

University of Virginia -- Office of State Governmental Relations
LAW REPORT
April 15, 2009

HB1587	REAL ID Act; State will not comply with provision thereof that they determine would compromise. (Chief patron: Marshall, R.G.)	9
HB1598	Certificate of public need; criteria for determining need and method of filing. (Chief patron: Hamilton)	9
HB1605	Certificate of public need; Commissioner of Health to accept & approve request to amend. (Chief patron: Purkey)	9
HB1617	Alzheimer's Disease and Related Disorders Commission; extends sunset until July 1, 2014, etc. (Chief patron: Merricks)	10
HB1660	Telework assistance; Director may advise and assist private employers upon request, report. (Chief patron: Scott, J.M.)	10
HB1663	Higher Education, Council of; shall appoint certain students to advisory committee. (Chief patron: Tata)	10
HB1664	Higher Education, Council of; eliminates requirement to develop crisis & emergency management plan. (Chief patron: Tata)	10
HB1665	Higher Education, Council of; eliminates requirement to develop strategic statewide plan. (Chief patron: Tata)	10
HB1668	Garnishment; exemption for parent who supports dependent child or children residing with him. (Chief patron: Kilgore)	10
HB1674	Workers' Compensation; pharmacist filling a prescription to dispense therapeutically equivalent. (Chief patron: Purkey)	11
HB1703	Indoor Clean Air Act; prohibits smoking in certain public buildings, restaurants, etc., exceptions. (Chief patron: Cosgrove)	11
HB1708	Elevator mechanics; Board of Contractors to delegate certification in event of emergency. (Chief patron: Oder)	11
HB1761	Security for Public Deposits Act; establish guidelines to permit banks to withdraw from procedures. (Chief patron: Kilgore)	12
HB1768	Certificate of public need; DOC exempt from definition of medical care facility for purpose thereof. (Chief patron: Dance)	12
HB1779	Retail Sales and Use Tax; exemption of sales by nonprofit entities. (Chief patron: Athey)	12
HB1799	The Fraud and Abuse Whistle Blower Protection Act; established. (Chief patron: Loupassi)	12
HB1810	Course credit; students called to active military duty may receive full credit. (Chief patron: Morrissey)	12
HB1819	Electric rates; any distribution electric cooperative may, without SCC approval, make adjustment. (Chief patron: Kilgore)	13
HB1828	Green roof construction; localities and water authorities to offer rate incentives therefor. (Chief patron: Fralin)	13
HB1834	University of Virginia; repeals requirement that board of visitors submit annual report of progress. (Chief patron: Toscano)	13

HB1838	Disposition of surplus materials; authorizes local public bodies to use services of DGS. (Chief patron: Dance)	13
HB1852	Health Professions, Department of; confidentiality of investigations. (Chief patron: Morrissey)	13
HB1889	Unemployment benefits; minimum earnings requirement, extended benefits. (Chief patron: Nixon)	14
HB1893	Brown v. Board of Education Scholarship Program; may be used to cover costs of required fees. (Chief patron: Dance)	14
HB1939	Radiologist assistants; licensure. (Chief patron: Peace)	14
HB1940	Open Education Resource Center Grant Fund; established, development of two-year pilot project. (Chief patron: Peace)	15
HB1948	Involuntary commitment; allow examination by licensed marriage and family therapists. (Chief patron: Shuler)	15
HB1969	Administrative Process Act; required review of feasibility of electronic submission. (Chief patron: Massie)	15
HB1971	Credit life insurance; reserve standards. (Chief patron: Ware, R.L.)	15
HB1975	Green roofs; authorizes counties, cities, and towns, by ordinance, to grant incentives, etc. (Chief patron: Ware, R.L.)	16
HB1986	Medication aide training programs; requirements therefor. (Chief patron: O'Bannon)	16
HB2022	Technology Services, Council on; eliminates Council. (Chief patron: Rust)	16
HB2023	Virginia Information Technologies Agency; to delegate powers & responsibilities. (Chief patron: Rust)	16
HB2032	Mold inspectors and remediators; licensure thereof by Board for Asbestos, Lead, & Home Inspectors. (Chief patron: Marshall, D.W.)	16
HB2035	Life expectancy table; changes table's figures that represent continued life expectancy. (Chief patron: Iaquinto)	17
HB2037	Debt Collection Recovery Fund; established. (Chief patron: Iaquinto)	17
HB2044	Health information technology; Information Technology Investment Board establish advisory committee. (Chief patron: Nixon)	17
HB2057	Health care providers; expands list of expressions of sympathy that are not admissible. (Chief patron: Hamilton)	17
HB2059	Food and beverage taxes; provides numerous exemptions to meals imposed by cities & towns. (Chief patron: Hamilton)	18
HB2060	Mental health law; amends statutes to address issues resulting from overhaul thereof. (Chief patron: Hamilton)	18
HB2061	Psychiatric Inpatient Treatment of Minors Act; mandatory outpatient treatment. (Chief patron: Hamilton)	18
HB2068	Retirement System; removes requirement that certain forms be notarized. (Chief patron: Tata)	19
HB2080	Landlord and tenant laws; landlord to give same notice to tenant for application of insecticides. (Chief patron: Oder)	19
HB2083	State employees; increases paid leave allowed for volunteer fire department & rescue squad services. (Chief patron: Purkey)	19
HB2123	Mutual aid agreement; institution of higher learning having police force appointed to enter therein. (Chief patron: Howell, A.T.)	19

HB2128	Retirement System; modifies several provisions governing benefits of members disabled or killed. (Chief patron: Cox)	20
HB2141	Infectious disease; deemed consent for testing for HIV or hepatitis B or C, etc. (Chief patron: Miller, J.H.)	20
HB2152	Stand-by service charges; SCC to adopt regulations requiring rates charged by electric utility. (Chief patron: Rust)	20
HB2155	Electric utility service; net energy metering. (Chief patron: Toscano)	20
HB2158	Charlottesville-Albemarle Regional Transit Authority; established. (Chief patron: Toscano)	21
HB2163	Midwifery; regulations governing practice thereof. (Chief patron: Lohr)	21
HB2181	Freedom of Information Act; protection of internal controls of State's financial systems. (Chief patron: Phillips)	21
HB2200	Every Woman's Life Breast and Cervical Cancer Fund; established. (Chief patron: Vanderhye)	21
HB2201	Innovation and Entrepreneurship Investment Authority; created, responsible for research, etc. (Chief patron: Vanderhye)	22
HB2211	Prescription Monitoring Program; disclosure of information. (Chief patron: Jones)	22
HB2212	Automated drug dispensing systems; allows drugs in multi-dose packaging to be placed therein. (Chief patron: Jones)	22
HB2214	Bulk donation programs; pharmacy may charge reasonable dispensing or administrative fee. (Chief patron: Jones)	22
HB2268	Renewable energy; definition thereof. (Chief patron: Poindexter)	23
HB2285	Auditor of Public Accounts; duties, standard vendor accounting information to include certain info. (Chief patron: Cline)	23
HB2342	Tuition assistance; member National Guard have minimum of 2 years remaining on service requirement. (Chief patron: Amundson)	23
HB2352	Donation of prescription medication; clarifies liability of pharmaceutical manufacturers. (Chief patron: Landes)	23
HB2396	Advance medical directives; revises Health Care Decisions Act to clarify process. (Chief patron: Bell)	24
HB2400	Criminal sexual assault; establishment of a multidisciplinary response thereto. (Chief patron: Bell)	24
HB2405	Health Professions, Department of; may release information for determining shortage designations. (Chief patron: Tyler)	24
HB2407	Health Practitioners' Intervention Program; revisions, changes name. (Chief patron: Hall)	25
HB2415	Technology Research Fund; robotics & unmanned vehicle systems, etc., to eligible research programs. (Chief patron: Bouchard)	25
HB2423	Broadband Advisory Council; established. (Chief patron: May)	25
HB2426	Government Data Collection and Dissemination Practices Act; extends implementation of prohibition. (Chief patron: May)	25
HB2427	Protection of Social Security Numbers Act; first five digits to be confidential from disclosure. (Chief patron: May)	26
HB2447	Influenza vaccination; requires Board of Health to develop and issue guidelines for administration. (Chief patron: Sickles)	26

HB2449	Infectious disease; establishes deemed consent to test for HIV & hepatitis B & C and release result. (Chief patron: Sickles)	26
HB2453	Electronic prescribing; Secretary of Health and Human Services, etc. to establish a website. (Chief patron: Sickles)	26
HB2458	Posting of charity care policies; requires hospitals to post information related thereto. (Chief patron: O'Bannon)	27
HB2459	Right to notify; consumer in mental health facility to have opportunity thereto of his condition. (Chief patron: O'Bannon)	27
HB2460	Transportation of person under emergency custody, etc.; allowed to be transported by family member. (Chief patron: O'Bannon)	27
HB2461	Notification of family member in commitment process; disclosure of certain information of patient. (Chief patron: O'Bannon)	27
HB2462	Patient level data system; reporting requirement. (Chief patron: O'Bannon)	28
HB2464	Higher educational institutions, certain; management agreements with State. (Chief patron: Morgan)	28
HB2482	Prescription donation; clarifies hospital and clinic may redispense donation medication to indigent. (Chief patron: Eisenberg)	28
HB2486	Emergency custody; authority of law-enforcement officer. (Chief patron: Ward)	28
HB2519	Electric utilities; SCC to establish procedures regarding refunds of moneys collected. (Chief patron: Phillips)	29
HB2531	Electricity; SCC to conduct proceeding to determine appropriate energy conservation, etc. (Chief patron: Kilgore)	29
HB2533	Studded tires; emergency vehicles to operate therewith. (Chief patron: Wright)	29
HB2539	Enterprise Applications, Division of; established within VITA, appoint Chief Applications Officer. (Chief patron: Nixon)	29
HB2557	Health insurance plan, State; coverages and benefits. (Chief patron: Nixon)	30
HB2612	Emergency response plans; ensuring victims' rights. (Chief patron: Shannon)	30
HB2615	Public Procurement Act; increases amount for single or term contracts for professional services. (Chief patron: Iaquinto)	30
HB2618	Interagency Dispute Resolution Advisory Council; membership terms. (Chief patron: Barlow)	30
HB2626	Line of Duty Act; investigation of claims by police departments and sheriffs offices. (Chief patron: Byron)	31
HB2637	Arrests; requires fingerprints be taken and forwarded to Central Criminal Records Exchange. (Chief patron: Cline)	31
HB2643	Economic development entities; extension of performance agreements. (Chief patron: Merricks)	31
HB2655	Accident and sickness claim proceeds; provider services rendered outside of State. (Chief patron: Sickles)	31
HB2660	Capital outlay plan; constitutes State's six-year proposal for projects. (Chief patron: Putney)	31
HB2665	Broadband Infrastructure Loan Fund; created. (Chief patron: May)	32
HB2672	Minority Business Enterprise, Dept. of; definitions to include individual who is U.S. citizen, etc. (Chief patron: Herring)	32

HJ635	Women's Heart Day; designating as May 17, 2009, and each succeeding year thereafter. (Chief patron: Sherwood)	32
HJ647	Constitutional amendment; limit on taxes or revenues and Revenue Stabilization Fund. (Chief patron: O'Bannon)	32
HJ651	Project Lead the Way (PLTW) program; school divisions to launch in division's high schools. (Chief patron: Cosgrove)	32
HJ653	PRODUCED in Virginia program; UVA School of Engineering & CVCC recognized for establishing. (Chief patron: Cosgrove)	33
HJ683	Retailers for Life Month; designating as April 2009, and each succeeding year thereafter. (Chief patron: Peace)	33
HJ684	Congenital Heart Defects Awareness Week; designating as February 7-14, 2009, and each year. (Chief patron: Bulova)	33
HJ771	Patient Advocate Day; designating as April 4, 2009, and each succeeding year thereafter. (Chief patron: Hamilton)	33
HJ799	Commending United Network for Organ Sharing. (Chief patron: McClellan)	33
HJ823	Adolescent Well Health visit; recognizing importance thereof for health and well-being. (Chief patron: Amundson)	33
HJ824	Celebrating the life of John Ashley Blackburn. (Chief patron: Toscano)	34
HR39	ROTC program; higher educational institutions encouraged to support by providing academic credit. (Chief patron: Cox)	34
SB823	Transportation of person under emergency custody, etc.; allowed to be transported by family member. (Chief patron: Cuccinelli)	34
SB860	Income tax credit, earned; employers to provide notice to employees that may be eligible. (Chief patron: Edwards)	34
SB886	Elevator mechanics; Board of Contractors to delegate certification in event of emergency. (Chief patron: McEachin)	34
SB892	Information technology projects; Governor to include a biennial appropriation therefor. (Chief patron: McDougle)	35
SB893	Submission of executive budget; personnel costs for state agencies. (Chief patron: McDougle)	35
SB898	Elder or dependent adult abuse; emergency services personnel to report suspected abuse, etc. (Chief patron: McDougle)	35
SB936	Auditor of Public Accounts; duties, standard vendor accounting information to include certain info. (Chief patron: Cuccinelli)	35
SB940	Board for Architects, Professional Engineer, Land Surveyor, etc.; licensure of landscape architects. (Chief patron: Watkins)	36
SB949	Donor Registry and Public Awareness Fund; changes name of Transplant Council Education Fund thereto. (Chief patron: Howell)	36
SB965	Preventive medications for sexual assault victims; may authorize registered nurses to administer. (Chief patron: Blevins)	36
SB968	Radiologist assistants; licensure. (Chief patron: Blevins)	36
SB994	Campus police; allows any educational institution police officers not be governed by Personnel Act. (Chief patron: Miller, J.C.)	37
SB1009	Electronic communication service providers, etc.; search warrants executed upon. (Chief patron: Deeds)	37
SB1032	Medication aide training programs; requirements therefor. (Chief patron: Hanger)	37

