Corrections	Higher Education	Traffic Infractions
Counties, Cities & Towns	Housing	Transportation
Criminal Offenses	Insurance	Unemployment Compensation
Criminal Procedure	Labor & Employment	Utilities
Discrimination	Motor Vehicles	Waters of the State
Domestic Relations	Public Education	Wills, Trusts & Estates
Financial Institutions	Regional Greenhouse Gas Initiative	Worker’s Compensation
Firearms	Social Services	Voting
Fisheries	Special License Plates	

Alcoholic Beverage Control

HB 37. Alcoholic beverage control; stills or distilling apparatuses; permit requirement.

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



HB 390/SB 389. Alcoholic beverage control; license and fee reform. Reorganizes all alcoholic beverage control licenses pursuant to the three-tier structure and license privileges, consolidates many licenses with common privileges, aligns license fee amounts with enforcement demands, and standardizes quantity limits on alcohol samples. The bill has a delayed effective date of July 1, 2021.

Animal Care & Control

HB 1552/SB 272. Tethering animals; adequate shelter and space. Provides that the outdoor tethering of an animal does not meet the requirement of adequate shelter during a hurricane warning or tropical storm warning or if the animal is not safe from predators or well suited or equipped to tolerate its environment. The bill provides that unless an animal control officer has inspected an animal's individual circumstances and determined it to be safe from predators and well suited and equipped to tolerate its environment, no such outdoor tethering during a heat advisory, a severe weather warning, or a period when the temperature is 85 degrees Fahrenheit or higher or 32 degrees Fahrenheit or lower shall constitute the provision of adequate shelter. The measure increases the minimum tether length required to constitute adequate space to 15 feet in length or four times the length of the animal, whichever is greater. Current law requires the tether to be at least 10 feet in length or three times the length of the animal, whichever is greater. The bill provides an exception for a case in which an animal control officer, having inspected an animal's individual circumstances, determines that a shorter tether of at least 10 feet or three times the length of the animal makes the animal safer, more suited, and better equipped to tolerate its environment than a longer tether would.

Civil Procedure

HB 781/SB 661. Accrual of cause of action; diagnoses of nonmalignant and malignant asbestos-related injury or disease. Provides that a diagnosis of a nonmalignant asbestos-related injury or disease shall not accrue an action based upon the subsequent diagnosis of a malignant asbestos-related injury or disease and that such subsequent diagnosis shall constitute a separate injury that shall accrue an action when such diagnosis is first communicated to the person or his agent by a physician. The bill is intended to reverse *Kiser v. A.W. Chesteron*, 285 Va. 12 (2013).

HB 834. Order of publication; electronic notice. Provides that a court may permit notice of an order of publication to be given by electronic means in addition to or in lieu of publication in a newspaper, under such terms and conditions as the court may direct. This bill is a recommendation of the Boyd-Graves Conference.

HB 870. Statute of limitations; sexual abuse. Provides that for a cause of action accruing on or after July 1, 2020, every action for injury to the person resulting from sexual abuse shall be brought within 10 years after the cause of action accrues. This bill does not change the current 20-year statute of limitations for actions for injury to the person resulting from sexual abuse that occurred during the infancy or incapacity of such person.



HB 1605/SB 553. Partition of property. Incorporates major provisions of the Uniform Partition of Heirs Property Act. The bill provides that in partition actions the court shall order an appraisal to determine fair market value of the property, unless the parties have agreed to the value of the property or to another valuation method. The bill also provides factors to be considered by the court when making an allotment of the property when there is a dispute among the parties. The bill further provides that if the court orders a sale of property in a partition action, the sale shall be conducted on the open market, unless the court finds that a sale by sealed bids or at auction would be more economically advantageous to the parties as a group. The bill outlines the procedure for such open-market sale.

Corrections

HB 33/SB 793. Parole; exception to limitation on the application of parole statutes. Provides that a person is eligible to be considered for parole if (i) such person was sentenced by a jury prior to the date of the Supreme Court of Virginia decision in *Fishback v. Commonwealth*, 260 Va. 104 (June 9, 2000), in which the Court held that a jury should be instructed on the fact that parole has been abolished, for a felony committed on or after the abolition of parole going into effect (on January 1, 1995); (ii) the person remained incarcerated for the offense on July 1, 2020; and (iii) the offense was not one of the following: (a) a Class 1 felony; (b) if the victim was a minor, rape, forcible sodomy, object sexual penetration, or aggravated sexual battery or an attempt to commit such act; or (c) carnal knowledge. The bill also requires the Parole Board to establish procedures for consideration of parole of persons entitled to it and also provides that any person who is eligible for parole as of July 1, 2020, shall be scheduled for a parole interview no later than July 1, 2021, allowing for extension of time for reasonable cause. The bill contains an emergency clause.

HB 35/SB 103. Juvenile offenders; parole. Provides that any person sentenced to a term of life imprisonment for a single felony offense or multiple felony offenses committed while that person was a juvenile and who has served at least 20 years of such sentence and any person who has active sentences that total more than 20 years for a single felony offense or multiple felony offenses committed while that person was a juvenile and who has served at least 20 years of such sentences shall be eligible for parole.

HB 1093/HB 1467. Prisoners; obtaining certain identification documentation upon release. Requires the Department of Corrections and the sheriff, jail superintendent, or other jail administrator of a local correctional facility to provide the assistance necessary for any prisoner who does not already possess a government-issued identification card to apply for and obtain such identification. The requirement would apply for any prisoner who has been confined for a period of 90 days or more. If a prisoner is unable to obtain a government-issued identification, the Department would provide a Department of Corrections Offender Identification form. The bill further requires all costs and fees associated with obtaining such identification documentation to be paid by the prisoner unless the prisoner is determined to be indigent. Current law authorizes local correctional institutions to issue special identification cards prior to



the release of any prisoner and requires the prisoner to pay all costs and fees associated with obtaining such card.

HB 1648. State correctional facilities; treatment of prisoners known to be pregnant or who are parents of minor children. Provides for rules and regulations regarding the treatment, control, and education of prisoners known to be pregnant and prisoners who are primary caretakers of minor children in state correctional facilities. The bill requires the Department of Corrections to include in the training it provides for state correctional officers and juvenile correctional officers who may have contact with pregnant inmates training on the general care of pregnant women and the impact of restraints, restrictive housing or solitary confinement, and body cavity searches on such inmates. The bill requires the Director of the Department of Corrections, after accounting for safety, security, and operational factors, to place prisoners who are known primary caretakers of minor children in a facility as close as possible to such children. The bill also requires correctional officers, when (i) contact is required between such officer and an inmate, (ii) the inmate is required to disrobe, and (iii) the officer is not the same gender as the inmate, to submit a written report to the official in charge of the state or local correctional facility within 72 hours following the incident containing the justification for the suspension of the requirement that such incident occur only during the period of a declared emergency. The bill further authorizes the Director of the Department of Corrections to prescribe reasonable rules regarding visitation that include authorization of visitation by minor dependents of prisoners who are primary caretakers of minor children with Level 1 or Level 2 security classifications.

SB 1023. State correctional facilities; visitation. Sets visitation and search policies for visitors to state correctional facilities, including the circumstances under which visits may include or exclude personal contact. The bill prohibits strip searches and searches of any body cavity of any child under 18 years of age and provides that visitors will not be barred from future visits if they (i) stop a search prior to the discovery of contraband or (ii) refuse to be searched.

SB 1089. Visiting state correctional facilities; strip searches of those entering. Provides that no child under the age of 18 who is seeking entrance to a state correctional facility shall be strip searched or subjected to a search of any body cavity under any circumstances. The bill also provides that the Department may not permanently ban any person, or insinuate that any person will be permanently banned, from seeking entrance to a state correctional facility on the basis of such person's refusal to consent to a strip search or a search of any body cavity when such person is seeking to enter the interior of any state correctional facility. The bill provides that the Department may deny such person entry to the facility, unless otherwise provided by law, but may not deny such person any future entry on the basis of a prior refusal to consent.

Counties, Cities & Towns

HB 696. Local human rights ordinances; sexual orientation and gender identity. Provides that localities may prohibit discrimination in housing, employment, public accommodations, credit, and education on the basis of sexual orientation and gender identity.



HB 1101/SB 834. Affordable housing dwelling unit ordinances. Allows certain localities to adopt affordable housing dwelling unit ordinances. The governing body of any locality, other than localities to which certain current affordable housing provisions apply, may by amendment to the zoning ordinances of such locality provide for an affordable housing dwelling unit program. Such program shall address housing needs, promote a full range of housing choices, and encourage the construction and continued existence of housing affordable to low-and-moderate-income citizens by providing for increases in density to the applicant in exchange for the applicant's voluntarily electing to provide such affordable housing. Any local ordinance may authorize the governing body to (i) establish qualifying jurisdiction-wide affordable dwelling unit sales prices based on local market conditions; (ii) establish jurisdiction-wide affordable dwelling unit qualifying income guidelines; and (iii) offer incentives other than density increases, such as reductions or waiver of permit, development, and infrastructure fees, as the governing body deems appropriate to encourage the provision of affordable housing.

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

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

HB 1537/SB 183. Memorials for war veterans. Provides that a locality may remove, relocate, contextualize, or cover any monument or memorial for war veterans on the locality's public property, not including a monument or memorial located in a publicly owned cemetery, regardless of when the monument or memorial was erected, and removes certain criminal and civil penalties. Current law makes it unlawful to disturb or interfere with such monuments or memorials or to prevent citizens from taking proper measures and exercising proper means for the protection, preservation, and care of such monuments or memorials. Prior to removing, relocating, contextualizing, or covering any such publicly owned monument or memorial, the local governing body shall publish notice of such intent in a newspaper having general circulation in the locality. The notice shall specify the time and place of a public hearing at which interested persons may present their views, not less than 30 days after publication of the notice. After the completion of the hearing, the governing body may vote whether to remove, relocate, contextualize, or cover the monument or memorial. If the governing body votes to



remove, relocate, contextualize, or cover the monument or memorial, the local governing body shall first, for a period of 30 days, offer the monument or memorial for relocation and placement to any museum, historical society, government, or military battlefield. The local governing body shall have sole authority to determine the final disposition of the monument or memorial. The bill authorizes the local governing body to call for an advisory referendum prior to voting on such motion. The bill repeals an 1890 act of assembly related to the placement of a statue in the City of Alexandria and does not apply to a monument or memorial located on the property of a public institution of higher education within the City of Lexington. The bill also provides that the Board of Historic Resources shall promulgate regulations governing the manner in which any monument or memorial may be contextualized.

Criminal Offenses

HB 256/SB 3. Disorderly conduct; students. Provides that an elementary or secondary school student is not guilty of disorderly conduct in a public place if the disorderly conduct occurred on the property of an elementary or secondary school, on a school bus, or at any activity conducted or sponsored by any elementary or secondary school.

