

2017 SESSION HIGHLIGHTS

The *2017 Session Highlights* summarizes significant legislation considered by the 2017 Session of the General Assembly as selected by the staff of the Virginia Division of Legislative Services. The brief overview of the 2017 Session covers legislative actions through sine die on Saturday, February 25, 2017. Bills are differentiated as Passed or Failed. Passed bills are subject to review and veto by the Governor; thus, some of the bills listed as passed in this volume may be amended and some may not become law.

Agriculture/Natural Resources

Passed

HB 2383/SB 898 Department of Environmental Quality (DEQ); combined sewer overflow (CSO) outfalls; Chesapeake Bay Watershed. Directs DEQ to identify the owner of any combined sewer overflow outfall that discharges into the Chesapeake Bay Watershed and to determine what actions by the owner, if it is not under a state order, are necessary to bring the outfall into compliance with Virginia law, the federal Clean Water Act, and the Presumption Approach described in the CSO Control Policy of the U.S. Environmental Protection Agency (EPA). The bill requires any owner of such an outfall to initiate construction activities by July 1, 2023, to bring it into compliance by July 1, 2025. Until compliance is achieved, the bill requires the outfall owner to annually report its progress to DEQ. The bill requires DEQ to provide all such reports to certain legislative committees, the Virginia delegation to the Chesapeake Bay Commission, the Secretary of Natural Resources, and the Governor. The bill does not apply to any outfall for which a higher level of control is necessary to comply with a Total Maximum Daily Load.

SB 1195 Produce safety; farm inspections; civil penalty. Prohibits certain farms from violating the federal regulations that set minimum standards for the safe growing, harvesting, packing, and holding of fruits and vegetables. The bill authorizes the Board of Agriculture and Consumer Services to adopt regulations to carry out the purposes of the law and gives the Commissioner of Agriculture and Consumer Services free access at reasonable hours to certain farms to inspect the farms and take samples. The Commissioner also is authorized to seize certain produce if he believes it is being grown, kept, or exposed for sale or held in violation of federal regulations or state law, and the bill provides a court process by which the seizure may be contested. The bill authorizes the Board to levy a civil penalty of up to \$1,000 per violation, to be deposited in

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the Virginia Natural Resources Commitment Fund. The bill includes provisions that would cause it to expire upon the repeal of the relevant federal law, the granting of an exemption under such federal law, or the cessation of federal funding.

SB 1398 Coal combustion residuals unit; closure permit; assessments required. Requires the owner or operator of a coal combustion residuals unit (CCR unit) to identify water pollution and address corrective measures to resolve it, evaluate the clean closure of the CCR unit by recycling the ash for use in cement or moving it to a landfill, and demonstrate the long-term safety of the CCR unit. The bill requires the owner or operator of each CCR unit to transmit a report on its progress to the Department of Environmental Quality (DEQ) and other agencies or legislative committees by January 1, 2018. The bill prohibits the Director of DEQ from delaying the issuance of a permit to close any CCR unit pending the completion of the assessment.

Failed

HB 1900 Dogs running at large; civil penalty. Prohibits dog owners from allowing dogs to run at large on the property of another after the landowner has given notice to the dog owner to keep the dog off of the property. The bill provides for a civil penalty of \$100 per dog, enforced by animal control, conservation police, and other law-enforcement officers for each violation. Notice may be given verbally, in writing, with signs, or with blue tree markings.

Business

Passed

HB 1760/SB 1418 Electric utilities; costs of pumped hydroelectricity generation and storage facilities. Authorizes an investor-owned electric utility to petition the State Corporation Commission for approval of a rate adjustment clause for recovery of the costs of one or more pumped hydroelectricity generation and storage facilities that utilize associated on-site or off-site renewable energy resources as all or a portion of their power source and such facilities and associated resources are located in the coalfield region of the Commonwealth. The measure provides that the requirement that a utility demonstrate that it has considered and weighed alternative options, including third-party market

alternatives, in its selection process applies only to a generation facility that is described in clauses (i) and (ii) of subdivision A 6 of § 56-585.1.

HB 1825/SB 1425 Rights to resell tickets; civil penalty. Prohibits any person that issues tickets for admission to a professional concert, professional sporting event, or professional theatrical production, open to the public for which tickets are ordinarily sold, from issuing the ticket solely through a delivery method that substantially prevents the ticket purchaser from lawfully reselling the ticket on the Internet ticketing platform of the ticket purchaser's choice. The measure also prohibits a person from being discriminated against or denied admission to an event solely on the basis that the person resold a ticket, or purchased a resold ticket, on a specific Internet ticketing platform. A person violating these prohibitions is subject to a civil penalty of not less than \$1,000 nor more than \$5,000.