SB1058	Green roofs; authorizes counties, cities, and towns, by ordinance, to grant incentives, etc. (Chief patron: Whipple)	37
SB1060	Health Care, Joint Commission on; shall expire on July 1, 2012. (Chief patron: Puller)	38
SB1076	Right to notify; consumer in mental health facility to have person of choice notified of condition. (Chief patron: Howell)	38
SB1077	Notification of family member in commitment process; disclosure of certain information of patient. (Chief patron: Howell)	38
SB1079	Emergency custody; authority of law-enforcement officer. (Chief patron: Howell)	38
SB1083	Mental health law; amends statutes to address issues resulting from overhaul thereof. (Chief patron: Howell)	39
SB1085	Durable Do Not Resuscitate Orders; revocation. (Chief patron: Houck)	39
SB1090	Annual and biennial reports; requires agencies, institutions, etc., to report to Governor, etc. (Chief patron: Miller, J.C.)	39
SB1093	Mutual aid agreement; institution of higher learning having police force appointed to enter therein. (Chief patron: Locke)	39
SB1105	Indoor Clean Air Act; prohibits smoking in certain public buildings, restaurants, etc., exceptions. (Chief patron: Northam)	40
SB1107	Exposure to communicable diseases; first responders. (Chief patron: Northam)	40
SB1109	Alzheimer's Disease and Related Disorders Commission; extends sunset until July 1, 2014, etc. (Chief patron: Northam)	40
SB1116	Health insurance; mandated coverage for prosthetic devices and components. (Chief patron: Ticer)	40
SB1122	Psychiatric Inpatient Treatment of Minors Act; mandatory outpatient treatment; etc. (Chief patron: Lucas)	40
SB1142	Advance medical directives; revises Health Care Decisions Act to clarify process. (Chief patron: Whipple)	41
SB1144	Every Woman's Life Breast and Cervical Cancer Fund; established. (Chief patron: Whipple)	41
SB1150	Emergency response plans; ensuring victims' rights. (Chief patron: Howell)	42
SB1153	Public-Private Education Facilities & Infrastructure Act of 2002; definitions, review, report. (Chief patron: McDougle)	42
SB1154	Copies of medical bills and charges; no cost to patient up to three times every twelve months. (Chief patron: McDougle)	42
SB1156	Higher educational institutions, certain; management agreements with State. (Chief patron: Edwards)	43
SB1158	Workers' Compensation; pharmacist filling a prescription to dispense therapeutically equivalent. (Chief patron: Saslaw)	43
SB1162	Certificate of public need; plan of correction for failure to meet conditions. (Chief patron: Watkins)	43
SB1173	Open Education Resource Center Grant Fund; established, development of two-year pilot project. (Chief patron: Watkins)	43
SB1176	Transient occupancy tax; consultation with lodging industry. (Chief patron: Watkins)	44
SB1195	Prescription Monitoring Program; disclosure of information. (Chief patron: Puckett)	44
SB1203	Public Procurement Act; prequalification for certain transportation contracts. (Chief patron: Puckett)	44

SB1219	Noose; hanging thereof on property of another or in public place with intent to intimidate, felony. (Chief patron: Obenshain)	44
SB1236	Health, Board of; adds two members. (Chief patron: Barker)	45
SB1275	Privileged communications; provides communications between physicians and patients thereof. (Chief patron: Obenshain)	45
SB1282	Health Professions, Department of; prohibited from providing personal information of individuals. (Chief patron: Newman)	45
SB1294	Crisis intervention team programs; established, report. (Chief patron: Edwards)	45
SB1299	Administrative Process Act; required review of feasibility of electronic submission of certain info. (Chief patron: Wagner)	46
SB1316	Freedom of Information Act; strikes requirement to publish a database index, etc. (Chief patron: Houck)	46
SB1318	Government Data Collection and Dissemination Practices Act; extends implementation. (Chief patron: Houck)	46
SB1319	Freedom of Information Act; meeting minutes. (Chief patron: Houck)	46
SB1336	Broadband Advisory Council; established, report. (Chief patron: Puckett)	47
SB1338	Science and technology development and commercialization; promotion thereof in State. (Chief patron: Herring)	47
SB1346	Coastal Energy Research Consortium; makes certain technical corrections to membership. (Chief patron: Wagner)	47
SB1351	Health insurance plan; insurance mandate for accident, etc. apply to plans for state employees. (Chief patron: Wagner)	47
SB1396	Purchase of service handgun; certain law-enforcement officers to purchase their handgun. (Chief patron: Norment)	48
SB1416	Preservation of historical sites and architectural areas; local governing bodies may include. (Chief patron: Blevins)	48
SB1421	Digital media purchase or rental; fee created. (Chief patron: Lucas)	48
SB1431	REAL ID Act of 2005; State will not comply with provision thereof that compromises economic privacy. (Chief patron: Cuccinelli)	48
SB1448	Indigent Health Care Trust Fund; repealed. (Chief patron: Watkins)	48
SB1454	Aging, Department for; designate area agencies on aging as lead agencies for No Wrong Door system. (Chief patron: Petersen)	49
SB1456	Innovation and Entrepreneurship Investment Authority; created by merging. (Chief patron: Petersen)	49
SB1495	Unemployment compensation; voluntarily leaving employment to accompany military spouse. (Chief patron: Locke)	49
SB1531	Capital outlay plan; constitutes State's six-year proposal for projects to be funded. (Chief patron: Colgan)	50
SB1539	Line of Duty Act; investigation of claims by police departments and sheriffs offices. (Chief patron: Hurt)	50
SB1547	Financial aid programs, state; persons who have successfully completed home school instruction, etc. (Chief patron: Cuccinelli)	50
SJ274	Mitochondrial Disease Awareness Week; designating as third week of September 2009. (Chief patron: Reynolds)	50

SJ318	Strategies & Models for Substance Abuse Prevention & Treatment; Joint Subcommittee Studying. (Chief patron: Hanger)	50
SJ325	Chronic diseases; Joint Commission on Health Care to study opportunities for early identification. (Chief patron: Houck)	51
SJ332	Constitutional amendment; tax exemptions for buildings constructed or designed to conserve energy. (Chief patron: Petersen)	51
SJ345	Recycling receptacles; state and local governmental entities to increase usage thereof. (Chief patron: Vogel)	51
SJ358	Hospital emergency rooms; Crime Commission to study issues of public safety. (Chief patron: Stolle)	51
SJ363	False Identification cards; Crime Commission to study issues regarding apprehension and prosecution. (Chief patron: Martin)	52
SJ373	American Cancer Society Day; designating as February 5, 2009, and each succeeding year. (Chief patron: Miller, J.C.)	52
SJ388	Resolution; Commending United Network for Organ Sharing. (Chief patron: McEachin)	52

HB1587 REAL ID Act; State will not comply with provision thereof that they determine would compromise.

Chief Patron: Marshall, R.G.

Summary:

Provides that, with the exception of identification cards issued to employees of the Department of State Police and certain other law enforcement officers, the Commonwealth will not comply with any provision of the federal REAL ID Act that it determines would compromise the economic privacy, biometric data, or biometric samples of any resident of the Commonwealth. This bill is identical to SB 1431.

Law Advice: FYI - No Direct Impact

Companion to SB1431.

HB1598 Certificate of public need; criteria for determining need and method of filing.

Chief Patron: Hamilton

Summary:

Replaces existing criteria for determining need for the purposes of a Certificate of Public Need; establishes an expedited application and review process for certificates for projects involving a capital expenditure of \$15 million or more that are not otherwise defined as reviewable in the definition of "project"; and establishes a Request for Applications procedure for psychiatric and substance abuse treatment beds and services. This bill establishes a review process in cases in which no regional health planning agency is designated. This bill also provides that in cases in which a provision of the State Medical Facilities Plan that has been previously set aside by the Commissioner and final amendments to the plan have not yet taken effect, the Commissioner's decision shall be consistent with the guiding principals set forth in the plan; establishes a process for satisfying conditions on a certificate by making direct payments to an organization authorized under a memorandum of understanding with the Department of Health to receive contributions to satisfy conditions on a certificate, or to a private nonprofit foundation authorized under a memorandum of understanding with the Department of Health that funds basic insurance coverage for indigents; requires that any medical care facility that furnishes, conducts, operates, or offers any service which requires a certificate of public need to report data on utilization of certain services; and replaces the term "gamma knife surgery" with the term stereotactic radiosurgery, and adds stereotactic radiotherapy and proton beam therapy to radiation therapy in the list of specialized services provided by medical care facilities subject to COPN. This bill incorporates HB 1981 and HB 2451.

Law Advice: Change in Requirement

HB1605 Certificate of public need; Commissioner of Health to accept & approve request to amend.

Chief Patron: Purkey

Summary:

Authorizes the Commissioner of Health to accept and approve a request to amend the conditions of a certificate of need issued for an increase in beds in which nursing facility or extended care services are provided to allow such facility to continue to admit persons, other than residents of the cooperative units, to its nursing facility beds through June 30, 2012 when such facility (i) is operated by an association described in § 55-458; (ii) was created in connection with a real estate cooperative; (iii) offers its residents a level of nursing services consistent with the definition of continuing care in Chapter 49 (§ 38.2-4900 et seq.) of Title 38.2; and (iv) was issued a certificate of need prior to October 3, 1995.

Law Advice: FYI - No Direct Impact

HB1617 Alzheimer's Disease and Related Disorders Commission; extends sunset until July 1, 2014, etc.

Chief Patron: Merricks

Summary:

Extends the sunset on the Alzheimer's Disease and Related Disorders Commission until July 1, 2014, and adds a requirement that the Commission develop and promote strategies to encourage brain health and reduce cognitive decline.

Law Advice: FYI - No Direct Impact

Companion to SB1109.

HB1660 Telework assistance; Director may advise and assist private employers upon request, report.

Chief Patron: Scott, J.M.

Summary:

Transfers certain responsibilities regarding telework assistance from the Secretary of Administration to the Office of Telework Promotion and Broadband Assistance.

Law Advice: Change in Requirement

HB1663 Higher Education, Council of; shall appoint certain students to advisory committee.

Chief Patron: Tata

Summary:

Permits the State Council of Higher Education to appoint students enrolled in private and accredited institutions of higher education in the Commonwealth to the student advisory committee.

Law Advice: FYI - No Direct Impact

HB1664 Higher Education, Council of; eliminates requirement to develop crisis & emergency management plan.

Chief Patron: Tata

Summary:

Eliminates the requirement that the State Council of Higher Education for Virginia must develop and revise, as it deems necessary, a model institutional crisis and emergency management plan for the purpose of assisting public and private two- and four-year institutions of higher education in establishing, operating, and maintaining emergency services and disaster preparedness activities.

Law Advice: FYI - No Direct Impact

HB1665 Higher Education, Council of; eliminates requirement to develop strategic statewide plan.

Chief Patron: Tata

Summary:

Eliminates the requirement that the State Council of Higher Education for Virginia develop a strategic statewide plan to ensure an adequate supply of nurses.

Law Advice: FYI - No Direct Impact

HB1668 Garnishment; exemption for parent who supports dependent child or children residing with him.

Chief Patron: Kilgore

Summary:

Provides that a parent who supports a dependent child or children residing with him may hold exempt from garnishment an additional amount for the support of the child or children as follows: \$34 per week for one child; \$52 per week for two children; and \$66 per week for three or more children. This additional exemption amount shall not be available to a parent whose household gross income, including any support payments received for the children, exceeds \$1,750 per month. In order to claim this exemption, the parent must file an affidavit concerning his household income and the number of dependent children in his home and submit two items of proof showing that the debtor is entitled to the exemption.

Law Advice: Change in Requirement

HB1674 Workers' Compensation; pharmacist filling a prescription to dispense therapeutically equivalent.

Chief Patron: Purkey

Summary:

Requires a pharmacist filling a prescription for medication for a workers' compensation claim to dispense a therapeutically equivalent drug product for a prescribed name-brand drug product. However, the pharmacist shall fill the prescription with the name-brand drug product prescribed if (i) a therapeutically equivalent drug product does not exist or the usual and customary retail price for it is higher than that of the prescribed name-brand drug product or (ii) the prescriber specifies on the prescription "brand medically necessary" based on a medical reason why the claimant should not have the prescription filled with a therapeutically equivalent drug product. A prescriber may direct that a prescription is "brand medically necessary" by verbal instructions in a telephone call. The costs of medication prescribed in connection with a compensable claim are not the responsibility of the claimant unless the prescription is obtained through fraud. SB 1158 is identical.

Law Advice: New Requirement

Companion to SB1158.

HB1703 Indoor Clean Air Act; prohibits smoking in certain public buildings, restaurants, etc., exceptions.

Chief Patron: Cosgrove

Summary:

Establishes a statewide ban on smoking in restaurants. The bill contains several exemptions from this prohibition where smoking may be permitted, including a restaurant that is constructed in such a manner that areas where smoking may be permitted are structurally separated from the portion of the restaurant in which smoking is prohibited and such areas are separately vented. The bill contains technical amendments.

Law Advice: New Requirement

Delayed effective date: 12/1/09. Companion to SB1105.

HB1708 Elevator mechanics; Board of Contractors to delegate certification in event of emergency.

Chief Patron: Oder

Summary:

Authorizes the Board for Contractors to delegate to the Director of the Department of Professional and Occupational Regulation certification of elevator mechanics in the event of emergency. The Board may also delegate to the Director the issuance of temporary certification of elevator mechanics. The bill increases the membership of the Board for Contractors by adding one member who must be a certified elevator mechanic or a

licensed elevator contractor. The bill contains several technical amendments.

Law Advice: FYI - No Direct Impact

Not applicable per General Counsel. Similar to SB886.

HB1761 Security for Public Deposits Act; establish guidelines to permit banks to withdraw from procedures.

Chief Patron: Kilgore

Summary:

Authorizes the Treasury Board to establish guidelines to permit banks to withdraw from the Virginia Security for Public Deposits pooling arrangement. A bank that complies with these guidelines will be responsible for making good on its own public deposits, and not responsible for contributing funds to a pool if another bank holding Virginia public deposits fails.

Law Advice: FYI - No Direct Impact

HB1768 Certificate of public need; DOC exempt from definition of medical care facility for purpose thereof.

Chief Patron: Dance

Summary:

Exempts facilities of the Department of Corrections from the definition of "medical care facility" for purposes of the certificate of public need process.

Law Advice: FYI - No Direct Impact

HB1779 Retail Sales and Use Tax; exemption of sales by nonprofit entities.

Chief Patron: Athey

Summary:

Provides that nonprofit organizations are exempt from collecting the sales tax on their sales of 1) food, prepared food, and meals, and 2) tickets to events that include the provision of food, prepared food, and meals, so long as such sales take place on less than 24 occasions in a calendar year.

Law Advice: Change in Requirement

HB1799 The Fraud and Abuse Whistle Blower Protection Act; established.

