

2023 SESSION HIGHLIGHTS

The *2023 Session Highlights* summarizes significant legislation considered by the 2023 Session of the General Assembly as selected by the staff of the Virginia Division of Legislative Services. The brief overview covers legislative actions through sine die on Saturday, February 25, 2023. 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 1388/SB 915 State parks; Virginia National Guard Passport established; free entry and parking. Directs the Department of Conservation and Recreation to establish a Virginia National Guard Passport that authorizes a member of the Virginia National Guard to enter state parks without paying a parking or admission fee.

HB 1664/SB 897 Governor's Blue Catfish Processing, Flash Freezing, and Infrastructure Grant Program. Establishes the Governor's Blue Catfish Processing, Flash Freezing, and Infrastructure Grant Program and authorizes the Governor to award grants to political subdivisions from the Governor's Agriculture and Forestry Industries Development Fund as part of the Program. Such grants, in amounts up to \$250,000, shall be awarded as reimbursable grants to support blue catfish processing, flash freezing, and infrastructure projects. The bill directs the Secretary of Agriculture and Forestry to develop certain guidelines as provided in the bill on behalf of the Governor to facilitate the Program.

HB 1968 Department of Historic Resources; Green Book historic site designations. Directs the Department of Historic Resources, in partnership with the Virginia Tourism Corporation and the Department of Transportation, to designate or approve supplementary signs for historic site signs identifying Green Book locations and businesses in the Commonwealth. The bill defines "Green Book" as *The Negro Motorist Green Book* published by Victor Hugo Green, which provided a list of hotels, guest houses, service stations, drug stores, taverns, barbershops, and restaurants known to be safe for traveling Black Americans during the Jim Crow era.

HB 2325/SB 1438 Agricultural land; acquisition or transfer by foreign adversaries prohibited; report. Prohibits any foreign adversary, as defined in the bill, from acquiring or transferring any interest in agricultural land, as defined in federal law, beginning January 1, 2023, and requires the Department of Agriculture and Consumer Services to compile a report annually with certain information regarding agricultural land that is under foreign ownership and submit such report to the Governor and General Assembly.

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Alcoholic Beverages and Cannabis

Passed

HB 1598/SB 788 Medical cannabis program; transition from Board of Pharmacy to Virginia Cannabis Control Authority.

Transfers oversight and administration of the Commonwealth's medical cannabis program from the Board of Pharmacy to the Virginia Cannabis Control Authority. The bill has a delayed effective date of January 1, 2024.

HB 2258 Alcoholic beverage control; beer distribution. Creates a restricted wholesale beer license that authorizes the licensee to provide wholesale beer distribution services to brewery and limited brewery licensees, provided that no more than 500 barrels of beer shall be distributed by the corporation to each licensee in any one calendar year. The bill requires the Commissioner of Agriculture and Consumer Services to establish and operate a nonprofit, nonstock corporation to hold such license to promote, develop, and sustain markets for brewery and limited brewery licensees. The bill prohibits the Board of Directors of the Virginia Alcoholic Beverage Control Authority from (i) granting a wholesale wine license to any entity that is owned, in whole or in part, by any manufacturer of alcoholic beverages, any subsidiary or affiliate of such manufacturer, or any person under common control with such manufacturer and (ii) granting a wholesale beer license to any officer, director, or principal stockholder of a manufacturer of alcoholic beverages or to the spouse of such person; however, the bill exempts from such prohibition any spouse of an officer, director, or principal stockholder of a brewery or limited brewery licensee that was granted such license prior to January 1, 2024. The bill has a delayed effective date of July 1, 2024.

HB 2294 Tetrahydrocannabinol; hemp products; packaging, labeling, and testing; penalties. Limits the amount of tetrahydrocannabinol (THC) that can be included in a hemp product or industrial hemp extract to 0.3 percent and two milligrams per package. The bill (i) clarifies that persons who manufacture, store, sell, or offer for sale an industrial hemp extract or food containing an industrial hemp extract are subject to the existing food and drink permit requirement and (ii) requires such persons to indicate their intent to manufacture, store, sell, or offer for sale an industrial hemp extract or food containing an industrial hemp extract on such permit application. The bill also creates labeling, packaging, and testing requirements for industrial hemp extracts and foods containing an industrial hemp extract. The bill creates a civil penalty of \$10,000 for the following: (a) manufacturing, selling, or offering for sale an industrial hemp extract or food containing an industrial hemp extract without a permit; (b) continuing to manufacture, sell, or offer for sale an industrial hemp extract or food containing an industrial hemp extract after revocation or suspension of such permit; (c) failing to disclose on a form prescribed by the Commissioner of Agriculture and Consumer Services that he intends to manufacture, sell, or offer for sale a substance intended to be consumed orally that

contains an industrial hemp-derived cannabinoid; (d) manufacturing, selling, or offering for sale a food that contains more than 0.3 percent of THC or more than two milligrams of THC per package; (e) manufacturing, offering for sale, or selling in violation of food and drink laws or regulations a substance intended to be consumed orally that is advertised or labeled as containing an industrial hemp-derived cannabinoid; or (f) otherwise violating any provision of the Commonwealth's food and drink laws or regulations. The bill also makes it a Class 1 misdemeanor to engage in such actions, except for those set forth in clause (d). The bill makes it unlawful under the Virginia Consumer Protection Act to (1) sell or offer for sale any substance intended for human consumption that contains a synthetic derivative of THC or (2) sell or offer for sale a topical hemp product that does not contain a bittering agent, does not include a label stating that the product is not intended for human consumption, or contains more than 0.3 percent THC. The bill also increases existing civil penalties for certain hemp-related violations. The bill removes tetrahydrocannabinol from the list of Schedule I controlled substances and contains other technical amendments. See also SB 903.

Failed

SB 1133 Cannabis control; retail market; transitional sales; regulated hemp products; penalties. Establishes a framework for the creation of a retail marijuana market in the Commonwealth, which would be administered by the Virginia Cannabis Control Authority. The bill allows the Authority to begin issuing marijuana licenses on July 1, 2024, and allows, beginning July 1, 2023, certain pharmaceutical processors, pending establishment of the retail market, to cultivate, manufacture, and sell cannabis products to persons 21 years of age or older. The bill transitions from the Department of Agriculture and Consumer Services to the Authority the authority to regulate the testing, labeling, packaging, and advertising of regulated hemp products, as defined in the bill. The bill creates a process by which persons convicted of certain felony marijuana-related offenses committed prior to July 1, 2022, who remain incarcerated or on community supervision on July 1, 2023, may receive an automatic hearing to consider modification of such person's sentence.

Constitutional Amendments

Failed

HJ 553 Constitutional amendment (first reference); marriage between two individuals; repeal of same-sex marriage prohibition; affirmative right to marry. Repeals the constitutional provision defining marriage as only a union between one man and one woman as well as the related provisions that are no longer valid as a result of the United States Supreme Court decision in *Obergefell v. Hodges*, 576 U.S. 644 (2015). The amendment provides that the right to marry is a fundamental right

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inherent in the liberty of persons and requires the Commonwealth and its political subdivisions and agents to issue marriage licenses between two individuals, recognize marriages between two individuals, and treat all marriages between two individuals equally under the law, regardless of the sex or gender of the parties to the marriage. The amendment provides that religious organizations and clergy acting in their religious capacity have the right to refuse to perform any marriage.