HB 2267 Health benefit plans; coverage for hormonal contraceptives. Requires any health benefit plan that is amended, renewed, or delivered on or after January 1, 2018, that provides coverage for hormonal contraceptives to cover up to a 12-month supply of hormonal contraceptives when dispensed or furnished at one time for a covered person or at a location licensed or otherwise authorized to dispense drugs or supplies. Such a plan is prohibited, in the absence of clinical contraindications, from imposing utilization controls or other forms of medical management limiting the supply of hormonal contraceptives that may be dispensed or furnished by a provider or pharmacy, or at a location licensed or otherwise authorized to dispense drugs or supplies, to an amount that is less than a 12-month supply. The measure does not require a provider to prescribe, furnish, or dispense 12 months of self-administered hormonal contraceptives at one time. The measure also provides that it shall not be construed to exclude coverage for hormonal contraceptives as prescribed by a provider for reasons other than contraceptive purposes, such as decreasing the risk of ovarian cancer or eliminating symptoms of menopause, or for contraception that is necessary to preserve the life or health of an enrollee.

Failed

SB 1053 Qualified education loan servicers. Prohibits any person from acting as a qualified education loan servicer without first obtaining a license from the State Corporation Commission and establishes procedures pertaining to such licenses. Banks and credit unions are exempt from the licensing provisions. The servicing of a qualified education loan encompasses (i) receiving any scheduled periodic payments from a qualified education loan borrower pursuant to the terms of a qualified education loan; (ii) applying the payments of principal and interest and such other payments with respect to the amounts received from a qualified education loan borrower, as may be required pursuant to the terms of a qualified education loan; and (iii) performing other administrative services with respect to a qualified education loan. Qualified education loan servicers are prohibited from, among other things, (a) misrepresenting the amount, nature, or terms of any fee or payment due or claimed to be due on a qualified education loan, the terms and conditions of the loan agreement, or the borrower's obligations under the loan; (b) knowingly misapplying or recklessly applying qualified education loan payments to the outstanding balance of a qualified education loan; and (c) failing to report both the favorable and unfavorable payment history of the borrower to a nationally recognized consumer credit bureau at least annually if the loan servicer regularly reports information to such a credit bureau. Violations are subject to a civil penalty not exceeding \$2,500. The bill has a delayed effective date of July 1, 2018.

Constitutional Amendments

Failed

SJ 223 Constitutional amendment (first resolution); qualification of voters and executive clemency. Amends the authority of the Governor to remove the political disabilities of persons convicted of felonies, thus restoring their civil rights. The resolution requires the Governor to automatically remove the political disabilities of a person convicted of a felony, other than a violent felony, who has completed service of his sentence and any modification of that sentence, and has met any other conditions that may be set by the General Assembly. The Governor retains the discretion to

remove the political disabilities of persons convicted of violent felonies. A person convicted of a violent felony shall become eligible for the removal of his political disabilities once he has completed (i) the payment in full of any restitution, fines, costs, and fees assessed against him as a result of his conviction and (ii) service of his sentence and any modification of that sentence, including any period or condition of probation, parole, or suspension of sentence, and at least five years have passed since he completed such payment and service of sentence without any new felony convictions or any misdemeanor convictions involving moral turpitude.

Courts/Civil Law

Passed

HB 1608/SB 903 Uniform Fiduciary Access to Digital Assets Act. Creates the Uniform Fiduciary Access to Digital Assets Act. The bill allows fiduciaries to manage digital property such as computer files, web domains, and virtual currency and restricts a fiduciary's access to electronic communications such as email, text messages, and social media accounts unless the original user consented to such access in a will, trust, power of attorney, or other record. The bill repeals the Privacy Expectation Afterlife and Choices Act, which was enacted in 2015.

HB 1941/SB 1413 Immunity of persons; defamation; statements regarding matters of public concern communicated to a third party; statements made at a public hearing. Adds defamation to the causes of action from which a citizen shall be immune when making statements (i) regarding matters of public concern to a third party or (ii) at a public hearing before the governing body of any locality or other political subdivision, or the boards, commissions, agencies, and authorities thereof, and other governing bodies of any local governmental entity. The bill further provides that the immunity does not apply to any statements made with actual or constructive knowledge that they are false, or with reckless disregard for whether they are false.

HB 2289 Award of life insurance upon divorce or dissolution of marriage. Provides that where an order for spousal support or separate maintenance has been entered by the court, the court may order a party to maintain an existing life insurance policy, designate the other party as beneficiary, allocate the premium cost of

life insurance between the parties, and order the insured party to facilitate the provision of certain information from the insurer to the beneficiary. The bill sets out factors to be considered by the court when making such an award and provides that the obligation to maintain a life insurance policy ceases upon the termination of the party's obligation to pay spousal support or separate maintenance. As introduced, the bill was a recommendation of the Boyd-Graves Conference.

Failed

SB 814 Services of summons for witness or subpoena duces tecum on foreign business entities. Allows the court to enforce compliance with a summons for witness or a subpoena duces tecum served on the registered agent of a foreign business entity registered with the State Corporation Commission to transact business in the Commonwealth, regardless of whether the foreign business entity is a party to the underlying case. This bill is in response to the Supreme Court of Virginia decision in *Yelp, Inc. v. Hadeed Carpet Cleaning, Inc.*, Record No. 140242, 770 S.E.2d 440 (2015) and is a recommendation of the Boyd-Graves Conference.