HB 618/SB 179. Hate crimes; gender, disability, gender identity, or sexual orientation; penalty. Adds gender, disability, gender identity, and sexual orientation to the categories of victims whose intentional selection for a hate crime involving assault, assault and battery, or trespass for the purpose of damaging another's property results in a higher criminal penalty for the offense. The bill also adds gender, disability, gender identity, and sexual orientation to the categories of hate crimes that are to be reported to the central repository of information regarding hate crimes maintained by the Virginia State Police. The bill provides that a person who is subjected to acts of intimidation or harassment, violence directed against his person, or vandalism to his real or personal property, where such acts are motivated by gender, disability, gender identity, or sexual orientation, may bring a civil action to recover his damages. The bill also provides that no provider or user of an interactive computer service on the Internet shall be liable for any action voluntarily taken by it in good faith to restrict access to material that the provider or user considers to be intended to incite hatred on the basis of gender, disability, gender identity, or sexual orientation. The bill also eliminates the mandatory minimum terms of confinement for such hate crimes. The provisions of the bill are contingent on funding in a general appropriation act.

HB 972/SB 2. Possession and consumption of marijuana; penalty. Decriminalizes simple marijuana possession and provides a civil penalty of no more than \$25. Current law imposes a maximum fine of \$500 and a maximum 30-day jail sentence for a first offense, and subsequent offenses are a Class 1 misdemeanor. The bill provides that any violation of simple possession of marijuana shall be charged by a summons in form the same as the uniform summons for motor vehicle law violations and that no court costs shall be assessed for such violations. The bill also provides that a person's criminal history record information shall not include records of any charges or judgments for such violations and records of such charges or judgments shall not be reported to the Central Criminal Records Exchange. However, the bill states that if a violation



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

SB 711. Driving while license, permit, or privilege to drive suspended or revoked; mandatory minimum. Eliminates the mandatory minimum term of confinement in jail of 10 days for a third or subsequent conviction of driving on a suspended license.

Criminal Procedure

HB 746. Custodial interrogation of a child; parental notification and contact. Requires that prior to the custodial interrogation of a child who has been arrested by a law-enforcement officer for a criminal violation, the child's parent, guardian, or legal custodian be notified of the child's arrest and the child have contact with his parent, guardian, or legal custodian. Such notification and contact may be in person, electronically, by telephone, or by video conference. However, notification and contact prior to a custodial interrogation is not required if the parent, guardian, or legal custodian is a codefendant in the alleged offense; the parent, guardian, or legal custodian has been arrested for, has been charged with, or is being investigated for a crime against the child; the person cannot reasonably be located or refuses contact with the child; or the law-enforcement officer conducting the custodial interrogation reasonably believes the information sought is necessary to protect life, limb, or property from an imminent danger and the questions are limited to those that are reasonably necessary to obtain that information.



HB 909/SB 513. Driver's license suspensions for certain non-driving related offenses.

Removes the existing provisions that allow a person's driver's license to be suspended (i) when he is convicted of or placed on deferred disposition for a drug offense, (ii) for non-payment of certain fees owed to a local correctional facility or regional jail, and (iii) for shoplifting motor fuel.

HB 1196/SB 1. Suspension of driver's license for nonpayment of fines or costs. Repeals the requirement that the driver's license of a person convicted of any violation of the law who fails or refuses to provide for immediate payment of fines or costs be suspended. The bill also removes a provision allowing the court to require a defendant to present a summary prepared by the Department of Motor Vehicles of the other courts in which the defendant also owes fines and costs. The bill requires the Commissioner of the Department of Motor Vehicles to return or reinstate any person's driver's license that was suspended prior to July 1, 2019, solely for nonpayment of fines or costs. Such person does not have to pay a reinstatement fee.

HB 1544. Strip searches of children. Provides that no child under the age of 18 shall be strip searched or subjected to a search of any body cavity by a law-enforcement officer or a jail officer. The bill provides exceptions for (i) children committed to the Department of Juvenile Justice or confined or detained in a secure local facility for juveniles or a jail or other facility for the detention of adults, (ii) persons taken into custody by or remanded to a law-enforcement officer pursuant to a circuit or district court order, and (iii) children in custodial arrest when there is reasonable cause to believe on the part of a law-enforcement officer or jail officer authorizing the search that the child is concealing a weapon.

SB 667. Arrest and prosecution when experiencing or reporting overdoses. Provides that no individual shall be subject to arrest or prosecution for the unlawful purchase, possession, or consumption of alcohol; possession of a controlled substance; possession of marijuana; intoxication in public; or possession of controlled paraphernalia if (i) such individual (a) seeks or obtains emergency medical attention for himself, if he is experiencing an overdose, or for another individual, if such other individual is experiencing an overdose, or (b) is experiencing an overdose and another individual seeks or obtains emergency medical attention for him; (ii) such individual remains at the scene of the overdose or at any location to which he or the individual requiring emergency medical attention has been transported; (iii) such individual identifies himself to the law-enforcement officer who responds; and (iv) the evidence for a prosecution of one of the enumerated offenses would have been obtained only as a result of an individual seeking or obtaining emergency medical attention. The bill also provides that no law-enforcement officer acting in a good faith shall be found liable for false arrest if it is later determined that the person arrested was immune from prosecution. Current law provides an affirmative defense to such offenses only when an individual seeks or obtains emergency medical attention for himself, if he is experiencing an overdose, or for another individual, if such other individual is experiencing an overdose.



Discrimination

HB 827/SB 712. Virginia Human Rights Act; discrimination on the basis of pregnancy, childbirth, or related medical conditions; reasonable accommodation for the known limitations of persons related to pregnancy, childbirth, or related medical conditions.

Requires employers, defined in the bill, to make reasonable accommodation for the known limitations of a person related to pregnancy, childbirth, or related medical conditions, if such accommodation is necessary to assist such person in performing a particular job, unless the employer can demonstrate that the accommodation would impose an undue hardship on the employer. The bill also prohibits employers from taking any adverse action against an employee who requests or uses a reasonable accommodation and from denying employment or promotion opportunities to an otherwise qualified applicant or employee because such employer will be required to make reasonable accommodation to the applicant or employee. The bill creates a cause of action against any employer who denies any of the rights afforded by the bill and permits the court or jury to award compensatory damages, back pay, and other equitable relief.

HB 1514/SB 50. Virginia Human Rights Act; racial discrimination; hair. Provides that the terms “because of race” and “on the basis of race,” and terms of similar import, when used in reference to discrimination in the Code of Virginia and acts of the General Assembly, include traits historically associated with race, including hair texture, hair type, and protective hairstyles such as braids, locks, and twists.

SB 868. Prohibited discrimination; public accommodations, employment, credit, and housing; causes of action; sexual orientation and gender identity. Creates causes of action for unlawful discrimination in public accommodations and employment in the Virginia Human Rights Act. Currently, under the Act there is no cause of action for discrimination in public accommodations, and the only causes of action for discrimination in employment are for (i) unlawful discharge on the basis of race, color, religion, national origin, sex, pregnancy, or childbirth or related medical conditions including lactation by employers employing more than five but fewer than 15 persons and (ii) unlawful discharge on the basis of age by employers employing more than five but fewer than 20 persons. The bill allows the causes of action to be pursued privately by the aggrieved person or, in certain circumstances, by the Attorney General. Before a civil cause of action may be brought in a court of the Commonwealth, an aggrieved individual must file a complaint with the Division of Human Rights of the Department of Law, participate in an administrative process, and receive a notice of his right to commence a civil action. The bill prohibits discrimination in public and private employment on the basis of sexual orientation and gender identity. The bill also codifies for state and local government employment the current prohibitions on discrimination in employment on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, disability, or status as a veteran. Additionally, the bill (a) prohibits discrimination in public accommodations on the basis of sexual orientation, gender identity, or status as a veteran; (b) prohibits discrimination in credit on the basis of sexual orientation, gender identity, pregnancy, childbirth or related medical conditions, disability, and status as a veteran; and (c) adds



discrimination on the basis of an individual's sexual orientation, gender identity, or status as a veteran as an unlawful housing practice. The bill makes technical amendments.

Domestic Relations

HB 623. Gender-neutral terms; prohibitions on same-sex marriage and civil unions removed from Code; certain gender-specific crimes; penalty. Replaces the terms “husband” and “wife,” as well as related terms, with gender-neutral terms throughout the Code to comport with the United States Supreme Court decision in *Obergefell v. Hodges*, 576 U.S. ____ (June 26, 2015). The bill also repeals the statutory prohibitions on same-sex marriages and civil unions or other arrangements between persons of the same sex purporting to bestow the privileges and obligations of marriage, and it makes conforming changes to various laws involving married individuals and their rights stemming from marriage.

Further, the bill makes applicable to all persons, regardless of the gender of the victim, the crimes of (i) assisting or aiding in the abduction of or threatening to abduct a female under 16 years of age for the purpose of concubinage or prostitution; (ii) placing or leaving one's wife in a bawdy place; and (iii) defaming the chaste character of a female. The bill provides that a defendant placed on probation may be ordered to provide support for the defendant's spouse; currently, the law only provides for support of a defendant's wife. The bill also amends various criminal and criminal procedure laws to make them applicable to both same-sex and opposite-sex married couples.

HB 1490/SB 17. Same-sex marriages; civil unions. Repeals the statutory prohibitions on same-sex marriages and civil unions or other arrangements between persons of the same sex purporting to bestow the privileges and obligations of marriage. These prohibitions are no longer valid due to the United States Supreme Court decision in *Obergefell v. Hodges*, 576 U.S. ____ (June 26, 2015).

SB 433. Invocation of constitutional rights in domestic relations cases; adverse inference. Allows the trier of fact in a civil domestic relations proceeding to draw an adverse inference if a party or witness in such a proceeding refuses to answer a question regarding adultery on the grounds that such testimony might be self-incriminating.

Financial Institutions

HB 789/SB 421. Consumer lending. Replaces references to payday loans with the term “short-term loans.” The measure caps the interest and fees that may be charged under a short-term loan at an annual rate of 36 percent, plus a maintenance fee; increases the maximum amount of such loans from \$500 to \$2,500; and sets the duration of such loans at a minimum of four months, subject to exceptions, and a maximum of 24 months. Short-term loan licensees are required to make a reasonable attempt to verify a borrower's income and may not collect fees and charges that exceed 50 percent of the original loan amount if such amount is equal to or less than \$1,500 and 60 percent of the original loan amount if such amount is greater than \$1,500. The measure amends the requirements for motor vehicle title loans, including requiring licensed lenders to use



a database to determine a prospective borrower's eligibility for a loan and prohibiting loans to a borrower who has an outstanding short-term loan. The measure sets a 36-percent annual interest rate cap on open-end credit plans and allows a \$50 annual participation fee. A violation of these provisions is made a prohibited practice under the Virginia Consumer Protection Act. The measure amends provisions of the Consumer Finance Act to, among other things, allow licensed lenders to use the services of access partners and establish requirements that loans be between \$300 and \$35,000; be repayable in substantially equal installment payments; have a term of no fewer than six and no more than 120 months; charge not more than 36 percent annual interest and a loan processing fee; and require licensees to post a bond. The measure prohibits credit service businesses from advertising, offering, or performing other services in connection with an extension of credit that has an annual interest rate exceeding 36 percent, is for less than \$5,000, has a term of less than one year, or is provided under an open-end credit plan. The bill has a delayed effective date of January 1, 2021, and requires any person who would be required to be licensed under the provisions of the act to apply for a license by October 1, 2020.