Corrections

Passed

HB 2039 Local correctional facilities; fees; report. Eliminates or caps certain fees charged to inmates in local correctional facilities and repeals provisions that allow a sheriff or jail superintendent to establish a deferred or installment payment agreement or contract with a collections agency when an inmate is unable to pay fees owed to the local correctional facility. The bill establishes the manner in which the balance of all accounts maintained for an inmate's use must be transferred to the inmate upon release.

HB 2169/SB 1361 Parole Board; eligibility determinations; reports. Removes provisions that exempted from the mandatory disclosure provisions of the Virginia Freedom of Information Act the records of the Parole Board. The bill requires the Board to (i) adopt rules regarding parole eligibility as set forth in the bill; (ii) publish the statement of actions taken by the Board by the fifteenth day of each month; (iii) include in such statement individualized reasons for the granting or denial of parole and the vote of each member; (iv) conduct final deliberations and votes on parole decisions at public meetings; (v) publish an annual report that summarizes actions taken by the Board during the prior year; and (vi) provide a prisoner or his attorney with all information, other than the personal information of the victim, gathered by the Board during an investigation, provided that such information shall not be further disclosed, reproduced, copied, or disseminated. The bill provides that final discharges may be issued by the Board only upon approval by a majority of Board members and requires the Board to publish an annual report regarding such final discharges, with items specified in the bill. The bill also requires the Board, prior to making any decision to grant discretionary parole to an inmate, to have discussed and debated such decision at a meeting at which a majority of the Board members were present. The bill requires, in cases in which the Board grants discretionary parole to an inmate, each Board member to identify his reasoning for such decision at the time such member's vote is cast. The bill requires that parole review hearings include a live interview of the prisoner, which may be conducted in person or by videoconference or telephone, and, absent imminent death or other extraordinary circumstances, prohibits the Board from granting parole to any prisoner who has not received a live interview within the prior calendar year. The bill also allows the victim of the crime for which

the prisoner is incarcerated to present testimony to the Board by virtual means. The bill has a delayed effective date of July 1, 2024.

HB 2487/SB 887 Correctional facilities; use of restorative housing. Prohibits the use of restorative housing, defined in the bill, in state correctional facilities, subject to certain exceptions. The bill requires that an incarcerated person who has been placed in restorative housing be offered a minimum of four hours of out-of-cell programmatic interventions or other congregate activities per day aimed at promoting personal development or addressing underlying causes of problematic behavior. The bill also requires the facility administrator to have a defined and publicly available policy and procedure for the process of transitioning an incarcerated person placed in restorative housing out of such housing and back to the general population of the facility.

Failed

SB 994 Office of the Department of Corrections Ombudsman; created. Creates the Office of the Department of Corrections Ombudsman headed by an Ombudsman who is selected by a Corrections Oversight Committee, also created by the bill. The Committee is made up of four members of the General Assembly and 11 nonlegislative citizen members who monitor the activities of the Ombudsman and the Department of Corrections. The bill provides the Office's authority to conduct inspections at least once every three years and more often when warranted of Department or Board of Local and Regional Jails facilities and requires the Office to establish confidential telephone hotlines and online forms for concerns, complaints, and inquiries by inmates, their family members and advocates, and Department employees and contractors. In addition, the bill requires the Committee to conduct quarterly public hearings and submit an annual report to the Governor, the Attorney General, the Senate Committee on the Judiciary, the House Committee on Public Safety, and the Director of the Department. The provisions of the bill are contingent on funding in a general appropriation act.

SB 1274 Electronic communication systems within state correctional facilities; free telephone calls and communication services. Requires the Department of Corrections to provide telephone systems and web-based or electronic communications systems free of charge to any person, whether such person is initiating or receiving the communication.

Courts/Civil Law**Passed**

HB 1757/SB 845 Immunity of persons; tort actions; assertion of immunity; attorney fees and costs. Provides that a person shall be immune from tort liability if the tort claim is based solely on statements (i) regarding matters of public concern that would be protected under the First Amendment to the Constitution of the United States made by that person that are communicated to a third party; (ii) made 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 concerning matters properly before such body; or (iii) made by an employee against his employer and where retaliatory action against an employee by such employer is otherwise prohibited by law. The bill also provides that any person who prevails in such a legal action may be awarded reasonable attorney fees and costs.

HB 2028 Guardianship; duties of guardian; visitation requirements. Requires a guardian to visit an incapacitated person at least three times per year and at least once every 120 days. The bill requires that at least two of the visits be conducted by the guardian and directs that at least one of such visits be in-person. The bill allows the second visit by the guardian to be conducted by the guardian via virtual conference or video call. The bill allows the remaining visit to be conducted (i) by the guardian; (ii) by a person other than the guardian, including (a) a family member monitored by the guardian or (b) a skilled professional retained by the guardian to perform guardianship duties on behalf of the guardian and who is experienced in the care of individuals, including older adults or adults with disabilities; or (iii) via virtual conference or video call between either the guardian or such family member monitored by the guardian or skilled professional and the incapacitated person, provided that the technological means by which such conference or call can take place are readily available. The bill requires a person who visits the incapacitated person in lieu of the guardian to provide a written report to the guardian regarding any such visit.

SB 1367 Child abuse or neglect; definition; independent activities. Clarifies that no child whose parent or other person responsible for his care allows the child to engage in independent activities without adult supervision shall for that reason alone be considered to be an abused or neglected child, provided that (i) such independent activities are appropriate based on the child's age, maturity, and physical and mental abilities and (ii) such lack of supervision does not constitute conduct that is so grossly negligent as to endanger the health or safety of the child. The bill provides that such independent activities include traveling to or from school or nearby locations by bicycle or on foot, playing outdoors, or remaining at home for a reasonable period of time.

Courts/Criminal Justice**Passed**

HB 1572/SB 1291 False emergency communication to emergency personnel; penalties. Provides that it is a Class 1 misdemeanor for any person to knowingly report, or cause another to report in reliance on intentionally false information provided by such person, a false emergency communication to any emergency personnel that results in an emergency response. The bill also provides that it is a Class 6 felony if such false emergency communication results in an emergency response and any person suffers a serious bodily injury as a direct and proximate result of the false emergency communication and a Class 5 felony if any person is killed as a direct and proximate result of the false emergency communication. The bill authorizes any locality to provide by ordinance that a person convicted of such false emergency communication shall be liable for the reasonable expense in responding to such false emergency communication.

HB 1673/SB 1156 Strangulation by blocking or obstructing the airway of another; penalty. Provides that any person who, without consent, impedes the blood circulation or respiration of another person by knowingly, intentionally, and unlawfully blocking or obstructing the airway of such person resulting in the wounding or bodily injury of such person is guilty of suffocation, a Class 6 felony.

HB 1682/SB 1188 Weapon of terrorism; definition; penalty. Includes any mixture or substance containing a detectable amount of fentanyl, including its isomers, esters, ethers, salts, and salts of isomers, as a weapon of terrorism for the purpose of defining terrorism offenses. The bill provides that any person who knowingly and intentionally manufactures or knowingly and intentionally distributes a weapon of terrorism when such person knows that such weapon of terrorism is, or contains, any mixture or substance containing a detectable amount of fentanyl is guilty of a Class 4 felony.