Courts/Criminal Justice

Passed

HB 1852/SB 1299 Carrying concealed handguns; protective orders. Authorizes any person 21 years of age or older who is not prohibited from purchasing, possessing, or transporting a firearm and is protected by an unexpired protective order to carry a concealed handgun for 45 days after the protective order was issued. The bill provides that if the person issued the protective order applies for a concealed handgun permit during such 45-day period, such person will be authorized to carry a concealed handgun for an additional 45 days and be given a copy of the certified application, which shall serve as a de facto concealed handgun permit. The bill requires such person to have the order or certified application and photo identification on his person when carrying a concealed handgun and to display them upon demand by a law-enforcement officer; failure to do so is punishable by a \$25 civil penalty.

HB 2051/SB 1091 Driver's license; marijuana possession. Revises the existing provision that a person

loses his driver's license for six months when convicted of or placed on deferred disposition for a drug offense to provide that the provision does not apply to deferred disposition of simple possession of marijuana. The exception applies only to adults; juveniles will still be subject to license suspension. The bill provides that a court retains the discretion to suspend or revoke the driver's license of a person placed on deferred disposition for simple possession of marijuana and must suspend or revoke for six months the driver's license of such person who was operating a motor vehicle at the time of the offense. The bill also requires that such a person whose driver's license is not suspended or revoked perform 50 hours of community service in addition to any community service ordered as part of the deferred disposition. The provisions of the bill are contingent upon written assurance from the U.S. Department of Transportation that Virginia will not lose any federal funds as a result of implementation of the bill.

HB 2240 Crime victim's right to nondisclosure of certain information; murder. Requires that written consent provided by the victim's next of kin to law enforcement is necessary, if the victim is a minor, before a law-enforcement agency may disclose any information that identifies the victim of a crime that resulted in the victim's death.

HB 2327 DUI; implied consent; refusal of blood or breath tests. Eliminates the criminal penalties for refusing to submit to a blood test to determine the alcohol or drug content of a defendant's blood upon arrest for a DUI-related offense under the law on implied consent. The bill also increases to a Class 1 misdemeanor the criminal penalty for refusing to submit to a breath test under the law on implied consent for an offense committed within 10 years of a prior offense of refusal or of another DUI-related offense. The bill also extends to blood tests performed by the Department of Forensic Science pursuant to a search warrant the rebuttable presumption that a person is intoxicated based on the person's blood alcohol level demonstrated by such tests. The bill also provides that an application for a search warrant to perform a blood test on a person suspected of committing a DUI-related offense shall be given priority over other matters pending before the judge or magistrate. Finally, the bill establishes a rebuttable presumption applicable in a civil case for

punitive damages for injuries caused by an intoxicated driver that a person who has consumed alcohol knew or should have known that his ability to drive was or would be impaired by such consumption. This bill is in response to the U.S. Supreme Court decision in *Birchfield v. North Dakota*, 136 S. Ct. 2160 (2016).

HB 2350 Use of electronic device to trespass; peeping into dwelling or occupied building; penalty. Punishes as a Class 1 misdemeanor the use of an electronic device to enter the property of another to secretly or furtively peep or spy or attempt to peep or spy into a dwelling or occupied building located on such property, unless such use occurs pursuant to a lawful criminal investigation.

HB 2410/SB 1154 Providing support to terrorist organizations; penalty. Provides that any person who knowingly provides any material support to an individual or organization whose primary objective is to commit an act of terrorism and does so with the intent to further such objective is guilty of a Class 3 felony. If the provision of such material support results in the death of any person, the penalty is increased to a Class 2 felony. The bill also expands the definition of an act of terrorism to include an act committed outside the Commonwealth that would meet the definition of an act of violence if such act was committed within the Commonwealth.

SB 1060 Female genital mutilation; criminal penalty and civil action. Makes it a Class 1 misdemeanor for any person to knowingly circumcise, excise, or infibulate the labia major, labia minora, or clitoris of a minor. The bill makes it a Class 1 misdemeanor for any parent, guardian, or other person responsible for the care of a minor to consent to such circumcision, excision, or infibulation. The bill also makes it a Class 1 misdemeanor for any parent, guardian, or other person responsible for the care of a minor to knowingly remove or cause or permit the removal of such minor from the Commonwealth for the purposes of performing such circumcision, excision, or infibulation. The bill also provides a civil cause of action for any person injured by such circumcision, excision, or infibulation. The bill also provides that any of these offenses shall be a separate and distinct offense and shall not preclude prosecution under any other statute.

Failed

HB 1834 Distracted driving; penalty. Expands the prohibition on manually entering multiple letters or text in a handheld communications device while operating a motor vehicle to also prohibit the manual selection of multiple icons and removes the condition that such manual entry is prohibited only if performed as a means of communicating with another person. The bill prohibits the operator of a motor vehicle from reading any information displayed on the device; current law prohibits reading an email or text message. The bill provides that this prohibition does not apply to reading any information displayed through the use of a global positioning system for the purposes of navigation. The bill eliminates the current exemption from the prohibition on using a handheld personal communications device while operating a motor vehicle when the vehicle is stopped or not moving; the current exemption from the prohibition when the vehicle is parked is not affected.