Firearms

HB 2/SB 70. Firearm sales; criminal history record information checks; penalty. Requires a background check for any firearm sale and directs the Department of State Police (the Department) to establish a process for transferors to obtain such a background check from licensed firearms dealers. A person who sells a firearm to another person without obtaining the required background check is guilty of a Class 1 misdemeanor. The bill also provides that a purchaser who receives a firearm from another person without obtaining the required background check is guilty of a Class 1 misdemeanor. The bill removes the provision that makes background checks of prospective purchasers or transferees at firearms shows voluntary. The bill also provides that the Department shall have three business days to complete a background check before a firearm may be transferred.

HB 9. Reporting lost or stolen firearms; civil penalty. Requires that, if a firearm is lost or stolen from a person who lawfully possessed it, such person shall report the loss or theft of the firearm to any local law-enforcement agency or the Department of State Police within 48 hours after such person discovers the loss or theft or is informed by a person with personal knowledge of the loss or theft. The bill requires the relevant law-enforcement agency to enter the report information into the National Crime Information Center. A violation is punishable by a civil penalty of not more than \$250. The bill provides that a person who, in good faith, reports the loss or theft is immune from criminal or civil liability for acts or omissions that result from the loss or theft. The immunity does not apply to a person who knowingly gives a false report. The bill does not apply to the loss or theft of an antique firearm.

HB 421/SB 35. Control of firearms by localities. Authorizes any locality by ordinance to prohibit the possession or carrying of firearms, ammunition, or components or any combination thereof in (i) any building, or part thereof, owned or used by such locality for governmental purposes; (ii) any public park owned or operated by the locality; (iii) any recreation or community center facility; or (iv) any public street, road, alley, sidewalk or public right-of-way



or any other place of whatever nature that is open to the public and is being used by or is adjacent to a permitted event or an event that would otherwise require a permit. Provisions limiting the authority of localities and state governmental entities to bring lawsuits against certain firearms manufacturers and others are also repealed. The bill also provides that any firearm received by the locality pursuant to a gun buy-back program shall be destroyed by the locality unless the person surrendering such firearm requests in writing that such surrendered firearm be sold. The provisions of the bill do not apply to the activities of a Senior Reserve Officers' Training Corps program operated at a public or private institution of higher education or any intercollegiate athletics program operated by a public or private institution of higher education and governed by the National Collegiate Athletic Association or any club sports team recognized by a public or private institution of higher education where the sport engaged in by such program or team involves the use of a firearm. The bill contains technical amendments.

HB 674/SB 240. Firearms; removal from persons posing substantial risk; penalties. Creates a procedure by which any attorney for the Commonwealth or law-enforcement officer may apply to a general district court, circuit court, or juvenile and domestic relations district court judge or magistrate for an emergency substantial risk order to prohibit a person who poses a substantial risk of injury to himself or others from purchasing, possessing, or transporting a firearm. Upon service of an emergency substantial risk order, the person who is subject to the order shall be given the opportunity to voluntarily relinquish any firearm. An emergency substantial risk order shall expire on the fourteenth day following issuance of the order. The bill requires a court hearing in the circuit court for the jurisdiction where the order was issued within 14 days from issuance of an emergency substantial risk order to determine whether a substantial risk order should be issued. Seized firearms shall be retained by a law-enforcement agency for the duration of an emergency substantial risk order or a substantial risk order or, for a substantial risk order and with court approval, may be transferred to a third party 21 years of age or older chosen by the person from whom they were seized. The bill allows the complainant of the original warrant to file a motion for a hearing to extend the substantial risk order prior to its expiration. The court may extend the substantial risk order for a period not longer than 180 days. The bill provides that persons who are subject to a substantial risk order, until such order has been dissolved by a court, are guilty of a Class 1 misdemeanor for purchasing, possessing, or transporting a firearm; are disqualified from having a concealed handgun permit; and may not be employed by a licensed firearms dealer. The bill also provides that a person who transfers a firearm to a person he knows has been served with a warrant or who is the subject of a substantial risk order is guilty of a Class 4 felony. The bill creates a computerized substantial risk order registry for the entry of orders issued pursuant to provisions in the bill.

HB 812/SB 69. Purchase of handguns; limitation on handgun purchases; penalty. Prohibits any person who is not a licensed firearms dealer from purchasing more than one handgun in a 30-day period and establishes such an offense as a Class 1 misdemeanor. The bill exempts from this provision (i) persons who have been issued a certificate by the Department of State Police under certain circumstances and with an enhanced background check, (ii) law-enforcement agencies and officers, (iii) state and local correctional facilities, (iv) licensed private security companies, (v) persons who hold a valid Virginia concealed handgun permit, (vi) persons whose



handgun has been stolen or irretrievably lost or who are trading in a handgun, (vii) purchases of handguns in a private sale, and (viii) purchases of antique firearms.

HB 1004/SB 479. Protective orders; possession of firearms; surrender or transfer of firearms; penalty. Prohibits any person subject to a permanent protective order (i.e., a protective order with a maximum duration of two years) from knowingly possessing a firearm while the order is in effect, provided that for a period of 24 hours after being served with a protective order such person may continue to possess such firearm for the purposes of selling or transferring it to any person who is not otherwise prohibited by law from possessing such firearm. A violation of this provision is a Class 6 felony. The bill also provides that a court shall order a person subject to a permanent protective order to (i) within 24 hours, surrender any firearm possessed by such person to a designated local law-enforcement agency or sell or transfer any firearm possessed by such person to a dealer or to any person who is not otherwise prohibited by law from possessing such firearm and (ii) certify in writing that such person does not possess any firearms or that all firearms possessed by such person have been surrendered, sold, or transferred and file such certification with the clerk of the court that entered the protective order within 48 hours after being served with a protective order. The bill provides that the willful failure of any person to certify in writing that all firearms possessed by such person have been surrendered, sold, or transferred or that such person does not possess any firearms shall constitute contempt of court. The bill provides procedures for designating a local law-enforcement agency to receive and store firearms, as well as a process to return such surrendered firearms. The bill also makes it a Class 4 felony for any person to sell, barter, give, or furnish any firearm to any person he knows is prohibited from possessing or transporting a firearm who is subject to a permanent protective order.

Fisheries

HB 1448/SB 791. Management of the menhaden fishery. Requires the Virginia Marine Resources Commission to adopt regulations necessary to manage Atlantic menhaden, including those necessary to comply with the Atlantic States Marine Fisheries Commission Interstate Fishery Management Plan for Atlantic Menhaden. The bill repeals several Code sections relating to quotas, allocation of allowable landings, and administrative procedures that will be included in a regulatory framework for managing the fishery. The bill directs the Commissioner of Marine Resources to establish a Menhaden Management Advisory Committee to provide guidance to the Commission. The bill contains an emergency clause.

Gaming

HB 4/SB 36. Lottery Board; regulation of casino gaming. Authorizes casino gaming in the Commonwealth to be regulated by the Virginia Lottery Board. The bill specifies the requirements for licensure of casino gaming operators and the conduct of casino gaming and imposes criminal and civil penalties for violations of the casino gaming law. The location of casino gaming establishments shall be limited to eligible host cities that meet specified criteria: the Cities of Portsmouth, Richmond, Norfolk, Danville, and Bristol. The bill requires each



eligible host city to hold a referendum on the question of whether to allow casino gaming in the city and, with the exception of the City of Richmond, to hold such referendum at the November 2020 general election. The bill imposes a tax ranging from 18 to 30 percent of the adjusted gross receipts of licensees, based upon a licensee's annual adjusted gross receipts, and provides for disbursement of the tax revenues. The bill requires the Board to establish a voluntary exclusion program allowing individuals to voluntarily list themselves as being barred from entering a casino gaming establishment or other facility under the jurisdiction of the Board. The bill establishes the Problem Gambling Treatment and Support Fund, administered by the Commissioner of Behavioral Health and Developmental Services, and the Virginia Indigenous People's Trust Fund, both of which are funded by proceeds from the casino gaming tax revenues. The bill also establishes the Regional Improvement Commission, consisting of a representative of each jurisdiction composing the transportation district in which the City of Bristol is located, to receive disbursements of gaming tax revenues and to prioritize and fund improvements in those jurisdictions. The bill requires the Virginia Racing Commission to authorize an additional 600 historical horse racing terminals each time a local referendum held by an eligible host city is approved, provided that the total number of additional machines does not exceed 2,000 statewide, and includes other provisions relating to the placement of historical horse racing terminals in the Commonwealth.

HB 881/SB 971. Illegal gambling; skill games; exception. Includes the playing or offering for play of any skill game in the definition of "illegal gambling." The bill also includes skill games within the definition of "gambling devices." The bill defines a "skill game" as an electronic, computerized, or mechanical contrivance, terminal, machine, or other device that requires the insertion of a coin, currency, ticket, token, or similar object to operate, activate, or play a game, the outcome of which is determined by any element of skill of the player and that may deliver or entitle the person playing or operating the device to receive cash; cash equivalents, gift cards, vouchers, billets, tickets, tokens, or electronic credits to be exchanged for cash; merchandise; or anything of value whether the payoff is made automatically from the device or manually. The bill exempts family entertainment centers from the prohibition against the playing or offering of any skill game, provided the prize won or distributed to a player by the skill games offered by such centers is a noncash, merchandise prize or a voucher, billet, ticket, token, or electronic credit redeemable only for a noncash, merchandise prize that also meets certain other requirements.

The provisions related to the prohibition of skill games have a delayed effective date of July 1, 2021. The bill provides for a one-year phase-out of currently existing skill games. Each distributor, defined as a person who distributes skill games to Virginia Alcoholic Beverage Control Authority (ABC) licensees and truck stops, would pay a monthly tax of \$1,200 for each skill game provided for play during the previous month. Revenues would accrue two percent to the Problem Gambling Treatment and Support Fund, two percent to the ABC for administering the bill's provisions, 12 percent to localities in which the skill games are located, and 84 percent to the COVID-19 Relief Fund, created by the bill. The COVID-19 Relief Fund would be used by the Governor solely for the purposes of responding to the Commonwealth's needs related to the Coronavirus Disease of 2019 (COVID-19) pandemic.