HB 2372/SB 1135 Possession, purchase, or sale of catalytic converters; penalty. Makes it a Class 6 felony for any person to sell, offer for sale, or purchase a catalytic converter from a motor vehicle exhaust system that has been detached from a motor vehicle, except when such sale, offer for sale, or purchase is made to or by a scrap metal purchaser that has adhered to the required compliance provisions. The bill provides that a judge or jury may make a permissive inference that a person who is in possession of a catalytic converter that has been removed from a motor vehicle is presumed to have criminally obtained such catalytic converter unless the person is an authorized agent or employee acting in the performance of his official duties for a motor vehicle dealer, motor vehicle garage or repair shop, or salvage yard that is licensed or registered by the Commonwealth or a person who possesses vehicle registration documentation indicating that the catalytic converter in

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the person's possession is the result of a replacement of a catalytic converter from a vehicle registered in that person's name.

HB 2398 Sexual extortion; penalties. Creates a Class 5 felony for any person who maliciously threatens in writing, including an electronically transmitted communication producing a visual or electronic message, (i) to disseminate, sell, or publish a videographic or still image, created by any means whatsoever, or (ii) to not delete, remove, or take back a previously disseminated, sold, or published videographic or still image, created by any means whatsoever, that depicts the complaining witness or such complaining witness's family or household member as totally nude or in a state of undress so as to expose the genitals, pubic area, buttocks, or female breast with the intent to cause the complaining witness to engage in sexual intercourse, cunnilingus, fellatio, anilingus, anal intercourse, inanimate or animate object sexual penetration, or an act of sexual abuse and thereby engages in such acts. The bill also creates an unclassified felony punishable by not less than one nor more than 20 years and a fine of not more than \$100,000 for any adult who violates the provisions of the bill with a person under the age of 18.

Failed

HB 1455 Selling, giving, or distributing a substance containing fentanyl; penalties. Provides that any person who sells, gives, or distributes a substance he knows contains two milligrams or more of any mixture or substance containing a detectable amount of fentanyl, including its isomers, esters, ethers, salts, and salts of isomers, to another person without such person's knowledge that the substance sold, given, or distributed contains fentanyl is guilty of attempted murder of the first degree by poison. The bill also provides that if such sale, gift, or distribution results in the death of the other person from his use of the substance containing fentanyl, then the person who sold, gave, or distributed the substance is guilty of murder of the first degree by poison.

SB 842 Petition for modification of sentence; eligibility; procedures. Provides a petition process for a person serving a sentence for any conviction or a combination of any convictions who remains incarcerated in a state or local correctional facility and meets certain criteria to petition the circuit court that entered the original judgment or order to (i) suspend the unserved portion of such sentence or run the unserved portion of such sentence concurrently with another sentence, (ii) place such person on probation for such time as the court shall determine, or (iii) otherwise modify the sentence imposed.

SB 1229 Admission to bail; rebuttable presumptions against bail. Creates a rebuttable presumption against bail for certain criminal offenses enumerated in the bill. The bill also requires the court to consider specified factors when determining whether the presumption against bail has been rebutted and whether there are appropriate conditions of release.

Education

Passed

HB 1526 Student literacy measures; scope; students in grades four through eight. Expands several provisions of the Virginia Literacy Act, enacted during the 2022 Regular Session of the General Assembly, effective with the 2024–2025 school year, and currently applicable to students in kindergarten through grade three, to students in grades four through eight, including (i) requiring each local school board to provide a program of literacy instruction to such students that is aligned with science-based reading research and provides evidenced-based literacy instruction; (ii) requiring each local school board to provide reading intervention services to such students who demonstrate substantial deficiencies based on their individual performance on the Standards of Learning reading assessment or a literacy screener provided or approved by the Department of Education; (iii) permitting the reading plan required for certain students in grades six through eight to include a literacy course, in addition to the course required by the Standards of Learning in English, that provides the specific evidence-based literacy instruction identified in such plan; (iv) requiring the Department to develop a list of core literacy curricula, supplemental instruction practices and programs, and intervention programs that consist of evidence-based literacy instruction aligned with science-based reading research for such students; (v) requiring each local school board to employ one reading specialist for each 550 students in kindergarten through grade eight; (vi) requiring the Board of Education to provide guidance on and each local school board to provide high-quality professional development and training in science-based reading research and evidence-based literacy instruction for certain middle school personnel; and (vii) requiring each divisionwide comprehensive plan to include a divisionwide literacy plan for such students.

HB 1592/SB 1072 Public schools; codes of student conduct; policies and procedures prohibiting bullying; parental notification. Requires each local school board to require the principal of each public school or his designee to notify the parent of any student who is involved in an alleged bullying incident of the alleged incident within 24 hours of learning of such allegation. Current law only requires the principal to notify any such parent of the status of any investigation into an alleged incident of bullying within five school days of when such allegation was made.

HB 1840/SB 1211 Eastern Virginia Medical School; establishment of Eastern Virginia Health Sciences Center at Old Dominion University. Repeals provisions establishing and relating to Eastern Virginia Medical School and designates the schools and divisions previously existing as Eastern Virginia Medical School and such other academic units of Old Dominion University related to the health sciences as may be identified by the Old Dominion University Board of Visitors as the Eastern Virginia Health Sciences Center at Old Dominion University (the Health

Sciences Center). The bill permits Old Dominion University to provide medical and health sciences education and related research through the teaching hospitals and related health care and health maintenance facilities at the Health Sciences Center and contains provisions relating to the operations of the Health Sciences Center, including provisions relating to cooperative arrangements and joint ventures. This bill has a delayed effective date of January 1, 2024.

HB 1916/SB 910 Public institutions of higher education; threat assessment teams; powers and duties. Makes several changes to the powers and duties of the threat assessment team at each public institution of higher education, including requiring, upon a preliminary determination that an individual poses an articulable and significant threat of violence to others, each such team to (i) obtain any available criminal history record information and health records for such individual; (ii) notify in writing within 24 hours upon making such preliminary determination (a) the campus police department; (b) local law enforcement for the city or county in which the public institution of higher education is located, local law enforcement for the city or county in which the individual resides, and, if known to the threat assessment team, local law enforcement for the city or county in which the individual is located; and (c) the local attorney for the Commonwealth in any jurisdiction where the threat assessment team has notified local law enforcement; and (iii) disclose any specific threat of violence posed by the individual as part of such notification, and permitting each such team to invite nonmember representatives from campus to participate in individual cases.

Failed

HB 1508 Virginia Education Success Account Program; establishment. Permits the parents of qualified students, defined in the bill, to apply for a one-year, renewable Virginia Education Success 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 school division in which the qualified 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 for which the qualified student is eligible. The bill permits the parent of the qualified student to use the moneys in such account for certain qualified expenses of the qualified student, including tuition, deposits, fees, and required textbooks at a private elementary school or secondary school that is located in the Commonwealth. The bill also contains provisions relating to program and account administration by the Department of the Treasury and a third-party financial institution that serves as program administrator pursuant to a contract with the Department of the Treasury.

HB 1800 Public institutions of higher education; transparency. Imposes several requirements on governing boards of public institutions of higher education relating to transparency, including requirements to (i) report by September 1 of each year to the

Chairmen of the House Committees on Appropriations and Education and the Senate Committees on Finance and Appropriations and Education and Health (a) the number of executive staff members, including all administrative staff directly reporting to the chief executive officer of such institution, employed by such institution or any educational foundation associated with such institution and the salary and compensation of each such executive staff member and (b) the total value of any contract with any outside individual or entity to provide lobbying services for the institution; (ii) record video of each meeting of the full board and its committees and make publicly available on the institution's website in a position of prominence a link that permits any member of the public to livestream each meeting of the full board and its committees and, within 10 business days after the date of any meeting of the full board or any of its committees, view video recordings for each such meeting; and (iii) prior to any vote to enter into or renew a contract for the employment of the chief executive officer of the institution, hold a public meeting to provide an opportunity for written, virtual, and in-person public comment on such contract at least 120 days prior to any such meeting at which it will vote to enter into or renew such contract and provide notice of such public meeting in accordance with relevant law. The bill also requires each public institution of higher education to make publicly available on the institution's website in a position of prominence and present annually to the governing board of the institution an annual report regarding foundations associated with the institution setting forth foundation expenses that includes the percentage of expenditures used for government relations and lobbying activities and compensation of the chief executive officer and the total expenditures used for executive or administrative compensation for each department.