SB 796 Expungement of certain charges and convictions. Allows a person to petition for expungement of convictions and deferred disposition dismissals for marijuana possession, underage alcohol possession, and using a false ID to obtain alcohol when the offense occurred prior to the person's twenty-first birthday, all court costs, fines, and restitution have been paid, and five years have elapsed since the date of completion of all terms of sentencing and probation.

Education

Passed

HB 1400/SB 1240 Virginia Virtual School established. Establishes the Board of the Virginia Virtual School (the Board) as a policy agency in the executive branch of state government for the purpose of governing the full-time virtual school programs offered to students enrolled in the Virginia Virtual School (the School). The Secretary of Education is responsible for such agency. The 14-member Board is given operational control of the School and assigned powers and duties. Beginning with the 2019-2020 school year, the bill requires the School to be open to any school-age person in the Commonwealth and to provide an educational program meeting the Standards of Quality for grades kindergarten through 12, with a maximum enrollment of 5,000 students statewide. The

bill requires the average state share of Standards of Quality per pupil funding for each enrolled student to be transferred to the School.

HB 1402/SB 907 Governing boards of public institutions of higher education; leadership; residency. Requires the president or any one of the vice presidents of the board of visitors of Virginia Military Institute, the chairman or the vice-chairman of the State Board, and the rector or vice-rector of the governing board of each other public institution of higher education to be a resident of the Commonwealth.

HB 1605 Parental Choice Education Savings Accounts established. Permits the parent of a public preschool, elementary, or secondary school student to apply to the school division in which the student resides for a one-year, renewable Parental Choice Education Savings Account that consists of an amount that is equivalent to a certain percentage of all applicable annual Standards of Quality per pupil state funds appropriated for public school purposes and apportioned to the resident school division in which the student resides, including the per pupil share of state sales tax funding in basic aid and any state per pupil share of special education funding to which the student is eligible. The bill permits the parent to use the moneys in such account for certain education-related expenses of the student, including tuition, deposits, fees, and required textbooks at a private, sectarian or nonsectarian elementary or secondary school or preschool that is located in the Commonwealth and does not discriminate on the basis of race, color, or national origin. The bill also contains provisions relating to auditing, rescinding, and reviewing expenses made from such accounts.

HB 2262 Online Virginia Network Authority established. Establishes the Online Virginia Network Authority (the Authority) as a political subdivision of the Commonwealth for the purpose of establishing the Online Virginia Network to coordinate the online delivery of courses that facilitate the completion of degrees at George Mason University and Old Dominion University. The bill requires the Authority to be governed by a 15-member board, sets forth several duties of the Authority, and grants the Authority operational flexibility in the areas of procurement and information technology, provided that the Authority adopts and complies with certain policies.

HB 2342/SB 1283 Public schools; regional charter school divisions. Authorizes the Board of Education (the Board) to establish regional charter school divisions consisting of at least two but not more than three existing school divisions in regions in which each underlying school division has an enrollment of more than 3,000 students and one or more schools that have accreditation denied status for two out of the past three years. The bill requires such regional charter school divisions to be supervised by a school board that consists of eight members appointed by the Board and one member appointed by the localities of each of the underlying divisions. The bill authorizes the school board, after a review by the Board, to review and approve public charter school applications in the regional charter school divisions and to contract with the applicant. The bill requires that the state share of Standards of Quality per pupil funding of the underlying school district in which the student resides be transferred to such school.

SB 1234 Public institutions of higher education; passport credit program. Requires the State Council of Higher Education for Virginia (the Council) and each public institution of higher education to develop a passport credit program that will be offered at each associate-degree-granting public institution of higher education. Under the program, each passport credit course shall satisfy a lower division general education requirement at any public institution of higher education. The bill requires the Council to develop such program by July 1, 2020, and each associate-degree-granting public institution of higher education to offer such program by the 2020-2021 academic year.

Failed

HB 1534 Student discipline; long-term suspension. Reduces the maximum length of a long-term suspension from 364 calendar days to 90 school days. The bill prohibits a long-term suspension from extending beyond any 45 school day period unless the school principal or division superintendent finds that aggravating circumstances exist, as defined by the local school board. The bill requires that the length of any long-term suspension that extends beyond any 45 school day period shall be reviewed at the end of each such period.

HB 1536 Public schools; student discipline. Prohibits students in preschool through grade three from being suspended for more than five school days or expelled

except for drug offenses, firearm offenses, or certain criminal acts.

SB 987 Higher education; in-state tuition. Prohibits any percentage increase in in-state tuition or instructional fees for undergraduate students at Virginia's public institutions of higher education that exceeds the annual percentage increase, as determined by the State Council of Higher Education for Virginia, of the median household income in the Commonwealth established by the U.S. Department of Housing and Urban Development, of the calendar year immediately preceding the affected year.