Chief Patron: Loupassi

Summary:

Establishes the Fraud and Abuse Whistle Blower Protection Act to protect whistle blowers from certain adverse employment actions. The bill defines "whistle blower" as an employee who reports or provides testimony of wrongdoing or abuse. Under the bill employers are prohibited from discharging, threatening, or otherwise discriminating or retaliating against a whistle blower. The bill also (i) requires state employers to post notices to keep employees informed of the protections provided by the act and (ii) establishes the Fraud and Abuse Whistle Blower Reward Fund, administered by the Department of Accounts, to provide a monetary reward equal to one percent of the cost savings not to exceed \$5,000 to any person who has disclosed information of wrongdoing or abuse under the Act and the disclosure results in a savings of at least \$10,000.

Law Advice: New Requirement

HB1810 Course credit; students called to active military duty may receive full credit.

Chief Patron: Morrissey

Summary:

Provides that the governing boards of each public institution of higher education must implement policies that apply to students who are called to active military duty during an academic semester.

Law Advice: New Requirement

HB1819 Electric rates; any distribution electric cooperative may, without SCC approval, make adjustment.

Chief Patron: Kilgore

Summary:

Authorizes any distribution electric cooperative, upon an affirmative resolution of the cooperative's board of directors, and without State Corporation Commission approval, to make any adjustment to its rates reasonably calculated to collect any or all of the fixed costs of owning and operating its electric distribution system through a new or modified fixed monthly charge. Such monthly charge would be in lieu of charges that are based on the volume of use of electric energy. Such changes in rates shall be revenue neutral based on the cooperative's determination of the proper intra-class allocation of the revenues produced by its then-current rates. Adjustments may be phased in over a three-year period, and revised tariffs are required to be filed with the State Corporation Commission for information purposes.

Law Advice: FYI - No Direct Impact

HB1828 Green roof construction; localities and water authorities to offer rate incentives therefor.

Chief Patron: Fralin

Summary:

Allows localities and water authorities to offer rate incentives for green roof construction.

Law Advice: New Authority

HB1834 University of Virginia; repeals requirement that board of visitors submit annual report of progress.

Chief Patron: Toscano

Summary:

Repeals the requirement that the University of Virginia board of visitors submit an annual report of the progress of the University to the General Assembly.

Law Advice: Eliminates Requirement

HB1838 Disposition of surplus materials; authorizes local public bodies to use services of DGS.

Chief Patron: Dance

Summary:

Authorizes local public bodies to use the services of the Department of General Services' Surplus Property Program. Proceeds from the sale of the surplus property are required to be returned to the local public body minus a service fee, which shall be set at the same rate charged by the Department to state public bodies.

Law Advice: New Authority

HB1852 Health Professions, Department of; confidentiality of investigations.

Chief Patron: Morrissey

Summary:

Provides that, when a complaint or report has been filed about a person licensed, certified, or registered by a health regulatory board, a copy of the complaint or report shall be provided to the person who is the subject of the complaint or report prior to any interview of the person who is the subject of the complaint or report or at the time the person who is the subject of the complaint or report is notified of the complaint or report, whichever shall occur first, unless provision of the complaint or report to the person would materially obstruct a criminal or regulatory investigation. This bill clarifies that requirements related to confidentiality of information obtained during an investigation or disciplinary proceeding shall not prohibit investigative staff from interviewing fact witnesses, disclosing to fact witnesses the identity of the subject of the complaint or report, or reviewing with fact witnesses a copy of records or other supporting documentation necessary to refresh the fact witness's recollection.

Law Advice: New Requirement

HB1889 Unemployment benefits; minimum earnings requirement, extended benefits.

Chief Patron: Nixon

Summary:

Postpones the scheduled increase, from \$2,700 to \$3,000, in the minimum amount of wages an employee must have earned in the two highest earnings quarters of his base period in order to be eligible for unemployment benefits. The increase will apply to claims filed on or after July 4, 2010; it is currently scheduled to apply to claims filed on or after July 5, 2009.

Law Advice: Change in Requirement

HB1893 Brown v. Board of Education Scholarship Program; may be used to cover costs of required fees.

Chief Patron: Dance

Summary:

Provides that scholarships awarded through the Brown v. Board of Education Scholarship Program may be used to cover the costs of required academic fees, in addition to tuition and textbooks already provided by state law, and graduate study at the masters and doctoral levels, as determined by the Awards Committee. This bill also clarifies the Awards Committee's authority to establish policies, standards, and rules to govern the Program, thereby strengthening its accountability for and authority to administer and oversee the Program. This bill is a recommendation of the Brown v. Board of Education Scholarship Awards Committee.

Law Advice: Change in Requirement

HB1939 Radiologist assistants; licensure.

Chief Patron: Peace

Summary:

Provides for the licensure of radiologist assistants as individuals who have met the requirements of the Board of Medicine for licensure as advanced-level radiologic technologists and who, under the direct supervision of a licensed doctor of medicine or osteopathy specializing in the field of radiology, are authorized to (i) assess and evaluate the physiological and psychological responsiveness of patients undergoing radiologic procedures; (ii) evaluate image quality, make initial observations, and communicate observations to the supervising radiologist; (iii) administer contrast media or other medications prescribed by the supervising radiologist; and (iv) perform, or assist the supervising radiologist to perform, any other procedure consistent with the guidelines adopted by the American College of Radiology, the American Society of Radiologic Technologists, and the American Registry of Radiologic Technologists. This bill is identical to SB 968.

Law Advice: New Authority

Companion to SB968.

HB1940 **Open Education Resource Center Grant Fund; established, development of two-year pilot project.**

Chief Patron: Peace

Summary:

Requires the State Board for Community Colleges, in consultation with the Virginia Department of Education and the State Council of Higher Education for Virginia, to develop a competitive grant pilot program to provide grants to community colleges to establish open education resource centers in the Commonwealth. To qualify for a grant, community colleges shall be required to demonstrate a partnership with faculty or staff from at least one local school division and one institution of higher education in the Commonwealth. Grants would be awarded on a competitive basis with guidelines established in the bill. The bill also establishes a fund authorizing both public and private contributions. The provisions of this bill would not become effective until either an appropriation of general funds effectuating the purposes of this bill is included in a general appropriations act passed by the 2009 or 2010 Session of the General Assembly, which becomes law, or funds from other private or public sources are deposited into the Open Education Resource Center Grant Fund by July 1, 2010. This bill is identical to SB 1173.

Law Advice: **FYI - No Direct Impact**

Contingent on funding. Companion to SB1173.

HB1948 **Involuntary commitment; allow examination by licensed marriage and family therapists.**

Chief Patron: Shuler

Summary:

Adds licensed marriage and family therapists to the list of persons who may conduct independent examinations of persons who are subject to a hearing for involuntary commitment.

Law Advice: **FYI - No Direct Impact**

HB1969 **Administrative Process Act; required review of feasibility of electronic submission.**

Chief Patron: Massie

Summary:

Requires every agency promulgating a regulation that requires the submission of documents or payments to examine the regulation to determine whether the submission of the required documents or payments may be accomplished by electronic means, and if so, consider amending the regulation to offer the alternative of electronic submission.

Law Advice: **New Requirement**

Companion to SB1299.

HB1971 **Credit life insurance; reserve standards.**

Chief Patron: Ware, R.L.

Summary:

Recognizes the 2001 CSO Male Composite Ultimate Mortality Table for use in determining the minimum standard of valuation for credit life insurance reserves, and the 1985 Commissioners' Individual Disability Table A in determining the standard for valuation of reserves for credit accident and sickness plans. The measure also specifies the interest rate and method to be used in determining the minimum standard of valuation. In addition, for credit life and disability contracts in the aggregate, insurers are required to establish an additional reserve liability if the net premium refund liability exceeds the aggregate recorded contract reserve.

Law Advice: FYI - No Direct Impact

HB1975 Green roofs; authorizes counties, cities, and towns, by ordinance, to grant incentives, etc.

Chief Patron: Ware, R.L.

Summary:

Authorizes counties, cities, and towns to grant incentives or provide regulatory flexibility to encourage the use of green roofs in the construction, repair, or remodeling of residential and commercial buildings. The incentives or regulatory flexibility could include (i) a reduction in permit fees when green roofs are used, (ii) a streamlined process for the approval of building permits when green roofs are used, or (iii) a reduction in any gross receipts tax on green roof contractors as defined by the local ordinance. This bill is identical to SB 1058.

Law Advice: FYI - No Direct Impact

Companion to SB1058.

HB1986 Medication aide training programs; requirements therefor.

Chief Patron: O'Bannon

Summary:

Sets forth requirements for Board of Nursing approved education and training programs for medication aides, and provides that any person who has successfully completed a training program approved by the Board of Nursing may administer medications that would normally be self administered to residents of an assisted living facility until August 1, 2009. This bill also delays enforcement of the requirement for medication aides to be registered until August 1, 2009, and is effective retroactively to January 1, 2009. This bill is identical to SB 1032.

Law Advice: FYI - No Direct Impact

Retroactive effective date: 1/1/09. Companion to SB1032.

HB2022 Technology Services, Council on; eliminates Council.

Chief Patron: Rust

Summary:

Repeals the Council on Technology Services.

Law Advice: FYI - No Direct Impact

HB2023 Virginia Information Technologies Agency; to delegate powers & responsibilities.

Chief Patron: Rust

Summary:

Authorizes Virginia Information Technologies Agency (VITA), subject to approval by the Secretary of Technology and any other affected Secretariat, to delegate to an agency within the executive branch the power to provide for the centralized marketing, provision, leasing, and executing of license agreements for electronic access to public information and government services through the Internet, wireless devices, personal digital assistants, kiosks, or other such related media. The delegated agency would be authorized to fix and collect fees and charges for such services.

Law Advice: FYI - No Direct Impact

Exempt under Restructuring.

HB2032 Mold inspectors and remediators; licensure thereof by Board for Asbestos, Lead, & Home Inspectors.

Chief Patron: Marshall, D.W.

Summary:

Provides for the licensure of mold inspectors and mold remediators by the Board for Asbestos, Lead, and Home Inspectors. The bill increases the membership of this Board by one member to include a mold inspector or a mold remediator.

Law Advice: New Requirement

See bill for effective dates.

HB2035 Life expectancy table; changes table's figures that represent continued life expectancy.

Chief Patron: Iaquinto

Summary:

Changes table's figures that represent continued life expectancy.

Law Advice: FYI - No Direct Impact

HB2037 Debt Collection Recovery Fund; established.

Chief Patron: Iaquinto

Summary:

Establishes the Debt Collection Recovery Fund. The bill also provides that the Division of Debt Collection shall (i) deposit to the Fund all revenues generated by it, less any cost of recovery, from receivables collected on behalf of state agencies and (ii) transfer the remaining funds to the appropriate state agencies on a periodic basis. In addition, the bill provides that final orders of final agency case decisions may be recorded, enforced, and satisfied as orders or decrees of a circuit court upon certification of such orders by the agency head or his designee. Furthermore, each state agency and institution may charge reasonable attorney fees and collection fees on all past due accounts receivable. The bill also provides that failure to pay in full at the time goods, services, or treatment is rendered by the Commonwealth or when billed for a debt owed to any agency of the Commonwealth shall result in the imposition of interest at the judgment rate as provided in § 6.1-330.54 on the unpaid balance. Interest shall begin to accrue on the 60th day after the date of the initial written demand for payment. Returned checks or dishonored credit card or debit card payments shall incur a handling fee of \$50 to be added to the principal account balance. The bill also provides that the Division will not assess a fee for direct payment resulting from the Setoff Debt Collection Act and authorizes institutions of higher education to elect to impose a late fee in addition or in lieu of interest for such a time as the institution holds a claim.

Law Advice: FYI - No Direct Impact

Exempt under Restructuring per General Counsel.

HB2044 Health information technology; Information Technology Investment Board establish advisory committee.

Chief Patron: Nixon

Summary:

Allows the Information Technology Investment Board to establish an advisory committee, consisting of persons with expertise in health care and information technology, to advise it on the adoption of nationally recognized health information technology technical and data standards.

Law Advice: FYI - No Direct Impact

Academic division exempt under Restructuring. Medical Center exempt due to certification by CCHIT and HITSP.

HB2057 Health care providers; expands list of expressions of sympathy that are not admissible.

Chief Patron: Hamilton

Summary:

Expands the list of expressions of sympathy that are not admissible in medical malpractice actions and wrongful death actions brought against a health care provider to include commiseration, condolence, or compassion, together with apologies.

Law Advice: Change in Authority

HB2059 Food and beverage taxes; provides numerous exemptions to meals imposed by cities & towns.

Chief Patron: Hamilton

Summary:

Provides numerous exemptions to meals taxes imposed by cities and towns, and expands such exemptions from meals taxes imposed by counties.

Law Advice: FYI - No Direct Impact

HB2060 Mental health law; amends statutes to address issues resulting from overhaul thereof.

Chief Patron: Hamilton

Summary:

Amends mental health statutes to address issues resulting from the overhaul of mental health laws during the 2008 Session. This bill clarifies requirements that law-enforcement initiated emergency custody remains subject to the four hour limit and two hour extension provisions; clarifies that the employee or designee of the community services board attending a commitment hearing need not be the person who prepared the prescreening report, and that neither the employee or designee of the community services board attending a commitment hearing nor the independent examiner who attends the commitment hearing shall be excluded pursuant to an order of sequestration of the witnesses; clarifies that the prescreening report shall be admitted into evidence and made part of the record of the case; and extends the CCRE reporting requirement to close of business on the next business day following the hearing resulting in involuntary commitment. This bill has an emergency clause.

Law Advice: Change in Requirement

Effective 2/23/09. Companion to SB1083.

HB2061 Psychiatric Inpatient Treatment of Minors Act; mandatory outpatient treatment.