Distributors would be required to report monthly to the ABC the number of skill games provided for play. Distributors would be prohibited from increasing the number of machines above the number provided for play as of July 1, 2020, and would be prohibited from operating new skill games. Distributors would be subject to a civil penalty of up to \$50,000 for violations of the provisions of the bill.

The remaining provisions of the bill, which prohibit skill games, would become effective on July 1, 2021.

HB 896/SB 384. Sports betting; Problem Gambling Treatment and Support Fund; penalties. Directs the Virginia Lottery (the Lottery) to regulate sports betting. The bill prohibits the Lottery from issuing any permits to conduct sports betting until it has developed and published a consumer protection bill of rights.

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

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

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

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

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

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

The bill creates the Problem Gambling Treatment and Support Fund, administered by the Department of Behavioral Health and Developmental Services. The Fund is established to provide counseling to compulsive gamblers, implement problem gambling treatment and prevention programs, and provide grants to organizations that assist problem gamblers. The Fund



is funded by 2.5 percent of the revenue generated from sports betting, with the remaining 97.5 percent accruing to the general fund.

General Laws

HB 340. Emergency laws; civil relief; citizens of the Commonwealth furloughed or otherwise not receiving wages or payments due to closure of the federal government or declaration of Emergency by the Governor. Provides a 60-day stay of an unlawful detainer for nonpayment of rent for tenants and a 30-day stay of foreclosure proceedings for homeowners of, and owners who rent to a tenant, a one-family to four-family residential dwelling unit who request a stay and provide written proof, defined in the bill, that they are (i) an employee of the United States government, (ii) an independent contractor for the United States government, or (iii) an employee of a company under contract with the United States government who was furloughed or was or is otherwise not receiving wages or payments as a result of a closure of the United States government, defined in the bill. The bill requires homeowners and owners who rent to a tenant a one-family to four-family residential dwelling unit to request such stay of foreclosure proceedings within 90 days of a closure of the United States government or 90 days following the end of such closure, whichever is later. The bill also expands the available relief to any tenant, homeowner, or owner affected by the novel coronavirus (COVID-19) pandemic public health crisis during the period for which the Governor has declared a state of emergency (the Emergency). The bill contains an emergency clause and provides that the expanded relief provisions shall expire 90 days following the end of the Emergency.

SB 1070. Cemeteries, special interments; pets. Allows the remains of cremated pets to be interred with human remains.

Health & Health Professionals

HB 165/SB 122. Teledentistry. Defines “teledentistry,” establishes requirements for the practice of teledentistry and the taking of dental scans for use in teledentistry by dental scan technicians, and clarifies requirements related to the use of digital work orders for dental appliances in the practice of teledentistry.

HB 180/SB 62/SB 1066. Marriage records; divorce and annulment reports; identification of race. Eliminates the requirement that the race of married parties be included in marriage records, divorce reports, and annulment reports filed with the State Registrar. The bill also removes the requirement that the State Registrar include race data in the compilation and posting of marriage, divorce, and annulment data.

HB 386/SB 245. Department of Health Professions; conversion therapy prohibited. Prohibits any health care provider or person who performs counseling as part of his training for any profession licensed by a regulatory board of the Department of Health Professions from engaging in conversion therapy, as defined in the bill, with any person under 18 years of age and provides that such counseling constitutes unprofessional conduct and is grounds for disciplinary action. The bill provides that no state funds shall be expended for the purpose of conducting



conversion therapy with a person under 18 years of age, referring a person under 18 years of age for conversion therapy, or extending health benefits coverage for conversion therapy with a person under 18 years of age.

HB 479. Death certificate; veterans; fees. Expands list of parties eligible to obtain a free certified copy of a veteran's death certificate for service-connected benefits to include any funeral director or funeral service licensee who provides funeral services for the veteran, if so requested by the surviving spouse of the veteran.

HB 808. Services for survivors of sexual assault. Requires every hospital in the Commonwealth to provide treatment or transfer services, as defined in the bill, to survivors of sexual assault pursuant to a plan approved by the Department of Health; establishes specific requirements for providers of services to pediatric survivors of sexual assault; and establishes the Task Force on Services for Survivors of Sexual Assault to facilitate the development of services for survivors of sexual assault. Certain provisions of the bill have a delayed effective date of July 1, 2023.

HB 908. Naloxone; possession and administration; employee or person acting on behalf of a public place. Authorizes an employee or other person acting on behalf of a public place, as defined in the bill, who has completed a training program on the administration of naloxone or other opioid antagonist to possess and administer naloxone or other opioid antagonist, other than naloxone in an injectable formulation with a hypodermic needle or syringe, in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health. The bill also provides that a person who is not otherwise authorized to administer naloxone or other opioid antagonist used for overdose reversal may administer naloxone or other opioid antagonist used for overdose reversal to a person who is believed to be experiencing or about to experience a life-threatening opioid overdose. The bill provides immunity from civil liability for a person who, in good faith, administers naloxone or other opioid antagonist used for overdose reversal to a person who is believed to be experiencing or about to experience a life-threatening opioid overdose, unless such act or omission was the result of gross negligence or willful and wanton misconduct.

HB 980/SB 733. Provision of abortion. Expands who can perform first trimester abortions to include any person jointly licensed by the Board of Medicine and Nursing as a nurse practitioner acting within such person's scope of practice. The bill eliminates all the procedures and processes, including the performance of an ultrasound, required to effect a pregnant person's informed written consent to the performance of an abortion; however, the bill does not change the requirement that a pregnant person's informed written consent first be obtained. The bill removes language classifying facilities that perform five or more first trimester abortions per month as hospitals for the purpose of complying with regulations establishing minimum standards for hospitals.

HB 1090. Required immunizations; report. Amends the minimum vaccination requirements for attendance at a public or private elementary, middle or secondary school, child care center, nursery school, family day care home, or developmental center. The bill amends the dosage for



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

SB 885. Performance of laboratory analysis; cannabidiol oil; THC-A oil; tetrahydrocannabinol. Provides that no person employed by an analytical laboratory to retrieve, deliver, or possess cannabidiol oil, THC-A oil, or industrial hemp samples from a permitted pharmaceutical processor, a licensed industrial hemp grower, or a licensed industrial hemp processor for the purpose of performing required testing shall be prosecuted for the possession or distribution of cannabidiol oil, THC-A oil, or industrial hemp, or for storing cannabidiol oil, THC-A oil, or industrial hemp for testing purposes in accordance with regulations promulgated by the Board of Pharmacy and the Board of Agriculture and Consumer Services. The bill contains an emergency clause.

Higher Education

HB 36. Public institutions of higher education; student journalists; freedom of speech and the press. Declares that, except in certain limited circumstances, a student journalist at a public institution of higher education has the right to exercise freedom of speech and the press in institution-sponsored media, including determining the news and opinion content of institution-sponsored media, regardless of whether the media is supported financially by the governing board of the institution, supported through the use of campus facilities, or produced in conjunction with a course in which the student is enrolled. The bill defines “institution-sponsored media” as any material that is prepared, substantially written, published, or broadcast by a student journalist at a public institution of higher education under the direction of a student media adviser and distributed or generally made available to members of the student body.

HB 715. Governing boards of public institutions of higher education; increases in undergraduate tuition or mandatory fees; notice. Prohibits the governing board of any public institution of higher education from approving an increase in undergraduate tuition or mandatory fees without providing students and the public notice of the date, time, and location of the meeting at which public comment on such planned increase is permitted on the institution’s website and through any other standard means of communication utilized by the institution with students at least 10 days prior to such meeting.

HB 1547/SB 935. Public institutions of higher education; eligibility for in-state tuition. Provides that any student is eligible for in-state tuition who (i) attended high school for at least two years in the Commonwealth and either (a) graduated on or after July 1, 2008, from a public



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

Housing

HB 6. Virginia Fair Housing Law; unlawful discriminatory housing practices; source of funds. Adds discrimination on the basis of a person's source of funds to the list of unlawful discriminatory housing practices. The bill creates an exemption for an owner or owner's managing agent, provided that such owner does not own more than four rental dwelling units or more than a 10 percent interest in more than four rental dwelling units in the Commonwealth at the time of the alleged discriminatory housing practice. The bill allows an owner or owner's managing agent to deny or limit a person's rental or occupancy of a rental dwelling unit based on the person's source of funds for that unit if such source is not approved within 15 days of the person's submission of the request for tenancy approval. The bill defines "source of funds" as any source that lawfully provides funds to or on behalf of a renter or buyer of housing, including any assistance, benefit, or subsidy program, whether such program is administered by a governmental or nongovernmental entity.

HB 1420. Landlord and tenant; charge for late payment of rent; restrictions. Provides that a landlord shall not charge a tenant for late payment of rent unless such charge is provided for in the written rental agreement, and that no such late charge shall exceed the lesser of 10 percent of the periodic rent or 10 percent of the remaining balance due and owed by the tenant. This bill contains an emergency clause.

Insurance

HB 66. Health insurance; cost-sharing payments for prescription insulin drugs. Prohibits health insurance companies and other carriers from setting an amount exceeding \$50 per 30-day supply that a covered person is required to pay at the point of sale in order to receive a covered prescription insulin drug. The measure also prohibits a provider contract between a carrier or its pharmacy benefits manager and a pharmacy from containing a provision (i) authorizing the carrier's pharmacy benefits manager or the pharmacy to charge, (ii) requiring the pharmacy to collect, or (iii) requiring a covered person to make a cost-sharing payment for a covered prescription insulin drug in an amount that exceeds such limitation.



HB 840/SB 605. Health insurance; formula and enteral nutrition products. Requires health insurers, health care subscription plans, and health maintenance organizations whose policy, contract, or plan includes coverage for medicines to classify medically necessary formula and enteral nutrition products as medicine and to include coverage for medically necessary formula and enteral nutrition products for covered individuals requiring treatment for an inherited metabolic disorder. Such coverage is required to be provided on the same terms and subject to the same conditions imposed on other medicines covered under the policy, contract, or plan. The measure provides that the required coverage includes any medical equipment, supplies, and services that are required to administer the covered formula or enteral nutrition products. These requirements apply only to formula and enteral nutrition products that are furnished pursuant to the prescription or order of a physician or other health care professional qualified to make such prescription or order for the management of an inherited metabolic disorder and are used under medical supervision.