General Laws

Passed

HB 1623/SB 991 Residential rental property. Provides that the foreclosure of a residential rental property shall act as a termination of the rental agreement by the owner of such property. In such case, the tenant may remain in possession of such dwelling unit as a month-to-month tenant on the terms of the terminated rental agreement until the successor owner gives a notice of termination of such month-to-month tenancy. The bill also provides how rental payments may be made during the period of the month-to-month tenancy. In addition, the bill requires a current owner of rental property who has entered into a written property management agreement with a managing agent and who has subsequently entered into a purchase agreement with a new owner to give written notice to the managing agent requesting payment of security deposits to the current owner prior to settlement with the new owner. The bill requires the managing agent to transfer the security deposits to the current owner and provide written notice to each tenant that his security deposit has been transferred.

HB 1842 Alcoholic beverage control; neutral grain spirits or alcohol sold at government stores; proof. Increases from 101 to 151 the proof of neutral grain spirits or alcohol that is without distinctive character, aroma, taste, or color that may be sold at government stores. The bill has an expiration date of July 1, 2022.

HB 1854/SB 1312 Lobbyist reporting, the State and Local Government Conflict of Interests Act, and the General Assembly Conflicts of Interests Act; filing of required disclosures; registration of lobbyists;

candidate filings; judges; definition of gift; informal advice; civil penalties; technical amendments. Makes numerous changes to the laws governing lobbyist reporting, the conflict of interest acts, and the Virginia Conflict of Interest and Ethics Advisory Council (the Council), including (i) allowing the Secretary of the Commonwealth to suspend any penalty that could be assessed against a lobbyist's principal for failing to file the required disclosure if such failure is beyond the control of the principal; (ii) clarifying the procedures for terminating the services of a lobbyist; (iii) requiring that lobbyist registration forms be filed electronically; (iv) eliminating the requirement that a lobbyist list the names, addresses, and telephone numbers of all other lobbyists representing the same principal; (v) creating a separate statement for a lobbyist's principal to waive the principal signature requirement on the lobbyist disclosure form; (vi) granting the clerk of the local governing body or school board the same power as the Council to redact from any disclosure form released to the public any residential address, personal telephone number, or signature; (vii) eliminating the minimum duration of the mandatory refresher ethics orientation session for General Assembly members; (viii) allowing written informal advice from the Council to confer immunity from prosecution upon individuals acting in accordance with such advice; (ix) clarifying the Council's authority to grant extensions from the filing deadline and imposing a \$250 civil penalty on agency heads or local clerks who fail to provide the disclosure forms to filers in a timely manner; (x) requiring lobbyists to provide a report of gifts made during a regular session of the General Assembly no later than three weeks after adjournment to legislators and certain executive branch officials who are required to file a session gift report; and (xi) directing that candidates for statewide office and the General Assembly are required to file a disclosure form with the State Board of Elections and candidates for a constitutional office are required to file a disclosure form with the local general registrar. The bill also extends the filing deadline for disclosure forms from January 15 to February 1 and clarifies the reporting period covered by the disclosure forms. The bill eliminates events open to individuals who share a common interest from the definition of a "widely attended event," attendance at which is not subject to the gift cap. The bill also exempts from the definition of a "gift" (a) gifts from a person's child-in-law; (b) gifts related to a person's volunteer service; (c) meals provided for attendance at an official

meeting of the Commonwealth, its political subdivisions, or certain other entities; and (d) attendance at a reception or similar function. The bill also exempts members of the judiciary from certain provisions governing prohibited gifts and prohibited personal interests in a transaction where such members are already subject to similar or greater prohibitions under the Canons of Judicial Conduct for the State of Virginia. The bill also clarifies that a legislator may have a personal interest in a contract with a government agency, not including a legislative branch agency, when the Virginia Public Procurement Act allows the award of such contract without competition. The bill further clarifies the exceptions that allow state and local officers and employees who have a personal interest in a transaction to participate in the transaction.

HB 1979/SB 1193 Board for Contractors; exemption from licensure; responsibility for contracting with unlicensed or unregistered person. Exempts from licensure work undertaken by a person providing construction, remodeling, repair, improvement, removal, or demolition valued at \$2,500 or less per project on behalf of a properly licensed contractor, provided that such contractor holds a valid license in the residential or commercial building contractor classification. The bill provides, however, that any construction services that require an individual license or certification shall be rendered only by an individual licensed or certified by the Board for Contractors. The bill also provides that any contractor that directly employs or otherwise contracts with a person who is not credentialed by the Board for Contractors for work requiring a credential shall be solely responsible for any monetary penalty or other sanction resulting from the act of employing or contracting with a person who lacks the proper credential based upon such person's failure to obtain or maintain the required credential.