Chief Patron: Hamilton

Summary:

Provides that a person who meets the criteria for involuntary commitment under the Psychiatric Inpatient Treatment of Minors Act may be ordered to mandatory outpatient treatment if less restrictive alternatives to involuntary inpatient treatment are appropriate and available, and the minor and his parents have the capacity to understand the stipulations of the minor's treatment and to comply with such outpatient treatment and they have agreed to abide by the treatment plan. The bill also sets forth how such mandatory outpatient treatment will be monitored and how a minor's noncompliance with such treatment will be addressed, and clarifies that the judge who presides over any noncompliance hearing does not have to be the judge who presided over the mandatory outpatient commitment hearing. The bill also clarifies that the commitment criteria for minors, and not the criteria for adults, apply when the emergency admission of a minor is sought under the procedures for the emergency admission of an adult set forth in Article 4 (§ 37.2-808 et seq.) of Chapter 8 of Title 37.2. The bill also provides that a minor who has been properly detained by a juvenile and domestic relations court may petition for voluntary admission and treatment of mental illness. Currently, such detained minors may not voluntarily seek admission. The bill further requires that if a minor is in a detention home or shelter care facility when admitted to a mental health

facility, the director of the detention home or shelter care facility or his designee shall provide, if available, certain information relating to the minor to the mental health facility and to the juvenile and domestic relations district court for the jurisdiction in which the facility is located if such court is different than the court that placed the minor in detention or shelter care. The bill also clarifies the circumstances under which the qualified evaluator who examined the minor must attend the minor's hearing and under what circumstances the evaluator's report is admissible. This bill is identical to SB 1122.

Law Advice: FYI - No Direct Impact

Companion to SB1122.

HB2068 Retirement System; removes requirement that certain forms be notarized.

Chief Patron: Tata

Summary:

Removes the requirement that certain forms be notarized.

Law Advice: Eliminates Requirement

HB2080 Landlord and tenant laws; landlord to give same notice to tenant for application of insecticides.

Chief Patron: Oder

Summary:

Requires the landlord to give the same notice to the tenant for the application of insecticides as is required for pesticide applications, and requires the tenant to prepare the dwelling unit for the application of insecticides or pesticides in accordance with any written instructions of the landlord, and if insects or pests are found to be present, to follow any written instructions of the landlord to eliminate the insects or pests following the application of insecticides or pesticides. The bill also (i) eliminates the landlord's obligation to pay all costs for mold remediation where the mold is a result of the tenant's failure to maintain the dwelling unit; (ii) eliminates a tenant's right to repair, replace, or clean a damaged item in the dwelling unit and instead allows the landlord to do so and charge all costs to the tenant, which costs shall be due on the next rent due date; (iii) changes the cap on liquidated damages penalties included in a rental agreement to 150% of the per diem of the monthly rent; and (iv) amends the schedule of interest rates on security deposits between January 1, 2009 and December 31, 2009. The bill requires the landlord to provide notice to the tenant in the event of foreclosure under certain circumstances. The bill contains technical amendments.

Law Advice: New Requirement

HB2083 State employees; increases paid leave allowed for volunteer fire department & rescue squad services.

Chief Patron: Purkey

Summary:

Increases from 16 to 24 the number of hours of paid leave in any calendar year (in addition to other paid leave) that may be allowed to state employees to serve with a volunteer fire department and rescue squad or auxiliary unit thereof.

Law Advice: Change in Requirement

HB2123 Mutual aid agreement; institution of higher learning having police force appointed to enter therein.

Chief Patron: Howell, A.T.

Summary:

Allows all institutions of higher learning having a police force appointed pursuant to § 23-233, rather than just state-supported institutions, to enter in and become a party to contracts or mutual aid agreements for the use of their joint forces, both regular and auxiliary, equipment, and materials to maintain peace and good order. This bill is identical to SB 1093.

Law Advice: Change in Authority

Companion to SB1093.

HB2128 Retirement System; modifies several provisions governing benefits of members disabled or killed.

Chief Patron: Cox

Summary:

Modifies several provisions governing the benefits of members who are disabled or killed, to comport with the federal Heroes Earnings Assistance and Relief Tax Act ("HEART Act") for those members disabled or killed in action in the military.

Law Advice: FYI - No Direct Impact

HB2141 Infectious disease; deemed consent for testing for HIV or hepatitis B or C, etc.

Chief Patron: Miller, J.H.

Summary:

Requires that if any salaried or volunteer firefighter, paramedic, or emergency medical technician becomes exposed to another's body fluids in a measure that may transmit HIV or hepatitis, the other person will be deemed to have consented to testing for those viruses. The bill also removes the duty of a law-enforcement officer to inform a person of his deemed consent prior to exposure to his body fluids.

Law Advice: Change in Requirement

Similar to HB2449 and SB1107.

HB2152 Stand-by service charges; SCC to adopt regulations requiring rates charged by electric utility.

Chief Patron: Rust

Summary:

Directs the State Corporation Commission to adopt regulations that require an electric utility to provide a rate for stand-by service to customers that operate a cogeneration facility that generates renewable power. The regulation shall allow the utility to recover all of the costs related to the provision of the stand-by service.

Law Advice: FYI - No Direct Impact

HB2155 Electric utility service; net energy metering.

Chief Patron: Toscano

Summary:

Authorizes utilities to elect a capacity limit for participation by nonresidential customers in the net energy metering program that exceeds the existing limit of 500 kW. The measure also permits customers who are served on time-of-use tariffs that have electricity supply demand charges contained within the electricity supply portion of the time-of-use tariff to participate as customer-generators. In addition, the measure provides that a participating customer-generator owns any renewable energy certificate associated with its generation of electricity, and provides for a one-time option to sell the certificates to its supplier at a rate established by the State Corporation

Commission. The utility's costs of acquiring the certificates shall be recoverable under the Renewable Energy Portfolio Standard rate adjustment clause or through the supplier's fuel adjustment clause. HB 1705 is incorporated.

Law Advice: FYI - No Direct Impact

HB2158 Charlottesville-Albemarle Regional Transit Authority; established.

Chief Patron: Toscano

Summary:

Establishes a local transit authority in the Charlottesville-Albemarle area. The Authority shall prepare a regional transit plan for all or portions of those areas located within the City of Charlottesville and all or such portions of the Counties of Albemarle, Fluvanna, Greene, Louisa, and Nelson as their governing bodies desire to have covered, to include, but not necessarily be limited to, transit improvements of regional significance.

Law Advice: New Authority

HB2163 Midwifery; regulations governing practice thereof.

Chief Patron: Lohr

Summary:

Provides that regulations governing the practice of midwifery shall require midwives and certified nurse midwives to disclose to their patients information on health risks associated with home deliveries including but not limited to special risks associated with vaginal birth after a prior C-section, breech births, births by women experiencing high-risk pregnancies, and births of twins or multiples.

Law Advice: FYI - No Direct Impact

HB2181 Freedom of Information Act; protection of internal controls of State's financial systems.

Chief Patron: Phillips

Summary:

Exempts from the mandatory disclosure requirements of FOIA documentation or other information as determined by the State Comptroller that describes the design, function, operation, or implementation of internal controls over the Commonwealth's financial processes and systems, and the assessment of risks and vulnerabilities of those controls, including the annual assessment of internal controls mandated by the Comptroller, the disclosure of which would jeopardize the security of the Commonwealth's financial assets. However, summary reports relating to the soundness of any fiscal process shall be disclosed in a form that does not compromise the internal controls. The bill provides that nothing contained in its provisions shall be construed to prohibit the Auditor of Public Accounts or the Joint Legislative Audit and Review Commission from reporting internal control deficiencies discovered during the course of an audit.

Law Advice: Change in Requirement

HB2200 Every Woman's Life Breast and Cervical Cancer Fund; established.

Chief Patron: Vanderhye

Summary:

Establishes the Breast and Cervical Cancer Prevention and Treatment Fund (the Fund) to be used for the prevention and treatment of breast and cervical cancer for underserved and uninsured women in Virginia. The bill adds the Fund as a voluntary contribution on the individual income tax return. The bill specifies that moneys in the Fund shall not be used until such time as the General Assembly authorizes the Virginia Department of Health and the Virginia Department of Medical Assistance Services to increase access to services consistent with "Option 3"

of the National Breast and Cervical Cancer Early Detection Program. This bill is identical to SB 1144.

Law Advice: FYI - No Direct Impact

Companion to SB1144.

HB2201 Innovation and Entrepreneurship Investment Authority; created, responsible for research, etc.

Chief Patron: Vanderhye

Summary:

Merges the Innovative Technology Authority (ITA), and the Virginia Research and Technology Advisory Commission into a single entity, named the Innovation and Entrepreneurship Investment Authority (IEIA). The IEIA will have 13 members as follows: three presidents of state institutions of higher education to be appointed by the Governor, the Secretary of Technology, three nonlegislative citizen members appointed by the Governor, three nonlegislative citizen members appointed by the Speaker of the House from a list recommended by the House Committee on Science and Technology and the Joint Commission on Technology and Science, and three nonlegislative citizen members appointed by the Senate Committee on Rules from a list recommended by the Senate Committee on General Laws and Technology and the Joint Commission on Technology and Science. The nonlegislative citizen members shall represent the entrepreneurial, investment, and science and technology communities according to specific guidelines in the bill. The IEIA will continue the work of the ITA, with heightened responsibilities regarding the oversight of research and development efforts in the Commonwealth.

Law Advice: FYI - No Direct Impact

Companion to SB1456.

HB2211 Prescription Monitoring Program; disclosure of information.

Chief Patron: Jones

Summary:

Removes requirement that a prescriber obtain written consent from the recipient of a prescription before requesting information on that recipient for the purpose of establishing his treatment history, and authorizes a prescriber authorized to access information in the possession of the Prescription Monitoring Program to delegate such authority to up to two health care professionals who are licensed, registered or certified by a health regulatory board and employed at the same facility under the direct supervision of the prescriber. This bill incorporates HB 2259. This bill is identical to SB 1195.

Law Advice: New Authority

Effective 3/16/09. Companion to SB1195.

HB2212 Automated drug dispensing systems; allows drugs in multi-dose packaging to be placed therein.

Chief Patron: Jones

Summary:

Allows drugs in multi-dose packaging, other than those administered orally, to be placed in an automated drug dispensing device if approved by the pharmacist-in-charge in consultation with a standing hospital committee comprised of pharmacy, medical, and nursing staff.

Law Advice: New Authority

HB2214 Bulk donation programs; pharmacy may charge reasonable dispensing or administrative fee.

Chief Patron: Jones

Summary:

Provides that a pharmacy participating in bulk donation programs may charge a reasonable dispensing or administrative fee to offset the cost of dispensing donated medications, not to exceed the actual costs of such dispensing.

Law Advice: New Authority

HB2268 Renewable energy; definition thereof.

Chief Patron: Poindexter

Summary:

Provides that the term "biomass," as used in the definition of renewable energy for purposes of Chapter 23 of Title 56, includes both sustainable and non-sustainable biomass; and provides that the definitions thereof shall be liberally construed. The measure also provides that the term "renewable energy" shall include the proportion of the thermal or electric energy from a facility that results from the co-firing of biomass.

Law Advice: FYI - No Direct Impact

HB2285 Auditor of Public Accounts; duties, standard vendor accounting information to include certain info.

Chief Patron: Cline

Summary:

Requires the Division of Purchases and Supply, the Virginia Information Technology Agency, and the State Comptroller to develop standard accounting information for use by agencies. The bill also requires the Office of the Auditor of Public Accounts to include on its existing searchable database information regarding state audits or reports relating to public entities, capital outlay payments, and annual bonded indebtedness. The bill provides for the searchable database to include the following additional elements as they become available through improved enterprise or other systems: (i) commodities, (ii) Virginia Performs data that directly relates to funding actions or expenditures, (iii) descriptive purposes for funding actions or expenditures, (iv) laws authorizing the issuance of bonds, and (v) copies of actual grants and contracts. Last, the bill provides for the Governor, Secretary of Technology, and Chief Information Officer to take all steps necessary to provide the searchable database as a hyperlinked icon located within the Online Services section of the Official Commonwealth of Virginia Home Page.

Law Advice: New Requirement

Similar to SB936.

HB2342 Tuition assistance; member National Guard have minimum of 2 years remaining on service requirement.

Chief Patron: Amundson

Summary:

Provides that notwithstanding the eligibility requirement that a member of the National Guard have a minimum of two years remaining on his service requirement in order to receive a grant, if a member is activated or deployed for federal military service, an additional day, up to 365 days, must be added to the member's eligibility for the grant for each day of federal service. Additional credit, or credit for state duty, may be awarded at the discretion of the Adjutant General.

Law Advice: FYI - No Direct Impact

HB2352 Donation of prescription medication; clarifies liability of pharmaceutical manufacturers.

Chief Patron: Landes

Summary:

Clarifies the liability of pharmaceutical manufacturers relating to storage, donation, acceptance, or dispensing of any drug in accordance with the Prescription Drug Donation Program. This bill also provides that unused prescription drugs dispensed for use by person covered under the Medicaid program may be donated unless such donation is prohibited.

Law Advice: FYI - No Direct Impact

HB2396 Advance medical directives; revises Health Care Decisions Act to clarify process.

Chief Patron: Bell

Summary:

Revises the Health Care Decisions Act to (i) allow a person to make a written advance directive to specify health care the declarant does or does not authorize, appoint an agent to make health care decisions for the declarant, and specify an anatomical gift; (ii) clarify the process for determining a patient to be incapable of making an informed decision regarding health care; (iii) require that determinations of incapacity be made by two physicians, or one physician and one licensed clinical psychologist, one of whom is not otherwise involved in the care of the patient; (iv) allow any one physician to declare that a patient is again capable of making an informed decision; (v) clarify the authority of an agent named in an advance directive, or a person otherwise given authority to make medical decisions for an incompetent patient, including authority to admit the declarant to a facility for mental health treatment for a period not to exceed 10 days and to authorize participation by the declarant in a health care study approved by an institutional review board or research review committee; and (vi) determine when a physician may treat a patient over his protests. This bill provides that a person who willfully conceals, cancels, defaces, obliterates, damages, falsifies, or forges an advance directive or revocation of an advance directive of another shall be guilty of a Class 1 misdemeanor. Where such action causes life-prolonging procedures to be utilized in contravention of the previously expressed intent of the declarant, such person shall be guilty of a Class 6 felony, and where such action directly causes life-prolonging procedures to be withheld in contravention of the previously expressed intent of the declarant or death to be hastened, the person shall be guilty of a class 2 felony. This bill incorporates HB 2062 and HB 2334. This bill is identical to SB1142.

Law Advice: Change in Requirement

Companion to SB1142.

HB2400 Criminal sexual assault; establishment of a multidisciplinary response thereto.

Chief Patron: Bell

Summary:

Requires attorneys for the Commonwealth to establish sexual assault response teams. Each team would be responsible for discussion of establishment of policies and coordinating responses to sexual assault incidents and to establish guidelines for community response.

Law Advice: FYI - No Direct Impact

HB2405 Health Professions, Department of; may release information for determining shortage designations.