HB 1251/SB 172. Health insurance; payment to out-of-network providers. Provides that when an enrollee receives emergency services from an out-of-network health care provider or receives out-of-network surgical or ancillary services at an in-network facility, the enrollee is not required to pay the out-of-network provider any amount other than the applicable cost-sharing requirement and such cost-sharing requirement cannot exceed the cost-sharing requirement that would apply if the services were provided in-network. The measure also provides that the health carrier's required payment to the out-of-network provider of the services is a commercially reasonable amount based on payments for the same or similar services provided in a similar geographic area. If such provider disputes the amount to be paid by the health carrier, the measure requires the provider and the health carrier to make a good faith effort to reach a resolution on the amount of the reimbursement. If the health carrier and the provider do not agree to a commercially reasonable payment and either party wants to take further action to resolve the dispute, then the measure requires the dispute will be resolved by arbitration. The measure establishes a framework for arbitration of such disputes that includes (i) a timeline for the proceedings, (ii) a method for choosing an arbitrator, (iii) required and optional factors for the arbitrator to consider, (iv) non-disclosure agreements, (v) reporting requirements, and (vi) an appeals process for appeals on certain procedural grounds. The measure requires the State Corporation Commission to contract with Virginia Health Information (VHI) to establish a data set and business protocols to provide health carriers, providers, and arbitrators with data to assist in determining commercially reasonable payments and resolving disputes. The measure requires the Commission, in consultation with health carriers, providers, and consumers, to develop standard language for a notice of consumer rights regarding balance billing. The measure authorizes the Commission, the Board of Medicine, and the Commissioner of Health to levy fines and take action against a health carrier, health care practitioner, or medical care facility, respectively, for a pattern of violations of the prohibition against balance billing. Additionally, the measure prohibits a carrier or provider from initiating arbitration with such frequency as to indicate a general business practice. The measure provides that such provisions do not apply to an entity that provides or administers self-insured or self-funded plans; however, such entities may elect to be subject such provisions. The measure authorizes the Commission to adopt rules



and regulations governing the arbitration process. The measure has a delayed effective date of January 1, 2021.

HB 1429. Health insurance; nondiscrimination; gender identity or transgender status.

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

Labor & Employment

HB 336/SB 49. Nonpayment of wages; investigations. Authorizes the Commissioner of Labor and Industry, if he acquires information during an investigation of a complaint of an employer's failure or refusal to pay wages and that information creates a reasonable belief that other employees of the same employer may not have been paid wages, to investigate whether the employer has failed or refused to make a required payment of wages to other employees. The measure also provides that if the Commissioner finds in the course of such investigation that the employer has committed a violation, the Commissioner may institute proceedings on behalf of any employee against his employer. In such proceedings, the Commissioner is not required to have obtained a written complaint of the violation or the written and signed consent of any employee.

HB 395/SB 7. Minimum wage. Increases the minimum wage from its current federally mandated level of \$7.25 per hour to \$9.50 per hour effective May 1, 2021; to \$11.00 per hour effective January 1, 2022; to \$12.00 per hour effective January 1, 2023; to \$13.50 per hour effective January 1, 2025; and to \$15.00 per hour effective January 1, 2026. For January 1, 2027, and thereafter, the annual minimum wage shall be adjusted to reflect increases in the consumer price index. The measure provides that the increases scheduled for 2025 and 2026 will not become effective unless reenacted by the General Assembly prior to July 1, 2024. If such provisions are not reenacted prior to July 1, 2024, then the annual minimum wage will be adjusted to reflect increases in the consumer price index beginning January 1, 2025. The measure creates a training wage at 75 percent of the minimum wage for employees in on-the-job training programs lasting less than 90 days. The measure also provides that the Virginia minimum wage applies to persons whose employment is covered by the Fair Labor Standards Act; persons employed in domestic service or in or about a private home; persons who normally work and are



paid on the amount of work done; persons with intellectual or physical disabilities except those whose employment is covered by a special certificate issued by the U.S. Secretary of Labor; persons employed by an employer who does not employ four or more persons at any one time; and persons who are less than 18 years of age and who are under the jurisdiction of a juvenile and domestic relations district court. The measure provides that the Virginia minimum wage does not apply to persons participating in the U.S. Department of State's au pair program, persons employed as temporary foreign workers, and persons employed by certain amusement or recreational establishments, organized camps, or religious or nonprofit educational conference centers.

HB 582/SB 939. Labor and employment; collective bargaining; employees of counties, cities, and towns. Permits counties, cities, and towns to adopt local ordinances authorizing them to (i) recognize any labor union or other employee association as a bargaining agent of any public officers or employees, except for Constitutional officers and their employees, and including public school employees and (ii) collectively bargain or enter into any collective bargaining contract with any such union or association or its agents with respect to any matter relating to them or their employment. The bill provides that for any governing body of a county, city, or town that has not adopted an ordinance or resolution providing for collective bargaining, such governing body is required, within 120 days of receiving certification from a majority of public employees in a unit considered by such employees to be appropriate for the purposes of collective bargaining, to take a vote to adopt or not adopt an ordinance or resolution to provide for collective bargaining by such public employees and any other public employees deemed appropriate by the governing body. The bill provides that the prohibition against striking for public employees applies, irrespective of any such local ordinance. The bill has a delayed effective date of May 1, 2021.

HB 757. Public employment; limitations on inquiries by state agencies and localities regarding criminal arrests, charges, or convictions. Prohibits state agencies and localities from including on any employment application a question inquiring whether the prospective employee has ever been arrested for, charged with, or convicted of any crime. The bill prohibits asking a prospective employee if he has ever been arrested or charged with or convicted of any crime unless the inquiry takes place during or after a staff interview of the prospective employee. The prohibition does not apply to applications for employment with law-enforcement agencies or positions related to law-enforcement agencies. The prohibition also does not apply to applications for state agency positions designated as sensitive or to state agencies that are expressly permitted to inquire into an individual's criminal arrests or charges for employment purposes pursuant to any provision of federal or state law. For localities, the prohibition also does not apply to positions for employment by the local school board.

HB 798. Employment; prohibited retaliatory action. Prohibits an employer from discharging, disciplining, threatening, discriminating against, penalizing, or taking other retaliatory action against an employee regarding the employee's compensation, terms, conditions, location, or privileges of employment because the employee (i) reports a violation of any federal or state law or regulation to a supervisor or to any governmental body or law-enforcement official; (ii) is



requested by a governmental body or law-enforcement official to participate in an investigation, hearing, or inquiry; (iii) refuses to engage in a criminal act that would subject the employee to criminal liability; (iv) refuses an employer's order to perform an action that violates any federal or state law or regulation and the employee informs the employer that the order is being refused for that reason; or (v) provides information to or testifies before any governmental body or law-enforcement official conducting an investigation, hearing, or inquiry into any alleged violation by the employer of federal or state law or regulation. A person who alleges a violation of this chapter may bring a civil action seeking injunctive relief, reinstatement, and compensation for lost wages, benefits, and other remuneration.

HB 833/SB 8. Prevailing wage; public works contracts; penalty. Requires contractors and subcontractors under any public contract with a state agency, or with a locality that has adopted an ordinance requiring the payment of prevailing wages, for public works to pay wages, salaries, benefits, and other remuneration to any mechanic, laborer, or worker employed, retained, or otherwise hired to perform services in connection with the public contract for public works at the prevailing wage rate. The provisions of the bill would not apply to any contract for public works of \$250,000 or less. The Commissioner of Labor and Industry is required to determine the prevailing wage rate for such public contracts on the basis of applicable prevailing wage rate determinations made by the U.S. Secretary of Labor under the provisions of the federal Davis-Bacon Act. A contractor or subcontractor who willfully employs any mechanic, laborer, or worker to perform work contracted to be done under the public contract at a rate that is less than the prevailing wage rate is guilty of a Class 1 misdemeanor. In addition, such a contractor or subcontractor shall be liable to such individuals for the payment of all wages due plus interest and shall be disqualified from bidding on public contracts with any public body until full restitution has been paid to the individuals. The bill has a delayed effective date of May 1, 2021.

Motor Vehicles

HB 543/SB 871. Electric power-assisted bicycles. Amends the definition of “electric power-assisted bicycle” to include three classes of such bicycles, based upon the type of motor and the maximum miles per hour that the motor is capable of propelling the bicycle. The bill also provides that electric power-assisted bicycles and operators are afforded the same rights and privileges as bicycles and operators and limits local and state regulation of the operation of such electric power-assisted bicycles to certain bicycle paths, shared-use paths, and trails. The bill requires manufacturers and distributors of electric power-assisted bicycles to include (i) on each electric power-assisted bicycle, a label indicating certain technical specifications and (ii) on each class three electric power-assisted bicycle, a miles-per-hour speedometer.

HB 1211/SB 34. Driver privilege cards; penalty. Authorizes the issuance of new driver privilege cards by the Department of Motor Vehicles to an applicant who (i) has reported income from Virginia sources or been claimed as a dependent on an individual tax return filed with the Commonwealth in the preceding 12 months and (ii) is not in violation of the insurance requirements for the registration of an uninsured motor vehicle. The bill provides that driver privilege cards shall confer the same privileges and shall be subject to the same provisions as



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

Public Education

HB 74/SB 619. School boards; mental health awareness training. Requires each school board to (i) adopt and implement policies that require each teacher and other relevant personnel, as determined by the school board, employed on a full-time basis, to complete a mental health awareness training or similar program at least once and (ii) provide such training, which may be provided pursuant to a contract with the Department of Behavioral Health and Developmental Services, a community services board, a behavioral health authority, a nonprofit organization, or other certified trainer or via an online module.

HB 516/SB 112. Public schools; diploma requirements; dual enrollment and work-based learning options. Requires the Board of Education to include in its graduation requirements the options for students to complete a dual enrollment course or high-quality work-based learning experience.

HB 697. School meal policies. Requires each local school board to adopt policies that prohibit school board employees from requiring a student who cannot pay for a meal at school or who owes a school meal debt to throw away or discard a meal after it has been served to him.

HB 837. Board of Education; school boards; dress or grooming codes. Requires the Board of Education to include in its guidelines and model policies for codes of student conduct (i) standards for reducing bias and harassment in the enforcement of any code of student conduct and (ii) standards for dress or grooming codes, which the bill defines as any practice, policy, or portion of a code of student conduct adopted by a school board that governs or restricts the attire of any enrolled student. The bill permits any school board to include in its code of student conduct a dress or grooming code. The bill requires any dress or grooming code included in a school board's code of student conduct or otherwise adopted by a school board to (a) permit any student to wear any religiously and ethnically specific or significant head covering or hairstyle, including hijabs, yarmulkes, headwraps, braids, locs, and cornrows; (b) maintain gender



neutrality by subjecting any student to the same set of rules and standards regardless of gender; (c) not have a disparate impact on students of a particular gender; (d) be clear, specific, and objective in defining terms, if used; (e) prohibit any school board employee from enforcing the dress or grooming code by direct physical contact with a student or a student's attire; and (f) prohibit any school board employee from requiring a student to undress in front of any other individual, including the enforcing school board employee, to comply with the dress or grooming code.

HB 1012/SB 578. Early childhood care and education; licensing. Requires the Board of Education to establish a statewide unified public-private system for early childhood care and education in the Commonwealth to be administered by the Board of Education, the Superintendent of Public Instruction, and the Department of Education. The bill transfers the authority to license and regulate child day programs and other early child care agencies from the Board of Social Services and Department of Social Services to the Board of Education and Department of Education. The bill maintains current licensure, background check, and other requirements of such programs. Such provisions of the bill have a delayed effective date of July 1, 2021. The bill requires the Superintendent of Public Instruction to establish a plan for implementing the statewide unified early childhood care and education system and requires the Department of Social Services and the Department of Education to enter into a cooperative agreement to coordinate the transition. The bill also requires the Board of Education to establish, no later than July 1, 2021, a uniform quality rating and improvement system designed to provide parents and families with information about the quality and availability of certain publicly funded early childhood care and education providers and to publish the initial quality ratings under such system in the fall of 2023.