HB 2359/SB 1287 Virginia Alcoholic Beverage Control (ABC) Authority. Changes the effective date for the creation of the ABC Authority from July 1, 2018, to January 15, 2018. The bill creates a transition period from January 15, 2018, until December 31, 2018, during which time the current Department of Alcoholic Beverage Control will coexist with the ABC Authority to facilitate an orderly and efficient transition and to ensure the continuation of operations during the transition. The bill provides that during the transition period the current

ABC Board will be the Board of Directors of the ABC Authority. The bill grants to the ABC Authority the authority to implement and maintain independent payroll and nonpayroll disbursement systems, which are subject to review and approval by the State Comptroller and which include travel reimbursements, revenue refunds, disbursements for vendor payments, petty cash, and interagency payments. The bill also (i) streamlines the suspension and revocation process to encourage settlement of cases before reaching the appeal level to the Board of Directors, (ii) exempts the ABC Authority from mandatory procurement provisions, and (iii) authorizes the Board of Directors to delegate or assign to any officer or employee of the ABC Authority any duties or tasks required to be performed by the ABC Authority, but provides that the Board of Directors remains responsible for the performance of any such duties or tasks.

SB 1261 Official emblems and designations; George Washington's rye whiskey; state spirit. Designates George Washington's rye whiskey produced at Mount Vernon, Virginia, as the state spirit.

SB 1578 Short-term rental of property. Authorizes a locality to adopt an ordinance requiring the registration of persons offering property for short-term rental. The bill defines "short-term rental" as the provision of a room or space suitable for sleeping or lodging for less than 30 consecutive days. Persons and entities already licensed or registered related to the rental or management of property by the Department of Health, the Real Estate Board, the Virginia Real Estate Time-Share Act, or a locality would not be required to register. The bill authorizes localities to impose penalties not to exceed \$500 per violation on persons who violate the registry ordinance. The bill amends the Alcoholic Beverage Control (ABC) Act to clarify that certain property rented on a short-term basis is considered a bed and breakfast establishment for purposes of ABC licensing and that the exception from ABC licensing for serving alcoholic beverages to guests in a residence does not apply if the guest is a short-term lessee of the residence.

Health

Passed

HB 1549/SB 1005 Community services boards and behavioral health authorities; services to be provided. Provides that the core of services provided by community services boards and behavioral health authorities shall include, effective July 1, 2019, same-day access to mental health screening services and outpatient primary care screening and monitoring services for physical health indicators and health risks and follow-up services for individuals identified as being in need of assistance with overcoming barriers to accessing primary health services. The bill also provides that, effective July 1, 2021, the core of services provided by community services boards and behavioral health authorities shall include crisis services for individuals with mental health or substance use disorders, outpatient mental health and substance abuse services, psychiatric rehabilitation services, peer support and family support services, mental health services for members of the armed forces located 50 miles or more from a military treatment facility and veterans located 40 miles or more from a Veterans Health Administration medical facility, care coordination services, and case management services. The bill also requires the Department of Behavioral Health and Developmental Services to report annually regarding progress in the implementation of this act.

HB 1885/SB 1232 Limits on prescription of controlled substances containing opioids. Requires a prescriber registered with the Prescription Monitoring Program (the Program) to request information about a patient from the Program upon initiating a new course of treatment that includes the prescribing of opioids anticipated, at the onset of treatment, to last more than seven consecutive days and exempts the prescriber from this requirement if the opioid is prescribed as part of treatment for a surgical or invasive procedure and such prescription is for no more than 14 consecutive days. The bill extends the sunset for this requirement from July 1, 2019, to July 1, 2022.

SB 1230 Opiate prescriptions; electronic prescriptions. Requires a prescription for any controlled substance containing an opiate to be issued as an electronic prescription and prohibits a pharmacist from

dispensing a controlled substance that contains an opiate unless the prescription is issued as an electronic prescription, beginning July 1, 2020. The bill defines electronic prescription as a written prescription that is generated on an electronic application in accordance with federal regulations and is transmitted to a pharmacy as an electronic data file. The bill requires the Secretary of Health and Human Resources to convene a work group of interested stakeholders to review actions necessary for the implementation of the bill's provisions, to evaluate hardships on prescribers and the inability of prescribers to comply with the deadline for electronic prescribing, and to make recommendations for any extension or exemption processes relative to compliance or disruptions due to natural or manmade disasters or technology gaps, failures, or interruptions of services.

Failed

HB 1533 Required immunizations; meningococcal conjugate. Requires the Board of Health to include in regulations governing the immunization of school children a requirement for one dose of meningococcal conjugate (MCV4) administered before the child enters the sixth grade. The bill has a delayed effective date of July 1, 2018.

HB 1563 Regulations governing hospitals; facilities performing abortions. 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.

Prisons/Corrections

Passed

SB 1063 State Board of Corrections; membership; powers and duties; review of death of inmates in local correctional facilities. Authorizes the State Board of Corrections (the Board) to conduct a review of the death of any inmate in a local or regional correctional facility in order to determine the circumstances surrounding the inmate's death and whether the facility was in compliance with the Board's regulations. The bill requires the Board to develop and implement policies and procedures for the review of the death of any inmate that occurs in any local or correctional facility. The bill provides that the Board (i) may request the Department

of Corrections to conduct a death review if the Board determines that it cannot adequately conduct such review because the Board is already in the process of conducting another review and (ii) shall request the Office of the State Inspector General to review the operation of any entity other than a correctional facility if such review is necessary to complete the death review. Finally, the bill also specifies requisite qualifications for individuals appointed to the Board.