Chief Patron: Tyler

Summary:

Expands the requirement to submit certain information to the Department of Health Professions to anyone applying for initial licensure, certification, or registration, and individuals licensed, certified, or registered by a health regulatory board. Also the bill allows the Department, and the Board of Nursing, to release any information for the

purposes of determining shortage designations and to qualified personnel if pertinent to an investigation, research, or study, provided a written agreement between such qualified personnel and the Department, which ensures that any person to whom such information is divulged shall preserve the confidentiality of the information, is executed.

Law Advice: FYI - No Direct Impact

HB2407 Health Practitioners' Intervention Program; revisions, changes name.

Chief Patron: Hall

Summary:

Changes the name of the Health Practitioners' Intervention Program to the Health Practitioners' Monitoring Program, and clarifies that the purpose of the Program is to monitor impaired health professionals, rather than to intervene or treat them. The bill provides that the Director of the Department of Health Professions shall work together with the Health Practitioner's Monitoring Program to develop contracts necessary for implementation of monitoring services. This bill also expands the membership of the Health Practitioner's Monitoring Program Committee to include a registered nurse engaged in active practice.

Law Advice: FYI - No Direct Impact

HB2415 Technology Research Fund; robotics & unmanned vehicle systems, etc., to eligible research programs.

Chief Patron: Bouchard

Summary:

Adds robotics, unmanned vehicle systems, and advanced shipbuilding to the list of eligible research programs.

Law Advice: New Authority

HB2423 Broadband Advisory Council; established.

Chief Patron: May

Summary:

Establishes the Governor's Broadband Advisory Council. The purpose of the Council shall be to advise the Governor on policy and funding priorities to expedite deployment and reduce the cost of broadband access in the Commonwealth. The council shall be staffed by the Office of Telework Promotion and Broadband Assistance. Technical amendments to the bill adjust the membership of the Council.

Law Advice: FYI - No Direct Impact

Effective 4/8/08. Companion to SB1336.

HB2426 Government Data Collection and Dissemination Practices Act; extends implementation of prohibition.

Chief Patron: May

Summary:

Extends from July 1, 2009, to July 1, 2010, the implementation of the prohibition against collecting an individual's social security number unless collection of such number is (i) authorized or required by state or federal law and (ii) essential for the performance of that agency's duties. The bill contains several technical amendments, all to become effective July 1, 2010. This bill is a recommendation of the Freedom of Information Advisory Council.

Law Advice: Change in Requirement

Pending approval by Governor. See bill for effective dates. Companion to SB1318.

HB2427 **Protection of Social Security Numbers Act; first five digits to be confidential from disclosure.**

Chief Patron: May

Summary:

Provides that the first five digits of a social security number contained in a public record shall be confidential and exempt from disclosure under the Freedom of Information Act. The bill does allow release of a social security number under certain limited circumstances, including proper judicial order; to federal, state or local law-enforcement or correctional personnel; by one agency to another agency in Virginia or to an agency in another state, district, or territory of the United States; and to any data subject exercising his rights under the Government Data Collection and Dissemination Practices Act. The bill provides for penalties for violation.

Law Advice: **New Requirement**

HB2447 **Influenza vaccination; requires Board of Health to develop and issue guidelines for administration.**

Chief Patron: Sickles

Summary:

Requires the Board of Health, by August 31, 2009, to develop and issue guidelines for administration of influenza vaccine to minors by licensed pharmacists, registered nurses, or licensed practical nurses, with the consent of the minor's parent, guardian, or person standing in loco parentis and when consistent with guidelines developed by the Centers for Disease Control and Prevention. This bill also provides that a prescriber may authorize the administration of influenza vaccine to minors by a licensed pharmacist, registered nurse, or licensed practical nurse under the direction and immediate supervision of a registered nurse when the prescriber is not physically present.

Law Advice: **New Requirement**

Guidelines to be developed and issued by the Board of Health by August 31, 2009.

HB2449 **Infectious disease; establishes deemed consent to test for HIV & hepatitis B & C and release result.**

Chief Patron: Sickles

Summary:

Requires that if any salaried or volunteer firefighter, paramedic, or emergency medical technician becomes exposed to another's body fluids in a manner that may transmit HIV or hepatitis, the other person will be deemed to have consented to testing for those viruses. This bill removes the duty of a law-enforcement officer to inform a person of his deemed consent prior to exposure to his bodily fluids. Also, when a first responder is asked to transport someone with a communicable disease, this bill removes the transferring facility's discretion in deciding if the responder must be notified as to the general condition of the patient and any precautions to be taken, and instead always requires such notice. This bill is identical to SB 1107.

Law Advice: **Change in Requirement**

Companion to SB1107 and similar to HB2141.

HB2453 **Electronic prescribing; Secretary of Health and Human Services, etc. to establish a website.**

Chief Patron: Sickles

Summary:

Requires the Secretary of Health and Human Services, in consultation with the Secretary of Technology, to establish a website with information on electronic prescribing for health practitioners, which shall contain

information about the process and advantages of electronic prescribing, the availability of electronic prescribing products, links to federal and private-sector websites that provide guidance on selecting electronic prescribing products, and links to federal and private sector incentive programs for implementing electronic prescribing. The bill requires the Secretary of Health and Human Resources in consultation with the Secretary of Technology to regularly consult with relevant public and private stakeholders to assess and accelerate implementation of electronic prescribing in Virginia. This bill further provides that, beginning in 2010, any health practitioner who contracts with the Commonwealth for the provision of health services will be required to utilize electronic prescribing to the maximum extent practicable. This bill directs the Department of Medical Assistance Services to develop programs and incentives to encourage the adoption of electronic prescribing by Medicaid providers.

Law Advice: New Requirement

HB2458 Posting of charity care policies; requires hospitals to post information related thereto.

Chief Patron: O'Bannon

Summary:

Requires all hospitals to provide written information about the hospital's charity care policies, including policies related to free and discounted care, in public areas of the hospital including admissions or registration areas, emergency departments, and associated waiting rooms. The bill further provides that information about eligibility criteria and procedures for applying for charity care shall be provided to patients at the time of admission or discharge, at the time services are provided, with any billing statements, and on any website maintained by the hospital.

Law Advice: New Requirement

HB2459 Right to notify; consumer in mental health facility to have opportunity thereto of his condition.

Chief Patron: O'Bannon

Summary:

Provides that a consumer in a mental health facility shall have the opportunity to have an individual of his choosing notified of his general condition, location, and transfer to another facility. This bill is identical to SB 1076.

Law Advice: FYI - No Direct Impact

Companion to SB1076.

HB2460 Transportation of person under emergency custody, etc.; allowed to be transported by family member.

Chief Patron: O'Bannon

Summary:

Provides for transportation of a person who is the subject of an emergency custody order as a result of his inability to protect himself from harm, a person under a temporary detention order, and a person under an involuntary commitment order by a family member or friend, representative of the community services board, or other alternative transportation provider with staff trained to provide transportation in a safe manner. This bill is identical to SB 823.

Law Advice: Change in Authority

Companion to SB823.

HB2461 Notification of family member in commitment process; disclosure of certain information of patient.

Chief Patron: O'Bannon

Summary:

Authorizes disclosure to a friend or family member of a person who is the subject of an emergency custody order, temporary detention order, or involuntary commitment order, of information that is relevant to that friend's or family member's involvement with the person's health care, including information regarding the person's location and general condition. This bill is identical to SB 1077.

Law Advice: New Authority

Companion to SB1077.

HB2462 Patient level data system; reporting requirement.

Chief Patron: O'Bannon

Summary:

Adds patient street address and city or county to and removes patient relationship to insured from the list of information that must be reported by hospitals, facilities, physicians, and oral and maxillofacial surgeons.

Law Advice: Change in Requirement

HB2464 Higher educational institutions, certain; management agreements with State.

Chief Patron: Morgan

Summary:

Provides that the 2006 management agreements in place between the Commonwealth and Virginia Polytechnic Institute and State University, the College of William and Mary, and the University of Virginia, and the 2008 management agreement between the Commonwealth and Virginia Commonwealth University, will expire on June 30, 2012, provided that on or before November 15, 2011, the Governor provides to the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance written notification that the agreements need to be renegotiated or revised. Otherwise, the management agreements will continue in effect until June 30, 2015. Also makes adjustments to the policies governing capital projects, procurement, and financial operations and management. This bill is identical to SB 1156.

Law Advice: Change in Authority

Companion to SB1156.

HB2482 Prescription donation; clarifies hospital and clinic may redispense donation medication to indigent.

Chief Patron: Eisenberg

Summary:

Clarifies that hospitals, as well as clinics organized in whole or in part for the delivery of health care services to the indigent, may redispense donation medications to the indigent.

Law Advice: Change in Authority

HB2486 Emergency custody; authority of law-enforcement officer.

Chief Patron: Ward

Summary:

Authorizes a law-enforcement officer who is transporting a person who has voluntarily consented to being transported to a facility for assessment or evaluation and who subsequently revokes consent to be transported to take such person into emergency custody when the law-enforcement officer determines that consent has been revoked and the person meets the criteria for emergency custody, even if the law-enforcement officer is beyond

the territorial limits of the jurisdiction in which he serves. This bill also clarifies that a law-enforcement officer who takes a person into emergency custody based upon his own observations or reliable reports of others may transport such person beyond the territorial boundaries of the jurisdiction in which he serves in order to obtain the required assessment. This bill states that it is declarative of existing law. This bill is identical to SB 1079.

Law Advice: New Authority

Companion to SB1079.

HB2519 Electric utilities; SCC to establish procedures regarding refunds of moneys collected.

Chief Patron: Phillips

Summary:

Requires the State Corporation Commission (SCC) to review fuel costs if it approves an increase in fuel factor charges that would increase the total rates of residential customers by more than 20 percent, which review shall be conducted within six months after the effective date of the increase. If the SCC finds that the utility is in an over-recovery position with respect to its fuel costs by more than five percent, it may reduce the fuel costs.

Law Advice: Monitor and Track

HB2531 Electricity; SCC to conduct proceeding to determine appropriate energy conservation, etc.

Chief Patron: Kilgore

Summary:

Directs the State Corporation Commission (SCC) to conduct a proceeding to determine achievable, cost-effective energy conservation and demand response targets that can be accomplished through demand-side management portfolios administered by generating electric utilities. The SCC is required to report to the Governor and the General Assembly by November 15, 2009. The measure also requires the SCC to approve a demand response program that is proposed by a certain generating electric utility or a qualified nonutility provider if certain conditions are satisfied. The Air Pollution Control Board, in consultation with the SCC and Department of Mines, Minerals and Energy, is required to adopt a general permit for certain generation facilities that participate in voluntary demand response programs. The measure also directs the Air Pollution Control Board to adopt a general permit or permits for the use of back-up generation, in order to allow emergency generation sources to operate during periods that the independent system operator has notified electric utilities that an emergency exists or may occur. HB 2000 is incorporated. SB 1348 is identical.

Law Advice: Monitor and Track

HB2533 Studded tires; emergency vehicles to operate therewith.

Chief Patron: Wright

Summary:

Allows emergency vehicles to operate with studded tires, etc., year-round.

Law Advice: New Authority

HB2539 Enterprise Applications, Division of; established within VITA, appoint Chief Applications Officer.

Chief Patron: Nixon

Summary:

Establishes the Division of Enterprise Applications within VITA to oversee the Commonwealth's efforts to modernize the planning, development, implementation, improvement, and retirement of Commonwealth applications,

including the coordination and development of enterprise-wide or multi-agency applications. The Division would be headed by the current director of the Virginia Enterprise Applications Program (VEAP) who would serve as the initial Chief Applications Officer (CAO). The CAO would be a permanent position appointed by, and reporting to, the Chief Information Officer (CIO) of the Commonwealth. The bill clarifies that the Information Technology Investment Board's contract with the Chief Information Officer may be for a term of up to five years. The bill also appoints the Secretary of Finance to the ITIB in place of the Governor's appointment from a list of individuals nominated by the legislature and establishes the Secretary of Technology as the permanent vice-chairman.

Law Advice: FYI - No Direct Impact

HB2557 Health insurance plan, State; coverages and benefits.

Chief Patron: Nixon

Summary:

Provides that any law effective on or after July 1, 2009, that provides for an insurance mandate for policies of accident and health insurance shall also apply to health insurance plans for state employees. The measure also requires the Department of Human Resource Management to report to the Special Advisory Commission on Mandated Health Insurance Benefits on cost and utilization information for each of the mandated benefits.

Law Advice: New Requirement

Companion to SB1351.

HB2612 Emergency response plans; ensuring victims' rights.

Chief Patron: Shannon

Summary:

Requires all emergency plans to include a provision that the Department of Criminal Justice Services and the Virginia Criminal Injuries Compensation Fund shall be contacted immediately to deploy assistance in the event of an emergency as defined in the emergency response plan when there are victims as defined in § 19.2-11.01, as well as current contact information for both. This bill is identical to SB 1150.

Law Advice: New Requirement

Companion to SB1150.

HB2615 Public Procurement Act; increases amount for single or term contracts for professional services.

Chief Patron: Iaquinto

Summary:

Increases the amount from \$30,000 to \$50,000 for single or term contracts for professional services not requiring competitive negotiation.

Law Advice: FYI - No Direct Impact

Exempt under Restructuring.

HB2618 Interagency Dispute Resolution Advisory Council; membership terms.

Chief Patron: Barlow

Summary:

Sets the terms for members of the Council. The bill provides that it shall not be construed to affect existing appointments, except to the extent necessary to effectuate the setting and staggering of terms of the Council's membership. The bill contains technical amendments.

Law Advice: FYI - No Direct Impact

HB2626 Line of Duty Act; investigation of claims by police departments and sheriffs offices.

Chief Patron: Byron

Summary:

Provides that when a police department or sheriff's office is the last employer of the deceased or disabled person, then the department or office may conduct the investigation of the circumstances surrounding the deceased or disabled person and report the findings to the Comptroller. The Comptroller, Attorney General or chief officer of the department may request that the State Police perform the investigation. Currently all investigations of the circumstances must be conducted by the Virginia Department of State Police. This bill is identical to SB 1539.

Law Advice: New Authority

Companion to SB1539.

HB2637 Arrests; requires fingerprints be taken and forwarded to Central Criminal Records Exchange.