SB 238. Public schools; kindergarten instructional time. Increases from 540 hours to 990 hours the minimum instructional hours in a school year for students in kindergarten, beginning July 1, 2022. The bill directs the Board of Education to adopt regulations by July 1, 2022, establishing standards for accreditation that include a requirement that the standard school day for students in kindergarten average at least 5.5 instructional hours in order to qualify for full accreditation.

Regional Greenhouse Gas Initiative

HB 981/SB 1027. Clean Energy and Community Flood Preparedness Act; fund. Directs the Department of Environmental Quality to incorporate into regulations previously adopted by the State Air Pollution Control Board certain provisions establishing a carbon dioxide cap and trade program to reduce emissions released by electric generation facilities. Such provisions are required to comply with the Regional Greenhouse Gas Initiative model rule. The bill authorizes the Director of the Department of Environmental Quality to establish, implement, and manage an auction program to sell allowances into a market-based trading program. The bill requires revenues from the sale of carbon allowances, to the extent permitted by Article X, Section 7 of the Constitution of Virginia, to be deposited in an interest-bearing account and to be distributed without further appropriation (i) to the Virginia Community Flood Preparedness Fund; (ii) to the



Department of Housing and Community Development for low-income energy efficiency programs; (iii) for administrative expenses; and (iv) to the Department of Housing and Community Development in partnership with the Department of Mines, Minerals and Energy to administer and implement low-income energy efficiency programs. The bill continues the Virginia Shoreline Resiliency Fund as the Virginia Community Flood Preparedness Fund for the purpose of creating a low-interest loan program to help inland and coastal communities that are subject to recurrent or repetitive flooding. The bill authorizes the Authority to pledge the assets of the Fund as security for any bonds issued to finance flood prevention or protection projects and directs the Authority to manage the Fund in accordance with a memorandum of agreement with the Department. The bill also authorizes any locality using moneys in the Fund to provide a loan for a project in a low-income geographic area to forgive the principal of such loan, with the obligation of the locality to repay the loan remaining in effect. The bill provides that if the Governor seeks to include the Commonwealth as a full participant in the Regional Greenhouse Gas Initiative, the regulations shall require that certain purchasers be responsible for obtaining allowances under certain agreements. The measure authorizes the costs of allowances to be recovered by Phase I and Phase II Utilities from ratepayers.

Social Services

HB 400/SB 156. Fostering Futures program. Establishes the Fostering Futures program to provide services and support to individuals between the ages of 18 and 21 who were in foster care as a minor and are transitioning to full adulthood and self-sufficiency.

HB 566/SB 124. Eligibility for food stamps and TANF; drug-related felonies. Provides that a person who is otherwise eligible to receive food stamp benefits shall not be denied such assistance solely because he has been convicted of a drug-related felony. Under current law, such individuals may not be denied food stamp benefits based on a felony conviction of possession of a controlled substance in violation of § 18.2-250, provided that such person is complying with, or has already complied with, all obligations imposed by the criminal court, is actively engaged in or has completed a substance abuse treatment program, participates in periodic drug screenings, and meets any other obligations as determined by the Department of Social Services. The bill also provides that a person who is otherwise eligible to receive Temporary Assistance for Needy Families TANF benefits shall not be denied such assistance solely because he has been convicted of a drug-related felony.

HB 600/SB 593. Family day homes; storage of firearms. Requires that during hours of operation, all firearms in a licensed family day home, registered family day home, or family day home approved by a family day system be stored unloaded in a locked container, compartment, or cabinet, and that all ammunition be stored in a separate locked container, compartment, or cabinet. The bill requires that the key or combination to such locked containers, compartments, or cabinets be inaccessible to all children in the home.

HB 690. TANF; family cap. Repeals the prohibition on increasing the amount of Temporary Assistance for Needy Families (TANF) that a family receives upon the birth of a child during the period of TANF eligibility or during the period in which the family or adult recipient is ineligible



for TANF benefits pursuant to a penalty imposed by the Commissioner of Social Services for failure to comply with benefit eligibility or child support requirements.

HB 799/SB 393. Child day programs; potable water; lead testing. Requires licensed child day programs and certain other programs that serve preschool-age children to develop and implement a plan to test potable water from sources identified by the U.S. Environmental Protection Agency as high priority. The bill requires such plan and the results of each such test to be submitted to and reviewed by the Commissioner of Social Services and the Department of Health's Office of Drinking Water. The bill stipulates that if the result of any such test indicates a level of lead in the potable water that is at or above 15 parts per billion, the program shall remediate the level of lead in the potable water to below 15 parts per billion, confirm such remediation by retesting the water, and submit the results of the retests to the Commissioner of Social Services and the Department of Health's Office of Drinking Water for review. The bill also provides such programs the option of using bottled water in lieu of testing or remediation.

HB 904. Child abuse and neglect reporting; public sports programs. Adds to the list of mandatory reporters of suspected child abuse and neglect athletic coaches, directors, and other persons 18 years of age or older who are employed by or volunteering with a public sports organization or team. Current law applies only to such individuals involved with private sports organizations or teams.

HB 933/SB 178. Kinship Guardianship Assistance program; eligibility; fictive kin. Expands eligibility for the Kinship Guardianship Assistance program by allowing payments to be made to fictive kin who receive custody of a child of whom they had been the foster parent.

HB 1015/SB 297. Virginia Sexual and Domestic Violence Prevention Fund; report. Creates the Virginia Sexual and Domestic Violence Prevention Fund, which shall be administered by the Department of Social Services, in coordination with the Department of Health and the Virginia Sexual and Domestic Violence Action Alliance, and used to develop, support, and evaluate programs that prevent sexual and domestic violence through strategies that (i) promote healthy practices related to relationships, sexuality, and social-emotional development and (ii) counteract the factors associated with the initial perpetration of sexual and domestic violence.

HB 1209/SB 991. Department of Social Services; Office of New Americans created. Establishes the Office of New Americans within the Department of Social Services and the Office of New Americans Advisory Board to assist with immigrant integration within the Commonwealth on an economic, social, and cultural level. The Office shall provide (i) advice and assistance regarding the citizenship application process; (ii) assistance with securing employment, housing, and services for which such persons may be eligible; (iii) information to localities and immigration service organizations about state programs that help such persons find and secure employment, housing, and services for which they may be eligible; and (iv) information to localities and immigration service organizations regarding health epidemics and unlawful predatory actions, such as human trafficking, gang recruitment, and fraudulent financial and other schemes, to which communities of such persons may be especially vulnerable. The Advisory Board shall report annually to the Governor and the General Assembly on the activities



of the Office of New Americans and provide recommendations for improving state policies and programs to support the economic, linguistic, and civic integration of new Americans throughout the Commonwealth.

HB 1410. Food stamps; Restaurant Meals Program. Directs the Department of Social Services to participate in the Restaurant Meals Program (RMP) of the Supplemental Nutrition Assistance Program (SNAP). The bill requires the Department to develop and implement a plan to begin such participation no later than January 1, 2021.

SB 391. Adult abuse; financial exploitation; required report by financial institution. Requires financial institutions to report to the local department of social services or the adult protective services hotline within five business days any refusal to execute a transaction, delay of a transaction, or refusal to disburse funds based on a good faith belief that such transaction or disbursement may involve financial exploitation of an adult.

SB 1025. Kinship foster care; training and approval processes. Requires local boards of social services to request a waiver of training requirements necessary for the approval of a kinship foster parent upon determining that training requirements are a barrier to placement with the kinship foster parent and that such placement is in the child's best interest. The bill prohibits local boards from requiring that a child be removed from the physical custody of a kinship foster parent during such approval process, provided that placement with the kinship foster parent remains in the child's best interest. The bill requires the Department of Social Services to (i) develop a training program that is tailored to persons seeking approval as a kinship foster parent, (ii) develop a document that provides comprehensive information regarding kinship foster care, and (iii) provide training to local boards regarding the process through which a person may be approved as a kinship foster parent without requiring removal of the child from the physical custody of such person.

Special License Plates

A new revenue-sharing special license plate was approved for supporters of The Richmond Animal Care and Control Foundation (HB 593).

A new nonrevenue-sharing special license plate was approved for supporters of The City of Virginia Beach (SB 87).

A new special license plate was approved for persons awarded The United States Air Medal (HB 211).

The existing special license plate for supporters of stopping gun violence was changed from revenue-sharing to nonrevenue-sharing (HB 160).

Information on obtaining special license plates is available at any DMV office or online at www.dmv.virginia.gov.



State Holidays

HB 108/SB 601. Legal holidays; Lee-Jackson Day; Election Day. Designates Election Day, the Tuesday after the first Monday in November, as a state holiday and removes Lee-Jackson Day as a state holiday.

Taxation

HB 534/SB 11. Local disposable plastic bag tax. Authorizes any county or city, beginning no earlier than January 1, 2021, to impose a tax of five cents per bag on disposable plastic bags provided to consumers by certain retailers, with certain bags being exempt from the tax. The bill allows every retailer that collects the tax to retain a portion of the five-cent tax and provides that the revenue accruing to the county or city shall be used for certain purposes, including environmental cleanup and the provision of reusable bags. The measure authorizes the Tax Commissioner to administer the tax.

HB 730/SB 211. Reporting of payments by third-party settlement organizations. Requires third-party settlement organizations (TPSOs) to report to the Tax Department the gross amount of payments made to any participating payee, a person who receives payment from a TPSO. Generally speaking, a TPSO is a company that provides a platform for buyers and sellers to transact goods or services and settles transactions between those parties. Examples of TPSOs would be marketplace facilitators and “gig economy” platforms. Under federal law, payments by TPSOs to participating payees need not be reported unless they exceed \$20,000 and there are more than 200 transactions between the TPSO and the participating payee. The bill instead requires use of the standard 1099 reporting threshold of \$600 for non-TPSO income as the level at which TPSO income must be reported to the Tax Department. The requirements of the bill apply only to payments to participating payees with a Virginia address.