Firearms/Weapons

Passed

HB 2298 Carrying concealed weapons; exceptions; penalty. Removes switchblade knives from and adds stiletto knives to the list of concealed weapons the carrying of which is prohibited in public.

HB 2467 Purchase of firearms; special identification without a photograph. Provides that to establish personal identification and residence in Virginia for the purposes of purchasing a firearm, a prospective purchaser may present a special identification card without a photograph issued by the Department of Motor Vehicles to a person with a sincerely held religious belief prohibiting the taking of a photograph.

SB 1492 Carrying a firearm or explosive material within Capitol Square and the surrounding area; exceptions for State Police officers. Adds an exception for off-duty State Police officers and retired State Police officers to the prohibition on carrying a firearm within Capitol Square and the surrounding area, any

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building owned or leased by the Commonwealth or any agency thereof, or any office where employees of the Commonwealth or any agency thereof are regularly present for the purpose of performing their official duties.

Failed

HB 1427 Control of firearms by localities. Removes a locality's authority to prohibit the possession or carrying of firearms, ammunition, or components or any combination thereof in (i) any public park owned or operated by the locality; (ii) any recreation or community center facility operated by the locality; or (iii) any public street, road, alley, or 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.

HB 2141 Owners of firearms; use of firearm by minor in commission of crime or to cause bodily injury; penalty. Creates a Class 1 misdemeanor for an owner of a firearm, as defined in the bill, who (i) allows a minor to possess such firearm and such minor uses such firearm (a) in the commission of a crime or (b) to intentionally or with gross negligence cause bodily injury to himself or another person or (ii) knows or reasonably should know that a minor is in close proximity, as defined in the bill, to such firearm as to allow such minor to possess or transport such firearm in violation of law and the minor uses such firearm (a) in the commission of a crime or (b) to cause bodily injury to himself or another person. The bill elevates the penalty to a Class 5 felony if such owner of a firearm knows or reasonably should have known that such minor has been charged with or convicted of or adjudicated delinquent of a violent crime or has been the subject of a school-initiated threat assessment.

HB 2240 Prohibiting the sale, transport, etc., of assault firearms, large-capacity firearm magazines, and silencers; penalties. Expands the definition of "assault firearm" and prohibits any person from importing, selling, transferring, manufacturing, purchasing, or transporting an assault firearm. A violation of this provision of the bill is a Class 6 felony. The bill also prohibits a dealer from selling, renting, trading, or transferring from his inventory an assault firearm to any person. The bill makes it a Class 6 felony to import, sell, transfer, manufacture, purchase, or transport a large-capacity firearm magazine, as defined in the bill, and a Class 1 misdemeanor to possess such large-capacity firearm magazine. The bill provides that any person who legally owns a large-capacity firearm magazine on July 1, 2023, may retain possession of such firearm magazine until January 1, 2024, and during that time, such person shall (i) render the large-capacity firearm magazine permanently inoperable, (ii) remove the large-capacity firearm magazine from the Commonwealth, (iii) transfer the large-capacity firearm magazine to a person outside the Commonwealth who is not prohibited from possessing it, or (iv) surrender the large-capacity firearm magazine to a state or local law-enforcement agency.

Finally, the bill makes it a Class 6 felony for any person to import, sell, transfer, manufacture, or purchase a silencer, except as provided for in the National Firearms Act.

SB 1139 Storage of firearms in a residence where a minor is present; penalty. Requires any person who possesses a firearm in a residence where such person knows that a minor under 18 years of age or a person who is prohibited by law from possessing a firearm resides shall store such firearm and the ammunition for such firearm in a locked container, compartment, or cabinet that is inaccessible to such minor or prohibited person. The bill provides that a violation is a Class 4 misdemeanor. The bill exempts any person in lawful possession of a firearm who carries such firearm on or about his person, the storage of antique firearms, and the lawful authorization of a minor to access a firearm. The bill also requires firearm dealers to post a notice stating such firearm storage requirements and the penalty for not properly storing such firearms.

General Laws

Passed

HB 1419/SB 1498 Brown v. Board of Education Scholarship Program; extension of eligibility. Extends eligibility for the Brown v. Board of Education Scholarship Program to the lineal and collateral descendants of persons who were residing in jurisdictions in Virginia in which the public schools were closed to avoid desegregation between 1954 and 1964 and whose educations were affected by the school closings. Currently, only persons who resided in such jurisdictions at the time of the school closings are eligible for the program.

HB 1606 Antisemitism. Provides that the Commonwealth adopts the non-legally binding Working Definition of Antisemitism adopted by the International Holocaust Remembrance Alliance on May 26, 2016, including the contemporary examples of antisemitism set forth therein, exclusively as a tool and guide for training, education, recognizing, and combating antisemitic hate crimes or discrimination and for tracking and reporting antisemitic incidents in the Commonwealth.

HB 1951/SB 1478 Official emblems and designations; state pony. Designates the Chincoteague Pony as the official pony of the Commonwealth.

HB 2082 Virginia Residential Landlord and Tenant Act; employees of the landlord; rental dwelling unit keys and electronic key codes. Requires a landlord who owns more than 200 rental dwelling units that are attached to the same piece of real property to require any applicant for employment in any position that will have access to keys, defined in the bill, to each rental dwelling unit to be subject to a pre-employment criminal history records check. The bill also provides that a landlord must establish written policies and procedures for the (i) storage, issuance and

return, and security of; (ii) access to; and (iii) if applicable, usage and deactivation of rental dwelling unit keys and electronic key codes. The provisions of the bill do not apply to a financial institution or a real estate licensee.

HB 2180/SB 1213 Department of Professional and Occupational Regulation; universal license recognition. Establishes criteria for an individual licensed, certified, or having work experience in another state to apply to a regulatory board within the Department of Professional and Occupational Regulation and be issued an occupational license or government certification if certain conditions are met.

HB 2362/SB 924 Burial fees for military spouses. Provides that, from such funds as may be appropriated or otherwise received for such purpose, the Commonwealth shall pay any burial fee for (i) a member of the National Guard and Reserve or (ii) a deceased spouse of a member or veteran of the United States Armed Forces or of the National Guard and Reserve, regardless of whether such spouse's death precedes or succeeds the death of the member or veteran.

HB 2441 Virginia Residential Landlord and Tenant Act; termination of multiple month-to-month tenancies by landlord. Requires any owner of multifamily premises that fails to renew the greater of either 20 or more month-to-month tenancies or 50 percent of the month-to-month tenancies within a consecutive 30-day period in the same multifamily premises to serve written notice on each such tenant at least 60 days prior to allowing such tenancy to expire. The bill exempts a landlord from the 60 days' notice requirement where a tenant has failed to pay rent in accordance with the rental agreement.