Chief Patron: Cline

Summary:

Requires that fingerprints be taken and forwarded to the Central Criminal Records Exchange upon an arrest for a violation of a protective order issued under Title 16.1. Fingerprints are already authorized for misdemeanor arrests for violation of stalking protective orders issued under Title 18.2.

Law Advice: New Requirement

HB2643 Economic development entities; extension of performance agreements.

Chief Patron: Merricks

Summary:

Authorizes state and local economic development entities, including any county, city or town, upon the agreement of the parties, to extend any performance agreement. The bill defines performance agreement. The bill provides that no such extension would allow for any payment or appropriation of funds except as provided in the general appropriation act.

Law Advice: FYI - No Direct Impact

HB2655 Accident and sickness claim proceeds; provider services rendered outside of State.

Chief Patron: Sickles

Summary:

Provides that the requirements regarding payment of interest on health insurance claims do not apply to claims proceeds payable to an out-of-state provider of pharmacy services, for such services provided outside Virginia, unless the state where the services are rendered fails to provide for payment of interest on the claims proceeds. In such event, interest shall be computed daily at the legal rate from the 30th day after the insurer received the proof of loss until the claim is paid.

Law Advice: FYI - No Direct Impact

HB2660 Capital outlay plan; constitutes State's six-year proposal for projects.

Chief Patron: Putney

Summary:

Sets forth a six- year capital outlay plan for projects to be funded entirely or partially from general fund-supported resources.

Law Advice: New Authority

Companion to SB1531.

HB2665 Broadband Infrastructure Loan Fund; created.

Chief Patron: May

Summary:

Creates the Virginia Broadband Infrastructure Loan Fund. The Fund would be administered by the Virginia Resources Authority. Money in the Fund would be used exclusively for the financing of broadband infrastructure projects undertaken by a local government. Priority for loans would be given to projects that will utilize private industry in operating and maintaining the projects where private involvement will provide cost savings, to projects that serve two or more local governments, and to projects in unserved areas.

Law Advice: FYI - No Direct Impact

HB2672 Minority Business Enterprise, Dept. of; definitions to include individual who is U.S. citizen, etc.

Chief Patron: Herring

Summary:

Clarifies that small, women-owned, and minority-owned businesses must be comprised of individuals who are U.S. citizens or legal resident aliens, and that both the management and daily business operations are conducted by such individuals. The bill contains technical amendments.

Law Advice: FYI - No Direct Impact

Pending approval by Governor.

HJ635 Women's Heart Day; designating as May 17, 2009, and each succeeding year thereafter.

Chief Patron: Sherwood

Summary:

Designates May 17, in 2009 and in each succeeding year, as Women's Heart Day in Virginia during Women's Health Week in Virginia.

Law Advice: FYI - No Direct Impact

HJ647 Constitutional amendment; limit on taxes or revenues and Revenue Stabilization Fund.

Chief Patron: O'Bannon

Summary:

Increases the permissible size of the Fund by 50 percent; i.e., from 10 percent to 15 percent of the Commonwealth's average annual tax revenues derived from income and sales taxes for the preceding three fiscal years.

Law Advice: Monitor and Track

HJ651 Project Lead the Way (PLTW) program; school divisions to launch in division's high schools.

Chief Patron: Cosgrove

Summary:

Requests the school divisions of the Commonwealth to consider launching a Project Lead the Way program in the division's high schools.

Law Advice: FYI - No Direct Impact

HJ653 PRODUCED in Virginia program; UVA School of Engineering & CVCC recognized for establishing.

Chief Patron: Cosgrove

Summary:

Commends the University of Virginia School of Engineering and Applied Science and the Central Virginia Community College for establishing the *PRODUCED in Virginia* program.

Law Advice: FYI - No Direct Impact

HJ683 Retailers for Life Month; designating as April 2009, and each succeeding year thereafter.

Chief Patron: Peace

Summary:

Designates April, in 2009 and in each succeeding year, as Retailers for Life Month in Virginia.

Law Advice: FYI - No Direct Impact

HJ684 Congenital Heart Defects Awareness Week; designating as February 7-14, 2009, and each year.

Chief Patron: Bulova

Summary:

Designates February 7 through 14, in 2009 and in each succeeding year, as Congenital Heart Defect Awareness Week in Virginia, culminating in the observance of National Congenital Heart Defect Awareness Day on February 14 each year.

Law Advice: FYI - No Direct Impact

HJ771 Patient Advocate Day; designating as April 4, 2009, and each succeeding year thereafter.

Chief Patron: Hamilton

Summary:

Declares April 4, in 2009 and each year thereafter as Virginia Patient Advocate Day.

Law Advice: FYI - No Direct Impact

HJ799 Commending United Network for Organ Sharing.

Chief Patron: McClellan

Summary:

Commends the United Network for Organ Sharing on its 25th anniversary to saving and improving the quality of life of thousands of citizens through organ transplantation.

Law Advice: FYI - No Direct Impact

Companion to SJ388.

HJ823 Adolescent Well Health visit; recognizing importance thereof for health and well-being.

Chief Patron: Amundson

Summary:

Recognizes the importance of the Adolescent Well Health visit for the health and well-being of adolescents and young adults.

Law Advice: FYI - No Direct Impact

HJ824 Celebrating the life of John Ashley Blackburn.

Chief Patron: Toscano

Summary:

Celebrating the life of John Ashley Blackburn.

Law Advice: FYI - No Direct Impact

HR39 ROTC program; higher educational institutions encouraged to support by providing academic credit.

Chief Patron: Cox

Summary:

Encourages the public institutions of higher education in the Commonwealth to fully support the Reserve Officers' Training Corps (ROTC) programs and provide the maximum recognition of ROTC courses for credits toward graduation.

Law Advice: FYI - No Direct Impact

SB823 Transportation of person under emergency custody, etc.; allowed to be transported by family member.

Chief Patron: Cuccinelli

Summary:

Provides for transportation of a person who is the subject of an emergency custody order as a result of his inability to protect himself from harm, a person under a temporary detention order, and a person under an involuntary commitment order by a family member or friend, representative of the community services board, or other alternative transportation provider with staff trained to provide transportation in a safe manner. This bill is identical to HB 2460.

Law Advice: Change in Authority

Companion to HB2460.

SB860 Income tax credit, earned; employers to provide notice to employees that may be eligible.

Chief Patron: Edwards

Summary:

Requires employers to post any notice that may be provided by the Department of Social Services informing employees that they may be eligible for federal and state earned income tax credits.

Law Advice: New Requirement

SB886 Elevator mechanics; Board of Contractors to delegate certification in event of emergency.

Chief Patron: McEachin

Summary:

Authorizes the Board for Contractors to delegate to the Director of the Department of Professional and Occupational Regulation certification of elevator mechanics in the event of emergency. The Board may also delegate to the Director the issuance of temporary certification of elevator mechanics. The bill contains several technical amendments. The bill increases the Board's membership from thirteen to fourteen by adding a member who is either a certified elevator mechanic or a licensed elevator contractor.

Law Advice: FYI - No Direct Impact

Not applicable per General Counsel. Similar to HB1708.

SB892 Information technology projects; Governor to include a biennial appropriation therefor.

Chief Patron: McDougle

Summary:

Requires the Governor to identify in his proposed budget bill all major information technology projects that have or are pending project development approval. The bill specifies what information must be included in the budget bill regarding major information technology projects and defines "major information technology project" as any state agency information technology project that (i) is mission-critical, (ii) has statewide application, or (iii) has a total estimated cost of more than \$1 million. Additionally, the bill requires the CIO to determine whether funding for a major information technology project is included in the Governor's budget bill prior to the development of such project.

Law Advice: FYI - No Direct Impact

Exempt under Restructuring.

SB893 Submission of executive budget; personnel costs for state agencies.

Chief Patron: McDougle

Summary:

Requires the total amount appropriated for personnel costs for each agency to be included in the Executive Budget for each agency.

Law Advice: FYI - No Direct Impact

SB898 Elder or dependent adult abuse; emergency services personnel to report suspected abuse, etc.

Chief Patron: McDougle

Summary:

Amends section requiring emergency services personnel certified by the Board of Health to report suspected abuse, neglect, or exploitation of adults to require such persons to report suspected abuse, neglect, or exploitation of adults either directly via methods specified in this section or directly to the attending physician at the hospital to which the adult has been transported, who shall make the report forthwith.

Law Advice: Change in Requirement

SB936 Auditor of Public Accounts; duties, standard vendor accounting information to include certain info.

Chief Patron: Cuccinelli

Summary:

Requires the Office of the Auditor of Public Accounts to include on its existing searchable database information regarding state audits or reports relating to public entities, capital outlay payments, and annual bonded

indebtedness. The bill also provides for the searchable database to include the following additional elements as they become available through improved enterprise or other systems: (i) commodities, (ii) Virginia Performs data that directly relates to funding actions or expenditures, (iii) descriptive purposes for funding actions or expenditures, (iv) laws authorizing the issuance of bonds, and (v) copies of actual grants and contracts. In addition, the bill requires the Department of General Services, the Virginia Information Technologies Agency, and the State Comptroller to develop and maintain standard accounting information for use by all agencies and institutions for payments and purchases.

Law Advice: New Requirement

Similar to HB2285.

SB940 Board for Architects, Professional Engineer, Land Surveyor, etc.; licensure of landscape architects.

Chief Patron: Watkins

Summary:

Requires the licensure of landscape architects by the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects effective July 1, 2010. Currently landscape architects are required to be certified by the Board.

Law Advice: Change in Requirement

SB949 Donor Registry and Public Awareness Fund; changes name of Transplant Council Education Fund thereto.

Chief Patron: Howell

Summary:

Changes the name of the Virginia Transplant Council Education Fund to the Virginia Donor Registry and Public Awareness Fund, and requires the Department of Motor Vehicles to establish a procedure for driver's license applicants to voluntarily contribute to the Fund. Also makes technical corrections to make certain sections consistent with the Revised Uniform Anatomical Gift Act.

Law Advice: FYI - No Direct Impact

SB965 Preventive medications for sexual assault victims; may authorize registered nurses to administer.

Chief Patron: Blevins

Summary:

Provides that pursuant to an oral or written order or standing protocol issued by a prescriber within the course of his professional practice, such prescriber may authorize registered professional nurses certified as sexual assault nurse examiners under his supervision and when he is not physically present to possess and administer preventive medications for victims of sexual assault as recommended by the Centers for Disease Control and Prevention.

Law Advice: New Authority

SB968 Radiologist assistants; licensure.

Chief Patron: Blevins

Summary:

Provides for the licensure of radiologist assistants as individuals who have met the requirements of the Board of Medicine for licensure as advanced-level radiologic technologists and who, under the direct supervision of a licensed doctor of medicine or osteopathy specializing in the field of radiology, are authorized to (i) assess and

evaluate the physiological and psychological responsiveness of patients undergoing radiologic procedures; (ii) evaluate image quality, make initial observations, and communicate observations to the supervising radiologist; (iii) administer contrast media or other medications prescribed by the supervising radiologist; and (iv) perform, or assist the supervising radiologist to perform, any other procedure consistent with the guidelines adopted by the American College of Radiology, the American Society of Radiologic Technologists, and the American Registry of Radiologic Technologists. This bill is identical to HB 1939.

Law Advice: New Authority

Companion to HB1939.

SB994 **Campus police; allows any educational institution police officers not be governed by Personnel Act.**

Chief Patron: Miller, J.C.

Summary:

Allows any public institution of higher education to direct that its chief of campus police not be governed by the Virginia Personnel Act. Also makes a technical amendment, correcting an outdated Code citation.

Law Advice: New Authority

SB1009 **Electronic communication service providers, etc.; search warrants executed upon.**

Chief Patron: Deeds

Summary:

Provides that a search warrant for records or other information pertaining to a subscriber to, or customer of, an electronic communication service or remote computing service that is transacting or has transacted any business in the Commonwealth, including the contents of electronic communications, may be served upon such a provider within or without the Commonwealth by mail, facsimile, or other electronic means. Currently, there is no provision for service of such a warrant outside the Commonwealth nor is there a specific provision allowing for mail, fax or electronic service. Additionally, under current law, electronic communications are expressly excluded from the coverage of the warrant.

Law Advice: FYI - No Direct Impact

SB1032 **Medication aide training programs; requirements therefor .**

Chief Patron: Hanger

Summary:

Sets forth requirements for Board of Nursing approved education and training programs for medication aides. This bill also delays enforcement of the requirement for medication aides to be registered until August 1, 2009, allows medication aides to administer drugs that would normally be self-administered in assisted living facilities until that date, and is effective retroactively to January 1, 2009. This bill is identical to HB 1986.

Law Advice: FYI - No Direct Impact

Retroactive effective date: 1/1/09. Companion to HB1986.

SB1058 **Green roofs; authorizes counties, cities, and towns, by ordinance, to grant incentives, etc.**

Chief Patron: Whipple

Summary:

Authorizes counties, cities, and towns to grant incentives or provide regulatory flexibility to encourage the use of green roofs in the construction, repair, or remodeling of residential and commercial buildings. The incentives or regulatory flexibility could include (i) a reduction in permit fees when green roofs are used, (ii) a streamlined

process for the approval of building permits when green roofs are used, or (iii) a reduction in any gross receipts tax on green roof contractors as defined by the local ordinance. This bill is identical to HB 1975.

Law Advice: FYI - No Direct Impact

Companion to HB1975.

SB1060 Health Care, Joint Commission on; shall expire on July 1, 2012.

Chief Patron: Puller

Summary:

Extends the expiration of the Joint Commission on Health Care until July 1, 2012.

Law Advice: FYI - No Direct Impact

SB1076 Right to notify; consumer in mental health facility to have person of choice notified of condition.

Chief Patron: Howell

Summary:

Provides that a consumer in a mental health facility shall have the opportunity to have an individual of his choosing notified of his general condition, location, and transfer to another facility. This bill incorporates SB 1433.

Law Advice: FYI - No Direct Impact

Companion to HB2459.

SB1077 Notification of family member in commitment process; disclosure of certain information of patient.

Chief Patron: Howell

Summary:

Authorizes disclosure to a family member or personal representative of a person who is involved in the commitment process of information that is directly relevant to such person's involvement with the individual's health care, which may include the individual's location and general condition.

Law Advice: New Authority

Companion to HB2461.

SB1079 Emergency custody; authority of law-enforcement officer.