HB 785/SB 588. Local tax authority. Modifies or eliminates several restrictions that apply to taxes imposed by counties, and establishes a new restriction on cigarette taxes imposed by any locality. The bill authorizes most counties to impose an admissions tax, not to exceed a 10 percent rate. Under current law, only certain counties may impose an admissions tax. The bill eliminates the limit on the rate of transient occupancy tax that a county may impose. The bill requires that any revenue attributable to a rate over two percent but not exceeding five percent must be dedicated to tourism marketing. The provisions related to the transient occupancy tax have a delayed effective date of May 1, 2021. Under current law, all counties may impose a transient occupancy tax of up to two percent, and certain counties may impose it up to a higher maximum rate. The bill authorizes any county to impose a cigarette tax up to a maximum rate of 40 cents per pack. It also provides that any locality that imposes such tax at a rate higher than 40 cents per pack may not increase such rate. The provisions related to the cigarette tax have a delayed effective date of July 1, 2021. Under current law, only certain counties may impose a cigarette tax, and cities and towns may impose such tax with no limit on the rate. The bill authorizes any county to impose a food and beverage tax of up to six percent and eliminates the



requirement that a county hold a referendum before imposing such tax. Under current law, all counties may impose the tax after a referendum but the rate may not exceed four percent.

Trade & Commerce

HB 1244/SB 812. Virginia Telephone Privacy Protection Act. Provides that for the purposes of the Virginia Telephone Privacy Act (the Act), “telephone solicitation call” includes any text message sent to any wireless telephone with a Virginia area code, or to a wireless telephone registered to any natural person who is a resident of the Commonwealth, for the purpose of offering or advertising any property, goods, or services for sale, lease, license, or investment, including offering or advertising an extension of credit or for the purpose of fraudulent activity. The bill prohibits a telephone solicitor from engaging in any conduct that results in the display of false or misleading caller identification information on the called party’s telephone. The bill increases the amount of damages and the amount of the civil penalty for violations of the Act from \$500 for each such violation to \$500 for a first violation, \$1,000 for a second violation, and \$5,000 for each subsequent violation and increases to \$5,000 the maximum civil penalty the court may impose for a willful first or second violation.

Traffic Infractions

HB 578. Smoking in motor vehicle with a minor present. Expands the group in the presence of whom it is illegal to smoke in a motor vehicle from minors under the age of eight to minors under the age of 15.

HB 874/SB 160. Holding handheld personal communications devices while driving a motor vehicle. Prohibits any person from holding a handheld personal communications device while driving a motor vehicle. Current law prohibits (i) the reading of any email or text message and manually entering letters or text in such a device as a means of communicating and (ii) holding a personal communications device while driving in a work zone. The bill expands the exemptions to include handheld personal communications devices that are being held and used (a) as an amateur radio or a citizens band radio or (b) for official Department of Transportation or traffic incident management services. The bill has a delayed effective date of January 1, 2021.

HB 885/SB 63. Reckless driving; exceeding speed limit. Raises the threshold for per se reckless driving for speeding from driving in excess of 80 miles per hour to driving in excess of 85 miles per hour. The threshold for per se reckless driving for speeding for driving at or more than 20 miles per hour in excess of the speed limit remains unchanged. The bill also provides that any person who drives a motor vehicle at a speed in excess of 80 miles per hour but below 86 miles per hour on any highway in the Commonwealth having a maximum speed limit of 65 miles per hour shall be subject to an additional fine of \$100.

HB 1442. Photo speed monitoring devices; civil penalty. Authorizes state and local law-enforcement agencies to operate photo speed monitoring devices, defined in the bill, in or around school crossing zones and highway work zones for the purpose of recording images of vehicles that are traveling at speeds of at least 10 miles per hour above the posted school crossing zone or



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

HB 1705. Yielding the right-of-way to pedestrians; stopping. Clarifies the duties of vehicle drivers to stop when yielding to pedestrians at (i) clearly marked crosswalks, whether at midblock or at the end of any block; (ii) any regular pedestrian crossing included in the prolongation of the lateral boundary lines of the adjacent sidewalk at the end of a block; or (iii) any intersection when the driver is approaching on a highway where the maximum speed limit is not more than 35 miles per hour. The bill also prohibits the driver of another vehicle approaching such stopped vehicle from an adjacent lane or from behind from overtaking and passing the stopped vehicle. The bill contains technical amendments.

SB 437. Bicyclists and other vulnerable road users; penalty. Provides that a person who operates a motor vehicle in a careless or distracted manner and is the proximate cause of serious physical injury to a vulnerable road user, defined in the bill as a pedestrian; the operator of or passenger on a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, wheel chair or wheel chair conveyance, skateboard, roller skates, motorized skateboard or scooter, or animal-drawn vehicle or any attached device; or any person riding an animal, is guilty of a Class 1 misdemeanor. The bill also prohibits the driver of a motor vehicle from crossing into a bicycle lane to pass or attempt to pass another vehicle, except in certain circumstances.

SB 758. Electric personal delivery devices. Makes several changes related to electric personal delivery devices, including changing the term used to refer to such devices to "personal delivery devices" and changing the weight limit of such devices from 50 to 500 pounds. The bill allows localities to regulate the use of personal delivery devices on sidewalks, crosswalks, or roadways but requires a locality to allow a personal delivery device to operate on the side of a roadway with a speed limit of 25 miles per hour or less if a sidewalk is not available.



Transportation

HB 1414/SB 890. Transportation. Amends numerous laws related to transportation funds, revenue sources, construction, and safety programs.

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

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

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

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

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

The bill establishes a new Virginia Passenger Rail Authority.

The bill also creates numerous new transportation safety programs, including an Interstate Operations and Enhancement Program, a Virginia Highway Safety Improvement Program, the Statewide Special Structures Program, and a Transit Incentive Program.



Unemployment Compensation

SB 548. Unemployment compensation. Amends various provisions regarding unemployment compensation and the Virginia Employment Commission. The bill provides that (i) the Commission shall base its determination on whether an individual is an employee on the standard used by the Internal Revenue Service for such determinations; (ii) for the purposes of unemployment compensation, “wages” does not include any payment made to, or on behalf of, an employee or his beneficiary under a cafeteria plan, as defined in § 125 of the Internal Revenue Code, if such payment would not be treated as wages under the Internal Revenue Code; and (iii) in an unemployment compensation claims adjudication matter, each day a person fails to obey a subpoena issued by a court, a court order, or a subpoena issued by the Commission shall be deemed to be a separate offense. Additionally, the bill requires (a) any employing unit to establish an account with the Commission by the end of the calendar quarter in which it becomes subject to the requirements for unemployment compensation, (b) an employer that has become subject to liability under the unemployment compensation provisions to submit the required reports by the due date of the calendar quarter in which the employer has initially become subject to such liability, and (c) all employers to file their quarterly payroll and tax reports on an electronic medium using a format prescribed by the Commission. Under current law, only employers with 100 or more employees are required to file electronically. The bill establishes a short-time compensation program that provides employers with the option of reducing the hours worked by employees while permitting the employees whose hours are reduced to receive partial compensation for lost wages. Program participation requires Virginia Employment Commission approval of a work sharing plan, which must provide that the reduction in hours of work is in lieu of a layoff of an equivalent percentage of employees and that employees’ health and retirement benefits cannot be reduced or eliminated under the plan. An individual who satisfies other requirements for unemployment benefits will be eligible for short-term compensation if he is available for the individual’s usual hours of work with the participating employer, which may include participating in certain training programs. The bill has an expiration date of July 1, 2022; however, if adequate funding by the U.S. Department of Labor that covers certain costs of establishing the program is not received by the Commission by January 1, 2021, the bill will expire on that date.

Utilities

HB 1225. Electric utilities; notice before terminating service. Prohibits an electric utility from terminating the residential service of a customer for nonpayment for metered services when the electric utility believes that the customer is receiving or has received electric utility services for which the customer was not properly billed as the result of tampering with the electric utility’s meter until the electric utility has (i) retrieved the meter from the customer’s premises, which may be done without providing prior notice to the customer; (ii) immediately replaced it with a new meter; and (iii) determined whether the meter has been tampered with. The measure requires that if the electric utility determines that the meter has been tampered with and seeks payment for services not properly billed, the electric utility must provide the customer with an invoice with a



reasonable and final estimate of the amount owed by the customer as a result of the meter's failure. The electric utility is required to provide the customer one full billing period to pay the amount billed in such invoice. The measure authorizes a customer to submit a complaint to the State Corporation Commission and to file a formal proceeding after the informal complaint process has been exhausted. The measure includes specific conditions for which these requirements do not apply, including when the condition of a customer's wiring, equipment, or appliances is either unsafe or unsuitable for receiving the utility service or when the customer's use of the utility service or equipment interferes with or may be detrimental to the utility's facilities or to the provision of utility service by the utility to any other customer.

HB 1526/SB 851. Virginia Clean Economy Act. Establishes a schedule by which Dominion Energy Virginia and American Electric Power are required to retire electric generating units located in the Commonwealth that emit carbon as a by-product of combusting fuel to generate electricity and by which they are required to construct, acquire, or enter into agreements to purchase generating capacity located in the Commonwealth using energy derived from sunlight or onshore wind. The measure replaces the existing voluntary renewable energy portfolio standard program (RPS Program) with a mandatory RPS Program. Under the mandatory RPS Program, Dominion Energy Virginia and American Electric Power are required to produce their electricity from 100 percent renewable sources by 2045 and 2050, respectively. A utility that does not meet its targets is required to pay a specific deficiency payment or purchase renewable energy certificates. The proceeds from the deficiency payments are to be deposited into an account administered by the Department of Mines, Minerals and Energy, which is directed to distribute specific percentages of the moneys to job training and renewable energy programs in historically economically disadvantaged communities, energy efficiency measures, and administrative costs. The measure requires the State Air Pollution Control Board to adopt regulations to reduce the carbon dioxide emissions from certain electricity generating units in the Commonwealth and authorizes the Board to establish, implement, and manage an auction program to sell allowances to carry out the purposes of such regulations and to utilize its existing regulations to reduce carbon dioxide emissions from electric power generating facilities. Among other things, the measure also (i) requires, by 2035, American Electric Power and Dominion Energy Virginia to construct or acquire 400 and 2,700 megawatts of energy storage capacity, respectively; (ii) establishes an energy efficiency standard under which each investor-owned incumbent electric utility is required to achieve incremental annual energy efficiency savings that start in 2022 at 0.5 percent for American Electric Power and 1.25 percent for Dominion Energy Virginia of the average annual energy retail sales by that utility in 2019 and increase those savings annually; (iii) exempts large general service customers from energy savings requirements; (iv) revises the incentive for electric utility energy efficiency programs; (v) provides that if the Commission finds in any triennial review that revenue reductions related to energy efficiency measures or programs approved and deployed since the utility's previous triennial review have caused the utility to earn more than 50 basis points below a fair combined rate of return on its generation and distribution services or, for any test period commencing after December 31, 2012, for Dominion Energy Virginia and after December 31, 2013, for American Electric Power, more than 70 basis points below a fair combined rate of return on its generation and distribution services, the Commission shall order increases to the utility's rates for