HB 2500/SB 1313 Virginia Public Procurement Act; private contracts; payment of subcontractors. Clarifies certain definitions throughout the Code for consistency between public and private construction contracts. The bill updates the notice required when a general contractor withholds all or a part of the amount invoiced by a subcontractor in a public construction contract and when an owner withholds payment from a general contractor to include language specifically identifying the contractual noncompliance, the dollar amount being withheld, and the lower-tier subcontractor responsible for the contractual noncompliance.

SB 1108 Virginia Consumer Protection Act; prohibited practices; kratom products. Provides that it is a prohibited practice under the Virginia Consumer Protection Act to sell or offer for sale (i) any kratom product, defined in the bill, to a person younger than 21 years of age or (ii) any kratom product that does not provide a label listing all ingredients and with the following guidance: "This product may be harmful to your health, has not been evaluated by the FDA, and is not intended to diagnose, treat, cure, or prevent any disease."

Failed

SB 936 Department of Emergency Management; comprehensive extreme heat emergency response plan. Directs the Department of Emergency Management to develop a comprehensive extreme heat emergency response plan by November 1, 2023. Such plan shall include criteria for (i) developing a heat adaptation plan, (ii) convening a heat emergency coordination team to facilitate coordination across state agencies, (iii) establishing public cooling spaces, (iv) developing extreme heat health warning systems and protocols, (v) establishing partnerships with community-based organizations to provide services and support to all communities, and (vi) examining housing cooling needs.

SB 1138 Virginia Residential Landlord and Tenant Act; rent increase during tenancy; conditions. Provides that, except for any increase in rent that occurs after the first year of a lease with a term longer than one year, a rental agreement shall not contain provisions that the tenant agrees to pay any increase in rent during the term of a written lease unless such increase is agreed to in a separate, written document signed by the tenant and the landlord that includes (i) the new amount of rent to be charged to the tenant, (ii) the date upon which the rent increase becomes effective, and (iii) any additional terms or benefits to the tenant agreed to as consideration for such increase in rent.

SJ 240 Study; Department of Energy; impacts of data center development; report. Directs the Department of Energy to study the impacts of data center development on Virginia's environment, economy, energy resources, and ability to meet carbon-reduction goals.

Health

Passed

HB 1426/SB 1147 Board of Medicine; continuing education; human trafficking. Requires that, of the hours of continuing education required for renewal of licensure, any licensee of the Board of Medicine may be required by the Board of Medicine to complete up to two hours of continuing learning activities or courses in a specific subject area. Under the bill, if the Board of Medicine designates a subject area for continuing learning activities or courses, the first subject area shall be on the topic of human trafficking.

HB 1450/SB 798 Individuals with disabilities; terminology. Replaces various instances of the terms "handicap," "handicapped," and similar variations throughout the Code of Virginia with alternative terms, as appropriate in the statutory context, such as "disability" and "impairment." The bill contains technical amendments. As introduced, this bill was a recommendation of the Virginia Disability Commission.

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HB 1511/SB 1275 Midwifery; administration of medication.

Allows licensed midwives to obtain, possess, and administer drugs and devices within the scope of their practice. The bill requires the Board of Medicine to develop and publish best practice and standards of care guidance for all such drugs. The bill limits the liability of entities that provide or dispense drugs or devices to a licensed midwife and that rely in good faith upon the license information provided by the licensed midwife. Under the bill, completing all Alliance for Innovation on Maternal Health patient safety bundles advanced by the Virginia Neonatal Perinatal Collaborative is required of any licensed midwife who obtains, possesses, and administers drugs and devices within the scope of his practice.

HB 1525/SB 846 Background checks; peer recovery specialists; barrier crime exceptions. Permits the Department of Behavioral Health and Developmental Services, direct care service providers, and community boards to hire peer recovery specialists who have been convicted of certain barrier crimes where a history of such offense does not pose a risk in the work of a peer recovery specialist.

HB 1573/SB 970 Department of Health Professions; applications for licensure, certification, and registration; mental health conditions and impairment; emergency. Directs each health regulatory board within the Department of Health Professions to amend its licensure, certification, and registration applications to remove any existing questions pertaining to mental health conditions and impairment and to include the following questions: (i) Do you have any reason to believe that you would pose a risk to the safety or well-being of your patients or clients? and (ii) Are you able to perform the essential functions of a practitioner in your area of practice with or without reasonable accommodation? The bill contains an emergency clause.

HB 2274/SB 948 Pharmacist scope of practice; initiation of treatment for certain diseases and conditions. Allows pharmacists to initiate treatment with, dispense, or administer controlled substances or devices for the initiation of treatment of group A Streptococcus bacteria infection, influenza virus infection, COVID-19 virus infection, and urinary tract infection to persons 18 years of age or older with whom the pharmacist has a bona fide pharmacist-patient relationship in accordance with regulations set forth by the Board of Pharmacy. The bill directs the Board of Pharmacy to adopt a statewide protocol for the initiation of treatment with and dispensing and administering of drugs and devices by pharmacists in accordance with the provisions of the bill by November 1, 2023. The bill provides that such protocol shall be developed by a work group consisting of representatives from the Board of Pharmacy, the Board of Medicine, and the Department of Health and directs the Board of Pharmacy to adopt emergency regulations to implement the provisions of the bill.

Failed

HB 1658 Proposed scope of practice changes; health regulatory board assessment required; report. Directs the General Assembly to submit bills proposing scope of practice changes related to the health professions to the relevant health regulatory board for assessment. The bill provides that the relevant health regulatory board has 24 months to complete its assessment and directs the board to forward a report summarizing its assessment and recommendations to the chairman of the standing committee that requested the assessment.

SB 1487 Alkaline hydrolysis; registration; regulations. Establishes a registration requirement for alkaline hydrolysis providers. The bill defines alkaline hydrolysis and adds alkaline hydrolysis and hydrolyzed remains to statutes dealing with cremation and cremains. The bill grants the Board of Funeral Directors and Embalmers the power to inspect alkaline hydrolysis providers and their operations. The bill requires the Board to consult with the Department of Environmental Quality, the Department of Health, and representatives of waste water treatment facilities and funeral service associations to promulgate regulations related to alkaline hydrolysis.

Insurance

Passed

HB 2199/SB 1397 Health Insurance Reform Commission; review of essential health benefits plan. Requires that the Health Insurance Reform Commission review the essential health benefits benchmark plan and establishes a process for such review. The bill requires the Commission, in coordination with the Bureau of Insurance, to conduct a review of the essential health benefits benchmark plan in 2025 and every five years thereafter. The bill requires during such review (i) the Bureau to convene a stakeholder workgroup to make recommendations to the Commission, (ii) the Bureau to estimate the effects of certain referred legislation on the costs of health coverage in the Commonwealth, (iii) the Commission to determine if any changes are to be made to the benchmark plan and to identify such changes, (iv) the Bureau to conduct an actuarial analysis of any changes identified by the Commission, and (v) the Commission to determine which changes will be recommended and to make a recommendation to the General Assembly in the form of a bill that directs the Bureau to select a new benchmark plan that includes any such changes at the next regular session of the General Assembly. The bill (a) requires public hearings to be held throughout the process, (b) establishes a timeline for each step of the process, and (c) requires the Bureau to maintain a website to convey relevant information regarding the process to the public. As introduced, this bill was a recommendation of the Health Insurance Reform Commission.