Chief Patron: Howell

Summary:

Authorizes a law-enforcement officer who is transporting a person who has voluntarily consented to being transported to a facility for assessment or evaluation and who subsequently revokes consent to be transported to take such person into emergency custody when the law-enforcement officer determines that consent has been revoked and the person meets the criteria for emergency custody, even if the law-enforcement officer is beyond the territorial limits of the jurisdiction in which he serves. This bill also clarifies that a law-enforcement officer who takes a person into emergency custody based upon his own observations or reliable reports of others may transport such person beyond the territorial boundaries of the jurisdiction in which he serves in order to obtain the required assessment. A second enactment clause provides that this bill is declarative of existing law. This bill is identical to HB 2486.

Law Advice: New Authority

Companion to HB2486.

SB1083 **Mental health law; amends statutes to address issues resulting from overhaul thereof.**

Chief Patron: Howell

Summary:

Amends mental health statutes to address issues resulting from the overhaul of mental health laws during the 2008 Session. This bill clarifies requirements that law-enforcement initiated emergency custody remains subject to the four hour limit and two hour extension provisions; clarifies that the employee or designee of the community services board attending a commitment hearing need not be the person who prepared the prescreening report, and that neither the employee or designee of the community services board attending a commitment hearing nor the independent examiner who attends the commitment hearing shall be excluded pursuant to an order of sequestration of the witnesses; clarifies that the prescreening report shall be admitted into evidence and made part of the record of the case; and extends the CCRE reporting requirement to close of business on the next business day following the hearing resulting in involuntary commitment. This bill has an emergency clause.

Law Advice: **Change in Requirement**

Effective 4/8/08. Companion to HB2060.

SB1085 **Durable Do Not Resuscitate Orders; revocation.**

Chief Patron: Houck

Summary:

Clarifies that (i) the expression by the patient of the desire to be resuscitated in the event of cardiac or respiratory arrest shall constitute revocation of the Durable Do Not Resuscitate Order; (ii) Do Not Resuscitate Orders may be revoked only by the patient or the person authorized to consent for the patient if he is a minor; and (iii) Do Not Resuscitate Orders may be rescinded in accordance with accepted medical practice, by the provider who issued the order.

Law Advice: **Change in Requirement**

SB1090 **Annual and biennial reports; requires agencies, institutions, etc., to report to Governor, etc.**

Chief Patron: Miller, J.C.

Summary:

Requires agencies, institutions, collegial bodies, and other governmental entities that are specifically required by the Code of Virginia to report annually or biennially to the Governor and General Assembly to post the reports on the respective entity's website. The bill also limits the number of hard copies of the reports that such entities may print to no more than 100.

Law Advice: **Change in Requirement**

SB1093 **Mutual aid agreement; institution of higher learning having police force appointed to enter therein.**

Chief Patron: Locke

Summary:

Allows all institutions of higher learning having a police force appointed pursuant to § 23-233, rather than just state-supported institutions, to enter in and become a party to contracts or mutual aid agreements for the use of their joint forces, both regular and auxiliary, equipment, and materials to maintain peace and good order. This bill is identical to HB 2123.

Law Advice: **Change in Authority**

Companion to HB2123.

SB1105 **Indoor Clean Air Act; prohibits smoking in certain public buildings, restaurants, etc., exceptions.**

Chief Patron: Northam

Summary:

Establishes a statewide ban on smoking in restaurants. The bill contains several exemptions from this prohibition where smoking may be permitted, including a restaurant that is constructed in such a manner that areas where smoking may be permitted are structurally separated from the portion of the restaurant in which smoking is prohibited and such areas are separately vented. The bill contains technical amendments.

Law Advice: **New Requirement**

Delayed effective date: 12/1/09. Companion to HB1703.

SB1107 **Exposure to communicable diseases; first responders.**

Chief Patron: Northam

Summary:

Requires that if any salaried or volunteer firefighter, paramedic, or emergency medical technician becomes exposed to another's body fluids in a manner that may transmit HIV or hepatitis, the other person will be deemed to have consented to testing for those viruses. This bill removes the duty of a law-enforcement officer to inform a person of his deemed consent prior to exposure to his bodily fluids. Also, when a first responder is asked to transport someone with a communicable disease, this bill removes the transferring facility's discretion in deciding if the responder must be notified as to the general condition of the patient and any precautions to be taken, and instead always requires such notice. This bill incorporates SB 1034 (Hanger) and SB 1152 (McDougle).

Law Advice: **Change in Requirement**

Companion to HB2449 and similar to HB2141.

SB1109 **Alzheimer's Disease and Related Disorders Commission; extends sunset until July 1, 2014, etc.**

Chief Patron: Northam

Summary:

Extends the sunset for the Alzheimer's Disease and Related Disorders Commission from July 1, 2009, to July 1, 2014. The bill also adds to the powers and duties of the commission the development and promotion of strategies to encourage brain health and reduce cognitive decline.

Law Advice: **FYI - No Direct Impact**

Companion to HB1617.

SB1116 **Health insurance; mandated coverage for prosthetic devices and components.**

Chief Patron: Ticer

Summary:

Requires health insurers, health care subscription plans, and health maintenance organizations to offer and make available coverage for medically necessary prosthetic devices, their repair, fitting, replacement, and components, to replace a limb.

Law Advice: **FYI - No Direct Impact**

SB1122 **Psychiatric Inpatient Treatment of Minors Act; mandatory outpatient treatment; etc.**

Chief Patron: Lucas

Summary:

Provides that a person who meets the criteria for involuntary commitment under the Psychiatric Inpatient Treatment of Minors Act may be ordered to mandatory outpatient treatment if less restrictive alternatives to involuntary inpatient treatment are appropriate and available, and the minor and his parents have the capacity to understand the stipulations of the minor's treatment and to comply with such outpatient treatment and they have agreed to abide by the treatment plan. The bill also sets forth how such mandatory outpatient treatment will be monitored and how a minor's noncompliance with such treatment will be addressed, and clarifies that the judge who presides over any noncompliance hearing does not have to be the judge who presided over the mandatory outpatient commitment hearing. The bill also clarifies that the commitment criteria for minors, and not the criteria for adults, apply when the emergency admission of a minor is sought under the procedures for the emergency admission of an adult set forth in Article 4 (§ 37.2-808 et seq.) of Chapter 8 of Title 37.2. The bill also provides that a minor who has been properly detained by a juvenile and domestic relations court may petition for voluntary admission and treatment of mental illness. Currently, such detained minors may not voluntarily seek admission. The bill further requires that if a minor is in a detention home or shelter care facility when admitted to a mental health facility, the director of the detention home or shelter care facility or his designee shall provide, if available, certain information relating to the minor to the mental health facility and to the juvenile and domestic relations district court for the jurisdiction in which the facility is located if such court is different than the court that placed the minor in detention or shelter care. The bill also clarifies the circumstances under which the qualified evaluator who examined the minor must attend the minor's hearing and under what circumstances the evaluator's report is admissible. This bill is identical to HB 2061.

Law Advice: FYI - No Direct Impact

Companion to HB2061.

SB1142 Advance medical directives; revises Health Care Decisions Act to clarify process.

Chief Patron: Whipple

Summary:

Revises the Health Care Decisions Act to (i) allow a person to make a written advance directive to specify health care the declarant does or does not authorize, appoint an agent to make health care decisions for the declarant, and specify an anatomical gift; (ii) clarify the process for determining a patient to be incapable of making an informed decision regarding health care; (iii) require that determinations of incapacity be made by two physicians, or one physician and one licensed clinical psychologist, one of whom is not otherwise involved in the care of the patient; (iv) allow any one physician to declare that a patient is again capable of making an informed decision; (v) clarify the authority of an agent named in an advance directive, or a person otherwise given authority to make medical decisions for an incompetent patient, including authority to admit the declarant to a facility for mental health treatment for a period not to exceed 10 days and to authorize participation by the declarant in a health care study approved by an institutional review board or research review committee; and (vi) determine when a physician may treat a patient over his protests. This bill provides that a person who willfully conceals, cancels, defaces, obliterates, damages, falsifies, or forges an advance directive or revocation of an advance directive of another shall be guilty of a Class 1 misdemeanor. Where such action causes life-prolonging procedures to be utilized in contravention of the previously expressed intent of the declarant, such person shall be guilty of a Class 6 felony, and where such action directly causes life-prolonging procedures to be withheld in contravention of the previously expressed intent of the declarant or death to be hastened, the person shall be guilty of a class 2 felony. This bill incorporates SB 1051. This bill is identical to HB 2396.

Law Advice: Change in Requirement

Companion to HB2396.

SB1144 Every Woman's Life Breast and Cervical Cancer Fund; established.

Chief Patron: Whipple

Summary:

Establishes the Breast and Cervical Cancer Prevention and Treatment Fund (the Fund) to be used for the prevention and treatment of breast and cervical cancer for underserved and uninsured women in Virginia. The bill adds the Fund as a voluntary contribution on the individual income tax return. The bill specifies that moneys in the Fund shall not be used until such time as the General Assembly authorizes the Virginia Department of Health and the Virginia Department of Medical Assistance Services to increase access to services consistent with "Option 3" of the National Breast and Cervical Cancer Early Detection Program. This bill is identical to HB 2200.

Law Advice: FYI - No Direct Impact

Companion to HB2200.

SB1150 Emergency response plans; ensuring victims' rights.

Chief Patron: Howell

Summary:

Requires all emergency plans to include a provision that the Department of Criminal Justice Services and the Virginia Criminal Injuries Compensation Fund shall be contacted immediately to deploy assistance in the event of an emergency as defined in the emergency response plan when there are victims as defined in § 19.2-11.01, as well as current contact information for both. This bill is identical to HB 2612.

Law Advice: New Requirement

Companion to HB2612.

SB1153 Public-Private Education Facilities & Infrastructure Act of 2002; definitions, review, report.

Chief Patron: McDougale

Summary:

Amends the definition of "qualifying project" to include any services designed to increase the productivity and efficiency of a responsible public entity. Currently such services require the direct or indirect use of technology. In addition the bill (i) requires that a public hearing be held by the responsible public entity on a proposal at least 30 days prior to entering into an interim or comprehensive agreement, and (ii) provides for the Auditor of Public Accounts to post copies of interim and comprehensive agreements that have been periodically reviewed by that office in an online database. The bill also establishes a working group convened by the Chairmen of the Senate Committee on General Laws and Technology and the House Committee on General Laws to annually review model guidelines used by responsible public entities and to consider best practices recommendations. The bill incorporates SB 1244.

Law Advice: Change in Requirement

SB1154 Copies of medical bills and charges; no cost to patient up to three times every twelve months.

Chief Patron: McDougale

Summary:

Provides that a patient's account balance or itemized listing of charges maintained by a health care provider shall be supplied at no cost, upon request, up to three times every twelve months to either the patient or the patient's attorney.

Law Advice: New Requirement

SB1156 **Higher educational institutions, certain; management agreements with State.**

Chief Patron: Edwards

Summary:

Provides that the 2006 management agreements in place between the Commonwealth and Virginia Polytechnic Institute and State University, the College of William and Mary, and the University of Virginia, and the 2008 management agreement between the Commonwealth and Virginia Commonwealth University, will expire on June 30, 2012, provided that on or before November 15, 2011, the Governor provides to the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance written notification that the agreements need to be renegotiated or revised. Otherwise, the management agreements will continue in effect until June 30, 2015. Also makes adjustments to the policies governing capital projects, procurement, and financial operations and management. This bill is identical to HB 2464.

Law Advice: **Change in Authority**

Companion to HB2464.

SB1158 **Workers' Compensation; pharmacist filling a prescription to dispense therapeutically equivalent.**

Chief Patron: Saslaw

Summary:

Requires a pharmacist filling a prescription for medication for a workers' compensation claim to dispense a therapeutically equivalent drug product for a prescribed name-brand drug product. However, the pharmacist shall fill the prescription with the name-brand drug product prescribed if (i) a therapeutically equivalent drug product does not exist or the usual and customary retail price for it is higher than that of the prescribed name-brand drug product or (ii) the prescriber specifies on the prescription "brand medically necessary" based on a medical reason why the claimant should not have the prescription filled with a therapeutically equivalent drug product. A prescriber may direct that a prescription is "brand medically necessary" by verbal instructions in a telephone call. The costs of medication prescribed in connection with a compensable claim are not the responsibility of the claimant unless the prescription is obtained through fraud. HB 1674 is identical.

Law Advice: **New Requirement**

Companion to HB1674.

SB1162 **Certificate of public need; plan of correction for failure to meet conditions.**

Chief Patron: Watkins

Summary:

Provides that, when a certificate of public need is subject to conditions imposed by the Commissioner, and the certificate holder is unable to or fails to satisfy the conditions of the certificate, the Department may approve alternative methods to satisfy the conditions, including allowing the holder to, pursuant to a plan of compliance that identifies a timeframe for satisfying the conditions and explanation of how the certificate holder will satisfy the conditions of the certificate, (i) make direct payments to an organization authorized under a memorandum of understanding with the Department to receive contributions satisfying the conditions of a certificate, (ii) make direct payments to a private nonprofit foundation that funds basic insurance coverage for indigents authorized under a memorandum of understanding with the Department to receive contributions satisfying conditions of a certificate, or (iii) undertake other initiatives to provide primary or specialized care to underserved populations.

Law Advice: **FYI - No Direct Impact**

SB1173 **Open Education Resource Center Grant Fund; established, development of two-year pilot project.**

Chief Patron: Watkins

Summary:

Requires the State Board for Community Colleges, in consultation with the Virginia Department of Education and the State Council of Higher Education for Virginia, to develop a competitive grant pilot program to provide grants to community colleges to establish open education resource centers in the Commonwealth. To qualify for a grant, community colleges shall be required to demonstrate a partnership with faculty or staff from at least one local school division and one institution of higher education in the Commonwealth. Grants would be awarded on a competitive basis with guidelines established in the bill. The bill also establishes a fund authorizing both public and private contributions. The provisions of this bill would not become effective until either an appropriation of general funds effectuating the purposes of this bill is included in a general appropriations act passed by the 2009 or 2010 Session of the General Assembly, which becomes law, or funds from other private or public sources are deposited into the Open Education Resource Center Grant Fund by July 1, 2010.

Law Advice: FYI - No Direct Impact

Contingent on funding. Companion to HB1940.

SB1176 Transient occupancy tax; consultation with lodging industry.

Chief Patron: Watkins

Summary:

Requires that authorized counties, in levying a transient occupancy tax greater than two percent, must consult with representatives of lodging properties within the county. Current law requires the counties to consult with "local tourism industry organizations," but does not specifically mention lodging properties.