generation and distribution services necessary to recover such revenue reductions; (vi) establishes requirements regarding the development by Dominion Energy Virginia of qualified offshore wind projects having an aggregate rated capacity of not less than 5,200 megawatts by January 1, 2034, and provides that in constructing any such facility, the utility shall (a) identify options for utilizing local workers; (b) identify the economic development benefits of the project for the Commonwealth, including capital investments and job creation; (c) consult with relevant governmental entities, including the Commonwealth's Chief Workforce Development Officer and the Virginia Economic Development Partnership, on opportunities to advance the Commonwealth's workforce and economic development goals, including furtherance of apprenticeship and other workforce training programs; and (d) give priority to the hiring, apprenticeship, and training of veterans, local workers, and workers from historically economically disadvantaged communities; (vii) requires each utility to include, and the Commission to consider, in any application to construct a new generating facility the social cost of carbon, as determined by the Commission, as a benefit or cost, whichever is appropriate; (viii) removes provisions that authorize nuclear and offshore wind generating facilities to continue to be eligible for an enhanced rate of return on common equity during the construction phase of the facility and the approved first portion of its service life of between 12 and 25 years in the case of a facility utilizing nuclear power and for a service life of between five and 15 years in the case of a facility utilizing energy derived from offshore wind; (ix) removes a provision that declares that planning and development activities for new nuclear generation facilities are in the public interest; (x) increases the limit from 5,000 megawatts to 16,100 megawatts on those solar and onshore wind generation facilities that are declared to be in the public interest and increases the limit from 16 megawatts to 3,000 megawatts on those offshore wind generation facilities that are declared to be in the public interest; (xi) amends the net energy metering program by increasing the maximum capacity of renewable generation facilities of participating nonresidential eligible customer-generators from one to three megawatts, increases the cap on the capacity of generation from facilities from the customer's expected annual energy consumption to 150 percent of such amount for customers in Dominion Energy Virginia's service territory, increases each utility's systemwide cap from one percent of its adjusted Virginia peak-load forecast for the previous year to six percent of such amount, five percent of which is available to all customers and one percent of which is available only to low-income utility customers; (xii) establishes the Percentage of Income Payment Program (PIPP), which caps the monthly electric utility payment of low-income participants at six percent, or, if the participant's home uses electric heat, 10 percent, of the participant's household income, requires the Commission to issue its final order regarding the PIPP by December 31, 2020, and requires the Department of Housing and Community Development and the Department of Social Services to convene a stakeholder group to develop recommendations for implementing the PIPP and to submit the stakeholder recommendations to the Chairs of the House Committee on Labor and Commerce and the Senate Committee on Commerce and Labor by December 1, 2020; (xiii) increases the cap on third party power purchase agreements to 500 megawatts for jurisdictional customers and 500 megawatts for nonjurisdictional customers of Dominion Energy Virginia and to 40 megawatts for customers of American Electric Power; (xiv) requires each investor-owned utility to consult with the Clean Energy Advisory Board in how best to inform low-income customers of opportunities to lower



electric bills through access to solar energy; (xv) requires the Department of Mines, Minerals and Energy, in consultation with the Council on Environmental Justice, to prepare a report to the Chairs of the House Committee on Labor and Commerce and the Senate Committee on Commerce and Labor that determines if the implementation of the measure imposes a disproportionate burden on historically economically disadvantaged communities; (xvi) requires the Secretary of Natural Resources and the Secretary of Commerce and Trade, in consultation with the State Corporation Commission and the Council on Environmental Justice and appropriate stakeholders, to report to the General Assembly by January 1, 2022, any recommendations on how to achieve 100 percent carbon-free electric energy generation by 2045 at least cost for ratepayers; and (xvii) provides that it is the policy of the Commonwealth that the State Corporation Commission, Department of Environmental Quality, Department of Mines, Minerals and Energy, Virginia Council on Environmental Justice, and other applicable state agencies, in the development of energy programs, job training programs, and placement of renewable energy facilities, shall consider those facilities and programs being to the benefit of low-income geographic areas and historically economically disadvantaged communities that are located near previously and presently permitted fossil fuel facilities or coal mines.

HB 1634/SB 629. Shared solar programs. Requires the State Corporation Commission to establish by regulation a shared solar program that allows customers of Dominion Energy Virginia to purchase electric power through a subscription in a shared solar facility, which is defined in the bill as a facility that, among other criteria, generates electricity by means of a solar photovoltaic device with a nameplate capacity rating that does not exceed 5,000 kilowatts. Under the program, a subscriber receives a bill credit for the proportional output of a shared solar facility attributable to that subscriber. Subscribers are required to pay a minimum bill, established by the Commission, that includes the costs of infrastructure and related services. The bill provides that the Commission shall approve a shared solar program of 150 megawatts with a minimum requirement of 30 percent of low-income customers and that the Commission will approve an additional 50 megawatts upon determining that at least 45 megawatts of the shared solar capacity have been subscribed to by low-income customers.

HB 1664/SB 860/SB 998. Electric utilities; offshore wind development. Provides that the construction or purchase by a public utility of one or more offshore wind generation facilities located off the Commonwealth's Atlantic shoreline or in federal waters and interconnected directly into the Commonwealth, with an aggregate capacity of up to 5,200 megawatts, is in the public interest. The measure provides that construction by Dominion Energy Virginia of one or more new utility-owned and utility-operated generating facilities utilizing energy derived from offshore wind and located off the Commonwealth's Atlantic shoreline, with an aggregate rated capacity between 2,500 megawatts and 3,000 megawatts, along with electrical transmission or distribution facilities associated therewith for interconnection is in the public interest. The measure provides that the State Corporation Commission will determine the reasonableness and prudence of associated costs and will presume such costs to be reasonable and prudent if certain criteria are met. The measure requires the Commission to permit a portion of the nameplate capacity of any such facility, in the aggregate, to be allocated to (i) certain commercial and industrial customers or (ii) qualifying large general service customers, provided that no more



than 10 percent of the offshore wind facility's capacity is allocated to qualifying large general service customers. The measure provides that such costs shall be allocated to all customers of the utility in the Commonwealth as a non-bypassable charge, irrespective of the generation supplier of any such customer except for customers who are eligible for a Percentage of Income Payment Program, certain commercial and industrial customers, and qualifying large general service customers. The measure requires the utility to submit a plan to the Commission that includes the following considerations: (a) options for utilizing local workers; (b) the economic development benefits of the project for the Commonwealth, including capital investments and job creation; (c) consultation with the Commonwealth's Chief Workforce Development Officer, the Chief Diversity, Equity, and Inclusion Officer, and the Virginia Economic Development Partnership, on opportunities to advance the Commonwealth's workforce and economic development goals, including furtherance of apprenticeship and other workforce training programs; and (d) giving priority to the hiring, apprenticeship, and training of veterans, local workers, and workers from historically economically disadvantaged communities. The measure provides that any such project is required to include an environmental and fisheries mitigation plan submitted to the Commission for the construction and operation of such offshore wind facilities.

Waters of the State

HB 1422/SB 704. Chesapeake Bay Watershed Implementation Plan initiatives; nutrient management plans; stream exclusion. Sets December 31, 2025, as the target date to achieve the water quality goals contained in Virginia's final Chesapeake Bay Total Maximum Daily Load Phase III Watershed Implementation Plan (WIP). The bill provides that if the Secretary of Agriculture and Forestry and the Secretary of Natural Resources (the Secretaries) jointly determine on or after July 1, 2026, that such goals have not been met by a combination of agricultural best management conservation practices, including the coverage of a sufficient portion of Chesapeake Bay cropland by nutrient management plans or the installation of a sufficient number of livestock stream exclusion practices, then certain provisions requiring the use of nutrient management plans and livestock stream exclusions shall become effective. The bill directs the Secretaries to convene a stakeholder advisory group to review annual progress toward the implementation of agricultural commitments in the WIP, develop a process to assist in creating nutrient management plans, and develop a plan for the stream exclusion program. The measure also directs the Virginia Soil and Water Conservation Board to establish by December 31, 2020, the official method for identifying perennial streams and directs the Department of Conservation and Recreation to establish by July 1, 2021, a portable stream fencing practice for inclusion in the Virginia Agricultural Best Management Practice Cost-Share Program.



Wills, Trusts & Estates

SB 1072. Prohibition against appointing certain persons as guardian or conservator.

Prohibits, except for good cause shown, the court from appointing as guardian or conservator for the respondent an attorney who has been engaged by the petitioner to represent the petitioner within three calendar years of the appointment. The bill also applies such prohibition to other attorneys and employees of the law firm with which such attorney is associated. The bill further provides that, in the case of a petitioner that is a medical care facility, the court may, for good cause shown, order that the reasonable costs for the guardian or conservator be paid by the petitioner during the time the respondent is under the care of such medical care facility.

Worker's Compensation

HB 438/SB 561. Workers' compensation; post-traumatic stress disorder; law-enforcement officers and firefighters.

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

HB 783/SB 9. Workers' compensation; presumption of compensability for certain diseases.

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



HB 1558. Workers' compensation; Ombudsman program. Authorizes the Virginia Workers' Compensation Commission to create an Ombudsman program and appoint an ombudsman to administer such program. The program's purpose is to provide neutral educational information and assistance to persons who are not represented by an attorney, including those persons who have claims pending or docketed before the Commission.

Voting

HB 1/SB 111. Absentee voting; no excuse required. Permits any registered voter to vote by absentee ballot in any election in which he is qualified to vote. The bill removes the current list of statutory reasons under which a person may be entitled to vote by absentee ballot and removes references to those reasons from other sections of the Code.

HB 19/SB 65. Voter identification; repeal of photo identification requirements; additional forms of identification accepted; signed statement in lieu of required form of identification; penalty. Removes the requirement that voters show a form of identification containing a photograph in order to be allowed to vote. The bill requires a voter to show either his voter registration confirmation documents; his valid Virginia driver's license, his valid United States passport, or any other identification issued by the Commonwealth, one of its political subdivisions, or the United States; any valid student identification card issued by any institution of higher education located in the Commonwealth or any private school located in the Commonwealth; any valid student identification card issued by any institution of higher education located in any other state or territory of the United States; any valid employee identification card containing a photograph of the voter and issued by an employer of the voter in the ordinary course of the employer's business; or a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter. The bill also provides that the expiration date on a Virginia driver's license is not considered when determining the validity of a driver's license offered for voter identification purposes. A voter who does not show one of the required forms of identification when offering to vote is required to sign a statement that he is the named registered voter he claims to be in order to be permitted to cast a ballot. Such statement is signed subject to felony penalties for making false statements, punishable as a Class 5 felony. A voter who does not show one of the required forms of identification and does not complete or sign the statement shall be offered a provisional ballot according to the provisions of current law. The bill adds language regarding identification requirements for certain voters pursuant to the federal Help America Vote Act of 2002.

HB 238/SB 455. Absentee voting; deadline for returning absentee ballot. Provides that any absentee ballot that is returned to the general registrar after the closing of the polls on election day but before noon on the third day after the election and postmarked on or before the date of the election shall be counted if the voter is found entitled to vote.