Labor and Commerce**Passed****HB 1770/SB 1265 Virginia Electric Utility Regulation Act.**

Authorizes Dominion Energy Virginia, on or before July 1, 2024, to petition the State Corporation Commission (the Commission) for a financing order for deferred fuel costs. The bill sets forth specific transaction terms and other provisions related to the financing order. Before granting a financing order, the Commission is required to find that (i) the proposed issuance of deferred fuel cost bonds is in the public interest and the associated deferred fuel cost charges are just and reasonable and (ii) the structuring and pricing of the deferred fuel cost bonds are reasonably expected to result in reasonable deferred fuel cost charges consistent with market conditions at the time the deferred fuel cost bonds are priced and the terms set forth in such financing order. The bill requires the financing order to include, among other things: (a) the amount of deferred fuel costs to be financed using deferred fuel cost bonds; (b) a requirement that deferred fuel cost charges authorized under a financing order are non-bypassable and paid by all retail customers of the electric utility, irrespective of the generation supplier of such customer, except for certain exempt customers; (c) a formula-based true-up mechanism for making annual adjustments to the deferred fuel cost charges; and (d) a method of tracing funds collected as deferred fuel cost charges. The bill requires the utility to permit certain retail customers to opt out of financing the customer's pro rata obligation for the deferred fuel cost charges through deferred fuel cost bonds. Under the bill, the financing order is irrevocable.

The bill creates the deferred fuel cost charge and provides that the revenues generated by this charge, known as deferred fuel cost property, is a property right that can be transferred and pledged as security for the deferred fuel cost bonds. The bill establishes the procedures for creating, perfecting, and enforcing the security interest in deferred fuel cost property. The bill includes a state non-impairment obligation. Under the bill, if the deferred fuel cost bonds are issued, the Commonwealth and its agencies, including the Commission, agree not to take any action that would limit or alter the deferred fuel cost charges until the deferred fuel cost bonds have been paid and performed in full.

The bill makes various changes to procedures under which the Commission reviews the earnings and sets the rates of investor-owned incumbent electric utilities. The bill provides that, in lieu of the triennial review proceedings required under current law, Dominion Energy Virginia, beginning in 2023, will be subject to biennial reviews of their rates, terms, and conditions for generation, distribution, and transmission services. The bill requires that if, during a biennial review filed on or before December 31, 2023, the Commission determines that the utility has earned more than 70 basis points above its fair combined rate of return on its generation and distribution services, the Commission will direct that 85 percent of the amount of such overearnings be credited to customers' bills.

For a biennial review filed after December 31, 2023, the bill requires that if the Commission determines that the utility has earned above its fair combined rate of return on its generation and distribution services, the Commission will direct that 85 percent of the amount of such overearnings be credited to customers' bills and that all of any such overearnings that were more than 150 basis points above the utility's fair combined rate of return on its generation and distribution services be credited to customers' bills.

The bill requires that the Commission, in determining a fair rate of return on common equity for an investor-owned electric utility in any biennial review initiated prior to December 31, 2023, set such rate at 9.70 percent, which is based on the simple average of the authorized returns for vertically integrated electric utilities by the applicable regulatory commissions in the peer group jurisdictions of Florida, Georgia, Texas, Tennessee, West Virginia, Kentucky, and North Carolina. The bill provides that for any review after December 31, 2023, the Commission may use any methodology to determine such return it finds consistent with the public interest. The bill provides that the Commission may increase or decrease an electric utility's combined rate of return for generation and distribution services by up to 50 basis points based on factors that may include reliability, generating plant performance, customer service, operating efficiency of a utility, and load forecasting. The bill requires the Commission, before December 31, 2023, to direct the initiation of a proceeding to review and determine the appropriate protocols and standards applicable to implementing any such performance-based adjustments.

The bill provides that in any proceeding to establish base rates for Appalachian Electric Power or Dominion Energy Virginia conducted by the Commission, if the Commission determines in its sole discretion that the utility's existing base rates will, on a going-forward basis, either produce (1) revenues in excess of the utility's authorized rate of return or (2) revenues below the utility's authorized rate of return, then the Commission is required to order any reductions or increases, as applicable and necessary, to such base rates that it deems appropriate to ensure the resulting base rates (A) are just and reasonable and (B) provide the utility an opportunity to recover its costs of providing services over the rate period and earn a fair rate of return.

The bill requires Dominion Energy Virginia, in its 2023 biennial review, to combine certain rate adjustment clauses having a combined annual revenue requirement of at least \$350 million with the utility's base rates. The bill provides that the combination of such rate adjustment clauses is subject to audit by the Commission in the utility's 2023 biennial review filing. The bill authorizes the Commission to, in its discretion, direct the consolidation of any previously implemented rate adjustment clauses in the interest of judicial economy, customer transparency, or other factors the Commission determines to be appropriate.

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The bill requires the Commission to include in its report to the Commission on Electric Utility Regulation and the Governor any information concerning the reliability impacts of generation unit additions and retirement determinations by Appalachian Power and Dominion Energy Virginia, along with the potential impact on the purchase of power from generation assets outside the Virginia jurisdiction used to serve the utility's native load.

The bill requires Dominion Energy Virginia, through December 31, 2024, to undertake reasonable efforts to maintain, subject to audit by the Commission, its common equity capitalization to total capitalization ratio at a level equal to 52.10 percent.

HB 1924 Minimum wage; employees with disabilities. Provides that individuals with disabilities that are paid at subminimum wage pursuant to the federal Fair Labor Standards Act are employees for the purposes of the Virginia Minimum Wage Act. The bill requires every employer of such employees to pay such employees wages at a rate not less than (i) from July 1, 2023, until July 1, 2024, \$9.50 per hour; (ii) from July 1, 2024, until July 1, 2025, \$10.50 per hour; and (iii) from July 1, 2025, until July 1, 2026, \$11.50 per hour. The bill requires that from and after July 1, 2026, every employer of such employees pay such employees at a rate equivalent to all other employees covered by the Virginia Minimum Wage Act.

HB 2195/SB 1470 Department of Workforce Development and Advancement created; consolidation of the Commonwealth's workforce development policies and programs; report. Creates the Department of Workforce Development and Advancement (the Department) to administer workforce development programs. The bill consolidates statewide workforce program evaluation and data sharing under the Department and provides protections against improper disclosure of data. The bill provides for the Virginia Board of Workforce Development to conduct an independent evaluation of the operations and program objectives of the Department on a biennial basis with the first report due on December 1, 2025. The bill also (i) transfers administration of apprenticeship programs from the Department of Labor and Industry to the Department, (ii) directs the State Council of Higher Education for Virginia to collaborate with the Department to grow and expand the Innovative Internship Fund and Program, and (iii) directs the Secretary of Labor (the Secretary) to conduct a comprehensive review of the Commonwealth's workforce development programs and make recommendations to address a wide range of subjects relating to improving the effectiveness and efficiency of such programs. The Secretary is also required to convene a stakeholder work group to advise the Secretary during the transition period. As introduced, this bill was a recommendation of the Small Business Commission.

Failed

HB 1921 Financial institutions; earned wage access services; licensure requirements; penalties. Prohibits any person from providing earned wage access services without first obtaining a

license from the State Corporation Commission. The bill provides for qualifications for licensure, posting of a bond, annual fees, recordkeeping, reporting, and disclosure requirements. The bill authorizes the Commission to investigate and examine applicants and licensees, to suspend and revoke licenses, and to impose a civil penalty of up to \$1,000 for violations of the earned wage access services provisions. The bill authorizes the Attorney General to investigate violations of its provisions and seek damages or other relief allowed by applicable law and specifies that any violation of its provisions constitutes a prohibited practice for purposes of the Virginia Consumer Protection Act. The bill provides that any person who engages in earned wage access services without having first obtained a license from the Commission is guilty of a Class 1 misdemeanor. The bill licensure requirements have a delayed effective date of January 1, 2025, and the bill requires any person required to be licensed by the Commission to engage in earned wage access services to submit an application for licensure no later than October 1, 2024. See also SB 1217.