Privileges and Elections

Passed

HB 1912 Absentee voting; eligibility of persons granted protective order. Entitles a person to vote absentee if the person has been granted a protective order issued by or under the authority of any court of competent jurisdiction.

HB 2364/SB 1487 Public officers; automatic suspension upon conviction of felony. Provides that any officer who is convicted of a felony under the laws of any state or the United States shall be automatically suspended upon such conviction, regardless of any appeals, pleadings, delays, or motions. The bill contains an emergency clause.

Failed

HB 1598 Voter registration; proof of citizenship required to register to vote in certain elections. Requires persons applying to register to vote to provide proof of United States citizenship in a form enumerated in the bill. An applicant who does not provide such proof of citizenship shall be registered to vote in federal elections only. An applicant who does provide such proof of citizenship shall be registered to vote in federal, state, and local elections. The bill directs the general registrars to indicate on each registered voter's registration record whether such voter is registered to vote in federal, state, and local elections or in federal elections only.

Social Services

Passed

HB 1568/SB 897 Child care providers; criminal history background check; penalty. Requires the

following individuals to undergo a fingerprint-based national criminal history background check: (i) applicants for employment by, employees of, applicants to serve as volunteers with, and volunteers with any licensed family day system, child day center exempt from licensure pursuant to § 63.2-1716, registered family day home, or family day home approved by a family day system; (ii) applicants for licensure as a family day system, registration as a family day home, or approval as a family day home by a family day system, as well as their agents and any adult living in such family day home; and (iii) individuals who apply for or enter into a contract with the Department of Social Services under which a child day center, family day home, or child day program will provide child care services funded by the Child Care and Development Block Grant, as well as the applicant's current or prospective employees and volunteers, agents, and any adult living in the child day center or family day home. The bill also mandates that all background checks required pursuant to §§ 63.2-1720.1 and 63.2-1721.1 be completed by September 30, 2017, or by the date specified on any federal waiver obtained by the Commonwealth, and every five years thereafter. The bill has an expiration date of July 1, 2018. The bill further provides that if any provision of the federal Child Care and Development Block Grant Act of 2014 establishing a corresponding requirement is repealed prior to July 1, 2018, the provision of the bill establishing such requirement shall expire upon the date of such repeal.

HB 1922/SB 1462 Financial exploitation of adults; reporting to local law enforcement. Clarifies that all cases involving suspected financial exploitation of an adult shall be immediately referred to a local law-enforcement agency for investigation. The bill directs local law-enforcement agencies to provide a preferred point of contact for referrals.

HB 2002 Department of Social Services; refugee and immigrant resettlements; report. Requires nonprofit resettlement agencies and their local affiliates that provide refugee or other immigrant resettlement services in the Commonwealth to annually report to the Department of Social Services nonidentifying information regarding (i) the total number of individuals resettled in Virginia by such nonprofit resettlement agency or affiliate; (ii) the locality in which each individual was placed; (iii) the age, gender, and national

origin of each individual; and (iv) whether each individual was placed through the U.S. Refugee Resettlement Program and, if so, the eligibility status of such individuals. This bill was vetoed by the Governor.

SB 1008 Criminal history records checks; barrier crimes. Clarifies the individual crimes that constitute a barrier for (i) individuals seeking employment at nursing homes, home care organizations, hospices, state facilities, and private providers licensed by the Department of Behavioral Health and Developmental Services, community services boards, behavioral health authorities, assisted living facilities, adult day care centers, children's welfare agencies, family day homes approved by family day systems, and children's residential facilities; (ii) applicants for licensure, registration, or approval as assisted living facilities, child welfare agencies, or family day homes approved by family day systems; (iii) individuals with whom a local board of social services or child-placing agency is considering placing a child on an emergency, temporary, or permanent basis; (iv) foster and adoptive homes seeking approval from child-placing agencies; and (v) providers of adult services and adult foster care seeking approval by the Department of Social Services. The bill also adds certain offenses to the list of barrier crimes.