SB 1083 Shared solar programs; Phase I Utility; report. Requires the State Corporation Commission to establish by regulation a shared solar program that allows customers of a Phase I Utility to purchase electric power through a subscription in a shared solar facility, defined in the bill as a facility that, among other criteria, generates electricity by means of a solar photovoltaic device with a nameplate capacity that does not exceed 5,000 kilowatts. The bill provides that a customer's net bill for participation in the shared solar program shall not exceed the minimum bill that the Commission is required to establish, provides considerations for the Commission in establishing such minimum bill, such as minimizing the costs shifted to nonparticipating customers, and provides that the calculation of a customer's minimum bill each month shall be based on the kilowatt hours billed by the utility rather than the subscriber's portion of shared solar utility generation. The bill provides that the Commission shall approve a shared solar program of 150 megawatts with a minimum requirement of 30 percent low-income customers and that an additional 50 megawatts shall be approved by the Commission upon determining that at least 45 megawatts of the aggregated shared solar capacity in the Commonwealth are subscribed to by low-income customers. The bill requires that any rule or utility implementation filings approved by the Commission shall allow all jurisdictional and nonjurisdictional customer classes to participate in the program, create a stakeholder work group to facilitate low-income customer and low-income service organization participation in the program, and encourage public-private partnerships to further the Commonwealth's clean energy and equity goals, among other requirements.

Local Government

Passed

HB 1676/SB 1185 Annexation; extension of current moratorium. Extends by eight years, from 2024 to 2032, the current moratorium on city annexations and county immunity actions. Provisions that would trigger the early expiration of the moratorium if the General Assembly fails to appropriate certain amounts for local law-enforcement expenditures are exempted through the 2030–2032 biennium.

SB 1455 Civil disturbance; local curfew; penalty. Enables the chief law-enforcement officer of a locality to enact a curfew under certain circumstances during a civil disturbance. The bill clarifies that such action in cities shall be in concurrence with the city manager and the mayor. The bill requires that such action specify the hours of the curfew and the geographic area to which the curfew applies and provide for various specified exceptions. The action authorizing the curfew shall provide for reasonable efforts to inform the public in advance of the curfew, which shall be valid for no more than 24 hours. The bill provides that such curfew shall not be extended or renewed unless by recorded vote of the local governing body or by judicial order. The bill provides that any violation is a Class 1 misdemeanor.

Failed

SB 1312 Electric vehicle charging stations; requirement for certain developments. Provides that any locality may by ordinance require electric vehicle charging stations as part of subdivision or site plan approval for a development containing commercial, industrial, or multifamily residential uses with a density of seven residential dwelling units per acre or greater.

Social Services

Passed

HB 1744 Adoption and foster care; home study reciprocity. Provides that home studies conducted by a local board of social services or licensed child-placing agency for the purpose of placing a child in a foster home or with an adoptive family shall, on and after January 1, 2024, be transferable between all localities, local boards, and licensed child-placing agencies within the Commonwealth at the request of the prospective foster parent or the prospective adoptive parent, subject to any time limitations or other requirements imposed by law or regulation. The bill requires all home studies to be conducted in accordance with the Mutual Family Assessment home study template and any addenda thereto developed by the Department of Social Services. The bill directs the State Board of Social Services to promulgate regulations that establish market rates for such home studies.

HB 1969 Adult adoptee access to original birth certificate. Grants adoptees 18 years of age or older access to their original birth certificate.

HB 1976/SB 1299 Temporary detention; release of detained individual. Permits the director of a facility where a person is awaiting transport to the facility of temporary detention pursuant to a temporary detention order to release the person if an employee or a designee of the local community services board, in consultation with the person's treating physician, (i) conducts an evaluation of the person, (ii) determines that the person no longer meets the commitment criteria, (iii) authorizes the release of the person, and (iv) provides a discharge plan.

HB 2169/SB 1361 Parole Board; eligibility determinations; reports. Removes provisions that exempted from the mandatory disclosure provisions of the Virginia Freedom of Information Act the records of the Parole Board. The bill requires the Board to (i) adopt rules regarding parole eligibility as set forth in the bill; (ii) publish the statement of actions taken by the Board by the fifteenth day of each month; (iii) include in such statement individualized reasons for the granting or denial of parole and the vote of each member; (iv) conduct final deliberations and votes on parole decisions at public meetings; (v) publish an annual report that summarizes actions taken by the Board during the prior year; and (vi) provide a prisoner or his attorney with all information, other than the personal information of the victim, gathered by the Board during an investigation, provided that such information shall not be further disclosed, reproduced, copied, or disseminated.

The bill provides that final discharges may be issued by the Board only upon approval by a majority of Board members and requires the Board to publish an annual report regarding such final discharges, with items specified in the bill. The bill also requires the Board, prior to making any decision to grant discretionary parole to an inmate, to have discussed and debated such decision at a meeting at which a majority of the Board members were present. The bill requires, in cases in which the Board grants discretionary parole to an inmate, each Board member to identify his reasoning for such decision at the time such member's vote is cast. The bill requires that parole review hearings include a live interview of the prisoner, which may be conducted in person or by videoconference or telephone, and, absent imminent death or other extraordinary circumstances, prohibits the Board from granting parole to any prisoner who has not received a live interview within the prior calendar year. The bill also allows the victim of the crime for which the prisoner is incarcerated to present testimony to the Board by virtual means. The bill has a delayed effective date of July 1, 2024.

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Failed

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

SB 1133 Cannabis control; retail market; transitional sales; regulated hemp products; penalties. Establishes a framework for the creation of a retail marijuana market in the Commonwealth, which would be administered by the Virginia Cannabis Control Authority. The bill allows the Authority to begin issuing marijuana licenses on July 1, 2024, and allows, beginning July 1, 2023, certain pharmaceutical processors, pending establishment of the retail market, to cultivate, manufacture, and sell cannabis products to persons 21 years of age or older. The bill transitions from the Virginia Department of Agriculture and Consumer Services to the Authority the authority to regulate the testing, labeling, packaging, and advertising of regulated hemp products, as defined in the bill. The bill creates a process by which persons convicted of certain felony marijuana-related offenses committed prior to July 1, 2022, who remain incarcerated or on community supervision on July 1, 2023, may receive an automatic hearing to consider modification of such person's sentence.

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

Taxation

Passed

HB 1456/SB 1476 Income tax; pass-through entities. Makes changes to the elective entity level tax on pass-through entities effective beginning with taxable year 2021. The bill would impose the tax only on the share of income, gain, loss, or deduction

attributable to eligible owners as opposed to imposing the tax on the entire entity. The bill defines "eligible owner" as an owner of a pass-through entity that is a natural person, estate, or trust. The bill also removes the requirement that to qualify for the tax election a pass-through entity must be 100 percent owned by natural persons or persons eligible to be shareholders in an S corporation.

HB 1595/SB 882 Conformity of the Commonwealth's taxation system with the Internal Revenue Code; emergency. Advances Virginia's date of conformity with the Internal Revenue Code from December 31, 2021, to December 31, 2022. The bill enacts Chapters 6 and 18 of the Acts of Assembly of 2022, Special Session I. The bill contains an emergency clause.