SB 1239 Child day programs; exemptions from licensure. Repeals requirements that child day centers operated by religious institutions must comply with in order to be exempt from licensure, including the requirements that such child day centers (i) be inspected by the local health department and fire marshal for basic health and safety requirements; (ii) abide by specified staff-to-child ratios; (iii) are staffed by persons who are at least 16 years of age and are supervised if less than 18 years of age; (iv) require staff members in supervisory positions to be certified by a physician to be free from any disability that would prevent them from caring for children; (v) provide certain disclosures to parents and the general public; (vi) establish and implement procedures for hand washing, intake and dismissal, daily health screenings and exclusion of sick children, ensuring children are in compliance with immunization requirements, keeping the premises free of obvious injury hazards, and ensuring that all staff members are able to recognize signs of child abuse and neglect. The bill removes certain programs from the list of child day programs exempt from licensure and clarifies that such

programs are not considered child day programs and therefore are not subject to licensure. The bill also modifies the terms of certain child day programs that remain listed as exempt from licensure, including religious-exempt programs, and requires that such programs (i) file with the Commissioner of Social Services (the Commissioner) a statement indicating the intent to operate a child day program, identifying the Code provision relied upon for exemption from licensure, and certifying that the program has disclosed to all the parents the fact that it is exempt from licensure; (ii) report all incidents involving serious injury or death to children attending the program; (iii) have a person trained and certified in first aid and cardiopulmonary resuscitation (CPR) present; (iv) comply with background check requirements; (v) maintain daily attendance records; (vi) have an emergency preparedness plan in place; (vii) comply with all applicable laws governing transportation of children; (viii) comply with certain safe sleep practices for infants; and (ix) post in a visible location notice that the program is exempt from licensure. The bill adds to the list of child day programs exempt from licensure programs offered by local school divisions, operated for no more than four hours per day, staffed by local school division employees, and attended by school-age children who are enrolled in public school within such school division. The bill directs the Commissioner to establish a process to inspect child day programs exempt from licensure and a process to gather and track aggregate data regarding child injuries and deaths that occur at such child day programs. The bill has a delayed effective date of July 1, 2018, except for the provisions related to religious-exempt child day programs and certain directives to the Commissioner, which shall become effective July 1, 2017.

Failed

HB 2041/SB 838 Virginia Community College System; Temporary Assistance for Needy Families Scholarship Pilot Program. Directs the Virginia Community College System (VCCS) to establish a three-year Temporary Assistance for Needy Families (TANF) Scholarship Pilot Program (the Program) for the purpose of providing access to postsecondary educational opportunities to students living in poverty. The Program would provide scholarships to select community colleges in the amount of \$4,000 per year, to

be applied toward the costs of tuition and books, to 200 selected students who meet TANF eligibility requirements. The Program would be funded with federal TANF block grant funds.

Taxation

Passed

HB 1884 Real property tax exemption; certain surviving spouses. Authorizes localities to exempt the primary residence of the surviving spouse of a law-enforcement officer, firefighter, search and rescue personnel, and emergency medical services personnel who is killed in the line of duty. The exemption does not apply to that portion of the value of the residence in excess of the average assessed value of dwellings in the locality. The bill is pursuant to Article X, Section 6-B of the Constitution of Virginia, which was adopted by the voters in 2016.

HB 1913/SB 1390 Purchase of cigarettes for resale; penalties. Implements measures to reduce cigarette trafficking by creating a new requirement that purchasers of cigarettes for resale must apply for a special cigarette exemption certificate from the Department of Taxation in order to not be liable for the payment of sales tax at the time of purchase. The bill sets forth numerous requirements that a taxpayer must meet in order to qualify for a cigarette exemption certificate and establishes processes and procedures for the application, renewal, denial, and revocation of the certificates. The bill creates new recordkeeping requirements for the sale or distribution of any quantity of cigarettes in excess of 50 cartons, or with a value greater than \$10,000 in any single sale.

HB 2246/SB 1438 Virginia Tax Amnesty Program. Establishes the Virginia Tax Amnesty Program to be administered by the Department of Taxation (the Department) during the 2017-2018 fiscal year for not less than 60 nor more than 75 days, as determined by the Tax Commissioner. The Program will be open to any taxpayer that is required but has failed to file a return or

to pay any tax administered by the Department. All civil or criminal penalties assessed or assessable and one-half of the interest assessed or assessable, resulting from nonpayment, underpayment, nonreporting, or underreporting of tax liabilities, will be waived upon payment of the taxes and interest.

Transportation/Motor Vehicles

Passed

HB 2022 Department of Transportation; traffic incident response and management. Allows individuals or entities acting on behalf of the Department of Transportation to operate as needed in response to traffic incidents and to access and to remove from moving lanes on a highway vehicles and cargo that are impeding traffic flow due to a traffic incident. The bill requires a driver to move a vehicle from the roadway after an emergency, accident, or breakdown that did not result in injury or death if the vehicle is movable and the driver is capable of safely doing so.

HB 2201 Failure to drive on right side of highways or observe traffic lanes; penalties. Increases the fine for failing to drive on the right side of highways or failing to observe traffic lanes from no more than \$250 to \$250 per violation.

Failed

HB 2371 Steady-burning blue or red lights on law-enforcement vehicles. Permits law-enforcement vehicles to be equipped with steady-burning blue or red lights in addition to being equipped with flashing, blinking, or alternating blue, blue and red, blue and white, or red, white, and blue combination warning lights of types approved by the Superintendent of State Police.

DIVISION OF LEGISLATIVE SERVICES

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**Published in Richmond, Virginia, by the Division of Legislative Services,
an agency of the General Assembly of Virginia.**