HB 2193/SB 1405 Income tax; rolling conformity; report. Provides that Virginia shall generally conform to federal tax laws on a rolling basis, meaning that Virginia tax laws incorporate changes to federal income tax law as soon as Congress enacts them on or after January 1, 2023. However, the bill provides that Virginia shall not conform to (i) any changes in a single act of Congress with an impact of more than \$15 million on revenues in the year in which the amendment was enacted or any of the next four years and (ii) all amendments in a year with a cumulative projected impact of more than \$75 million in the year in which the amendments were enacted or any of the next four years. For any amendment enacted on or after January 1, 2024, the \$15 million per act impact threshold shall be adjusted annually by the change in the Chained Consumer Price Index for All Urban Consumers (C-CPI-U) for the previous year.

HB 2387 Firearm safety device tax credit. Establishes a nonrefundable income tax credit for taxable years 2023 through 2027 for individuals who purchase one or more firearm safety devices, as defined in the bill, in an eligible transaction, as defined in the bill. An individual who properly claims this credit shall be allowed a credit in the amount of up to \$300 for the cost incurred in such purchase. The aggregate amount of credits allowable under the provisions of the bill shall not exceed \$5 million per taxable year.

Failed

HB 2316/SB 1408 Additional local sales and use tax to support schools; referendum. Authorizes all counties and cities to impose an additional local sales and use tax at a rate not to exceed one percent, with the revenue used only for capital projects for the construction or renovation of schools, if such levy is approved in a voter referendum. Under current law, only Charlotte, Gloucester, Halifax, Henry, Mecklenburg, Northampton, Patrick, and Pittsylvania Counties and the City of Danville are authorized to impose such a tax. This bill is a recommendation of the Commission on School Construction and Modernization.

Transportation/Motor Vehicles**Passed**

HB 1469/SB 871 Motor vehicle dealers; franchise agreements; sale or lease of new motor vehicles. Provides that the threat to withhold incentive payments or the right to participate in incentive programs is included in the existing prohibition on any vehicle manufacturer, factory branch, distributor, or distributor branch coercing or attempting to coerce a dealer into entering into an agreement. The bill prohibits vehicle manufacturers, factory branches, distributors, or distributor branches from taking certain listed actions related to direct contact with buyers or lessees or coercing or requiring a dealer to allow such actions in the franchise agreement. The bill prohibits and makes void any provisions of a franchise agreement or similar agreement authorizing a manufacturer, factory branch, distributor, or distributor branch to unilaterally amend the franchise agreement or similar agreement. The bill provides that the existing prohibition on a manufacturer, factory branch, distributor, or distributor owning, operating, or controlling a motor vehicle dealership includes any dealership of a new line-make established by a manufacturer, factory branch, distributor, distributor branch, or subsidiary thereof or a company affiliated through ownership of the manufacturer, factory branch, distributor, or distributor branch of at least 25 percent of the equity of the company. The bill provides that the existing requirement that manufacturers, factory branches, distributors, or distributor branches provide the cost of initiation, update, change, or maintenance of each accessory or function of the vehicle that may be initiated, updated, changed, or maintained by the manufacturer or distributor through over-the-air or remote means shall be the cost at the time of the new motor vehicle sale.

HB 1496/SB 1079 Commonwealth Mass Transit Fund. Allocates 3.5 percent of the Commonwealth Mass Transit Fund (the Fund) to commuter rail systems jointly operated by the Northern Virginia Transportation Commission and the Potomac and Rappahannock Transportation Commission and excludes such commuter rail systems from receiving allocations pursuant to other distributions of the Fund. The bill requires such commuter rail systems to submit reports to the Commonwealth Transportation Board. The bill limits allocations by the Northern Virginia Transportation Commission (NVTC) for distribution to the Washington Metropolitan Area Transit Authority (WMATA) to 50 percent of the total operating and capital assistance required to be provided by NVTC or other Virginia entities in the approved WMATA budget and establishes reporting requirements for WMATA. The bill codifies requirements for WMATA to adopt and submit certain planning documents first required pursuant to the eighth enactment of Chapter 854 and the eighth enactment of Chapter 856 of the Acts of Assembly of 2018 and repeals the original requirements.

HB 2302/SB 1106 Transportation Partnership Opportunity Fund. Authorizes the Governor to direct funds from the Transportation Partnership Opportunity Fund (the Fund) to the Commonwealth Transportation Board (the Board) for transportation projects determined to be necessary to support major economic development initiatives or to enhance the economic development opportunities of the Commonwealth's transportation programs when recommended by the Secretary of Transportation and Secretary of Commerce and Trade; these directed funds do not have a specified limit.

When funds are directed to such transportation projects or programs from the Fund in excess of \$5 million, the bill requires the Secretary of Transportation to submit a report, the content of which is designated in the bill, to the Chairmen of the Senate Committee on Finance and Appropriations and the House Committee on Appropriations within 30 days of such direction of funds. The bill further requires, for the direction of funds from the Fund in excess of \$35 million, that such direction be submitted for review, within 14 days, to the MEI Project Approval Commission. The bill provides that absent a recommendation within the 14-day period that the funds should not be directed, or in the event that the Commission does not provide a recommendation within the 14-day period, the funds shall be directed.

The bill authorizes the use of grants, funds directed to the Board, and revolving loans for property acquisition and new or improved infrastructure to support economic development opportunities of the Commonwealth's transportation programs. The bill clarifies that the authority granted related to the Fund cannot be used for otherwise prohibited eminent domain purposes.

SB 951 Uninsured motorist fee; repeal. Repeals the option to register an uninsured motor vehicle upon payment of the uninsured motor vehicle fee of \$500. The repeal has an effective date of July 1, 2024. The bill authorizes the Commissioner of the Department of Motor Vehicles to continue registering uninsured vehicles from July 1, 2023, to July 1, 2024, but provides that all such registrations shall expire prior to July 1, 2024.

Failed

HB 1437 Installation, maintenance, and operation of devices in highway right-of-way for law-enforcement purposes; regulation authority; civil penalty. Provides that the authority of the Commonwealth Transportation Board to make regulations for the use of systems of state highways includes the use of devices in the right-of-way of such highways for law-enforcement purposes, defined in the bill as an active felony investigation, an effort to prevent a targeted act of violence, or an attempt to locate missing, endangered, or wanted persons. The bill provides that "law-enforcement purposes" does not include the enforcement of speed limits, traffic regulations, tolling requirements, or high-occupancy vehicle requirements. The bill authorizes the Department of State

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Police or the chief law-enforcement officer of a locality to install, maintain, and operate devices for law-enforcement purposes on highways maintained by the Virginia Department of Transportation. The bill requires that all data collected by such devices be purged and not retained for more than 30 days after collection unless such data is being used in an active law-enforcement investigation.

SB 1162 Commissioner of Highways; roadways operating under the Virginia Highway Corporation Act of 1988 to operate under the Public-Private Transportation Act of 1995. Directs the Commissioner of Highways to evaluate whether it is in the public interest for any roadway operated pursuant to the Virginia Highway Corporation Act of 1988 (HCA) to operate instead under the authority and requirements provided by the Public-Private Transportation Act of 1995 (PPTA). The bill authorizes the Commissioner, if he determines it is in the public interest for any such roadway to operate under the PPTA and if the Secretary of Transportation and the Transportation Public-Private Partnership Steering Committee concur, to negotiate and execute a new comprehensive agreement with the operator of such roadway to operate under the authority and requirements provided by the PPTA. The bill has an expiration date of January 1, 2025.

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