Law Advice: FYI - No Direct Impact

SB1195 Prescription Monitoring Program; disclosure of information.

Chief Patron: Puckett

Summary:

Removes requirement that a prescriber obtain written consent from the recipient of a prescription before requesting information on that recipient for the purpose of establishing his treatment history, and allows prescribers to delegate authority to access information in the Program to up to two licensed health care professionals. Also allows the Director of the Department of Health Professions to enter into agreements for mutual exchange of information among prescription monitoring programs in other jurisdictions. This bill is identical to HB 2211.

Law Advice: New Authority

Effective 3/16/09. Companion to HB2211.

SB1203 Public Procurement Act; prequalification for certain transportation contracts.

Chief Patron: Puckett

Summary:

Provides for a public body to inform the offeror at the early stage of informal interviews of any ranking criteria that will be used in addition to the review of the professional competence.

Law Advice: FYI - No Direct Impact

Exempt under Restructuring.

SB1219 Noose; hanging thereof on property of another or in public place with intent to intimidate, felony.

Chief Patron: Obenshain

Summary:

Provides that any person who, with the intent of intimidating any person or group of persons, displays a noose on the private property of another without permission is guilty of a Class 6 felony. It is also a Class 6 felony for a person to, with the intent of intimidating any person or group of persons, display a noose on a highway or other public place in a manner having a direct tendency to place another person in reasonable fear or apprehension of death or bodily injury.

Law Advice: FYI - No Direct Impact

SB1236 Health, Board of; adds two members.

Chief Patron: Barker

Summary:

Adds two members to the Board of Health. This bill provides that one new member shall be a person who has public environmental health expertise and one new member shall be a representative of the emergency medical services community recommended by the State Emergency Medical Services Advisory Board.

Law Advice: FYI - No Direct Impact

SB1275 Privileged communications; provides communications between physicians and patients thereof.

Chief Patron: Obenshain

Summary:

Provides that communications between physicians and their patients are privileged and cannot be disclosed, except at the request or with the consent of the patient. Currently, physicians cannot be required to disclose such communications, but may voluntarily disclose such communications.

Law Advice: Change in Authority

SB1282 Health Professions, Department of; prohibited from providing personal information of individuals.

Chief Patron: Newman

Summary:

Provides that the Department of Health Professions shall collect an official address of record from each health professional licensed, registered or certified by each health regulatory board within the Department, to be used by the Department and relevant health regulatory boards for agency purposes, and that such address shall remain confidential. This bill also requires that the Department provide an opportunity for health professionals to provide a second address for purposes of public dissemination, which may include a work address, post office address, or home address, and that where no alternative address is provided, the address of record shall be made public. This bill further requires the Department to develop a procedure for health professionals to update their address information at regular intervals, and authorizes the Department to collect a fee sufficient to cover the costs of such updates.

Law Advice: FYI - No Direct Impact

SB1294 Crisis intervention team programs; established, report.

Chief Patron: Edwards

Summary:

Provides that the Department of Criminal Justice Services and the Department of Mental Health, Mental Retardation and Substance Abuse Services shall support the development and establishment of crisis intervention

team programs in areas throughout the Commonwealth. Areas may be composed of any combination of one or more counties, cities, towns, or colleges or universities contained therein that may have law-enforcement officers or campus police officers. The crisis intervention teams shall assist law-enforcement officers in responding to crisis situations involving persons with mental illness, substance abuse problems, or both.

Law Advice: FYI - No Direct Impact

SB1299 Administrative Process Act; required review of feasibility of electronic submission of certain info.

Chief Patron: Wagner

Summary:

Requires every agency promulgating a regulation that requires the submission of documents or payments to examine the regulation to determine whether the submission of the required documents or payments may be accomplished by electronic means, and if so, consider amending the regulation to offer the alternative of electronic submission.

Law Advice: New Requirement

Companion to HB1969.

SB1316 Freedom of Information Act; strikes requirement to publish a database index, etc.

Chief Patron: Houck

Summary:

Strikes the requirement to publish an index of computer databases and amends the requirement to publish a statement of rights and responsibilities to ensure that the public can find out generally what types of public records a public body has and what exemptions may apply to those records. This bill is a recommendation of the Freedom of Information Advisory Council.

Law Advice: Eliminates Requirement

SB1318 Government Data Collection and Dissemination Practices Act; extends implementation.

Chief Patron: Houck

Summary:

Extends from July 1, 2009, to July 1, 2010, the implementation of the prohibition against collecting an individual's social security number unless collection of such number is (i) authorized or required by state or federal law and (ii) essential for the performance of that agency's duties. This bill is a recommendation of the Freedom of Information Advisory Council.

Law Advice: Change in Requirement

See bill for effective dates. Companion to HB2426.

SB1319 Freedom of Information Act; meeting minutes.

Chief Patron: Houck

Summary:

Clarifies that minutes of public meetings must be in writing. The bill also contains a technical amendment. The terms "include" and "in writing" that appear in the bill are defined in Title 1 to mean, respectively, "include, but are not limited to," and "any representation of words, letters, symbols, numbers, or figures, whether (i) printed or inscribed on a tangible medium or (ii) stored in an electronic or other medium and retrievable in a perceivable form and whether an electronic signature authorized by Chapter 42.1 (§ 59.1-479 et seq.) of Title 59.1 is or is not affixed." This bill is a recommendation of the Freedom of Information Advisory Council.

Law Advice: Change in Requirement

SB1336 Broadband Advisory Council; established, report.

Chief Patron: Puckett

Summary:

Establishes the Governor's Broadband Advisory Council. The purpose of the Council shall be to advise the Governor on policy and funding priorities to expedite deployment and reduce the cost of broadband access in the Commonwealth. The council shall be staffed by the Office of Telework Promotion and Broadband Assistance.

Law Advice: FYI - No Direct Impact

Effective 4/8/08. Companion to HB2423.

SB1338 Science and technology development and commercialization; promotion thereof in State.

Chief Patron: Herring

Summary:

Makes several changes to the Code of Virginia to encourage research, development, and commercialization of advancements in science and technology in the Commonwealth. The bill changes the existing Commonwealth Technology Research Fund to the Commonwealth Research Commercialization Fund to better focus the moneys available under this program to key areas of research and development in the Commonwealth, to emphasize the importance of commercialization of research and development through matching-funds programs and the leveraging of private and federal funds for commercialization activities, and to provide a loan program for the construction of facilities utilized in commercializing qualified research. Additionally, the bill amends the existing qualified equity and subordinated debt investment tax credit to limit its applicability only to companies engaged in science and technology-related businesses, and to encourage investment in companies focused on commercializing research developed at universities. This bill is a recommendation of the Joint Subcommittee Studying Biosciences and Biotechnology in the Commonwealth (House Joint Resolution 248).

Law Advice: Change in Authority

SB1346 Coastal Energy Research Consortium; makes certain technical corrections to membership.

Chief Patron: Wagner

Summary:

Makes certain technical corrections to the membership of the Consortium; specifies the eligibility of certain parties to be appointed to the board of directors; adds the Director of the Department of Environmental Quality, or his designee as the lead agency for the Virginia Coastal Zone Management Program, as a member of the board of directors; and broadens one of the responsibilities of the Consortium from researching "the feasibility of recovering fuel gases from methane hydrates and increasing the Commonwealth's reliance on other forms of coastal energy" to "the feasibility of increasing the Commonwealth's reliance on all domestic forms of coastal energy."

Law Advice: FYI - No Direct Impact

SB1351 Health insurance plan; insurance mandate for accident, etc. apply to plans for state employees.

Chief Patron: Wagner

Summary:

Provides that any law effective on or after July 1, 2009, that provides for an insurance mandate for policies of accident and health insurance shall also apply to health insurance plans for state employees. The measure also

requires the Department of Human Resource Management to report to the Special Advisory Commission on Mandated Health Insurance Benefits on cost and utilization information for each of the mandated benefits.

Law Advice: New Requirement

Companion to HB2557.

SB1396 Purchase of service handgun; certain law-enforcement officers to purchase their handgun.

Chief Patron: Norment

Summary:

Allows a designated law-enforcement officer to purchase his service handgun for \$1 if he is receiving disability payments for a service-incurred disability with no expectation of returning to his former employment.

Law Advice: New Authority

SB1416 Preservation of historical sites and architectural areas; local governing bodies may include.

Chief Patron: Blevins

Summary:

Provides that local governing bodies may include in ordinances establishing areas of known historical or archaeological significance, that any applicant must submit documentation that any development in such areas will preserve or accommodate the historical or archaeological resources. This Act shall not affect any locality that has adopted an ordinance imposing archaeological requirements as of January 1, 2009.

Law Advice: FYI - No Direct Impact

SB1421 Digital media purchase or rental; fee created.

Chief Patron: Lucas

Summary:

Creates a fee of 10 percent of the in-room purchase or rental price of digital media. The revenues shall be deposited as follows:

Law Advice: New Requirement

SB1431 REAL ID Act of 2005; State will not comply with provision thereof that compromises economic privacy.

Chief Patron: Cuccinelli

Summary:

Provides that, with the exception of identification cards issued to employees of the Department of State Police and certain other law enforcement officers, the Commonwealth will not comply with any provision of the federal REAL ID Act that it determines would compromise the economic privacy, biometric data, or biometric samples of any resident of the Commonwealth. This bill is identical to HB 1587.

Law Advice: FYI - No Direct Impact

Companion to HB1587.

SB1448 Indigent Health Care Trust Fund; repealed.

Chief Patron: Watkins

Summary:

Repeals the Virginia Indigent Health Care Trust Fund.

Law Advice: FYI - No Direct Impact

SB1454 Aging, Department for; designate area agencies on aging as lead agencies for No Wrong Door system.

Chief Patron: Petersen

Summary:

Codifies language from the budget bill, which is due to expire. The bill requires the Department for the Aging to designate area agencies on aging as the lead agencies for the No Wrong Door system of aging and disability resource centers.

Law Advice: FYI - No Direct Impact

SB1456 Innovation and Entrepreneurship Investment Authority; created by merging.

Chief Patron: Petersen

Summary:

Merges the Innovative Technology Authority (ITA), and the Virginia Research and Technology Advisory Commission into a single entity, named the Innovation and Entrepreneurship Investment Authority (IEIA). The IEIA will have 13 members as follows: three presidents of state institutions of higher education to be appointed by the Governor, the Secretary of Technology, three nonlegislative citizen members appointed by the Governor, three nonlegislative citizen members appointed by the Speaker of the House from a list recommended by the House Committee on Science and Technology and the Joint Commission on Technology and Science, and three nonlegislative citizen members appointed by the Senate Committee on Rules from a list recommended by the Senate Committee on General Laws and Technology and the Joint Commission on Technology and Science. The nonlegislative citizen members shall represent the entrepreneurial, investment, and science and technology communities according to specific guidelines in the bill. The IEIA will continue the work of the ITA, with heightened responsibilities regarding the oversight of research and development efforts in the Commonwealth. This bill is identical to HB 2201.

Law Advice: FYI - No Direct Impact

Companion to HB2201.

SB1495 Unemployment compensation; voluntarily leaving employment to accompany military spouse.

Chief Patron: Locke

Summary:

Provides that good cause for leaving employment exists if an employee voluntarily leaves a job to accompany the employee's spouse, who is on active duty in the military or naval services of the United States, to a new military-related assignment established pursuant to a permanent change of duty order from which the employee's place of employment is not reasonably accessible. The measure applies only if the state to which the spouse is transferred has a similar provision, unless the transfer involves members of the Virginia National Guard relocated within the Commonwealth. Benefits paid to qualifying claimants shall be charged against the pool rather than against the claimant's employer. The measure shall become effective if the federal government appropriates funds for this purpose.

Law Advice: New Requirement

Pending approval by Governor. Contingent upon federal funding.

SB1531 **Capital outlay plan; constitutes State's six-year proposal for projects to be funded.**

Chief Patron: Colgan

Summary:

Sets forth a six-year capital outlay plan for projects to be funded entirely or partially from general fund-supported resources.

Law Advice: **New Authority**

Companion to HB2660.

SB1539 **Line of Duty Act; investigation of claims by police departments and sheriffs offices.**

Chief Patron: Hurt

Summary:

Provides that when a police department or sheriff's office is the last employer of the deceased or disabled person, then the department or office may conduct the investigation of the circumstances surrounding the deceased or disabled person and report the findings to the Comptroller. The Comptroller, Attorney General or chief officer of the department may request that the State Police perform the investigation. Currently all investigations of the circumstances must be conducted by the Virginia Department of State Police. This bill is identical to HB 2626.

Law Advice: **New Authority**

Companion to HB2626.

SB1547 **Financial aid programs, state; persons who have successfully completed home school instruction, etc.**

Chief Patron: Cuccinelli

Summary:

Provides that persons who have completed a program of home school instruction and certain persons who have been excused from school attendance shall be deemed to have met any high school graduation requirements for purposes of eligibility for any state-supported financial or other higher education programs. Also, when a high school grade point average, class rank, or other academic criteria is specified as a condition of participating, the State Council of Higher Education for Virginia (SCHEV) will develop an equivalent measure for such students.

Law Advice: **New Requirement**

Pending approval by Governor.

SJ274 **Mitochondrial Disease Awareness Week; designating as third week of September 2009.**

Chief Patron: Reynolds

Summary:

Designates the third week of September, in 2009 and in each succeeding year, as Mitochondrial Disease Awareness Week in Virginia in conjunction with the national awareness week.

Law Advice: **FYI - No Direct Impact**

SJ318 **Strategies & Models for Substance Abuse Prevention & Treatment; Joint Subcommittee Studying.**

Chief Patron: Hanger

Summary:

Continues the Joint Subcommittee to Study Strategies and Models for Substance Abuse Prevention and Treatment for one year, to continue to (i) identify and characterize the nature of substance abuse in the Commonwealth; (ii)

identify current state policies and programs targeting substance abuse prevention and treatment; (iii) examine the cost of such policies and programs to the Commonwealth; (iv) identify and examine policies and prevention programs from other leading states in the field of substance abuse and prevention; and (v) benchmark the Commonwealth's substance abuse prevention and treatment programs and policies against those of the leading states. Additionally, the joint subcommittee shall establish work groups to explore issues, including the abuse of prescription medication, existing state policies and programs, and potential recommendations or solutions to address problems related to substance abuse prevention, substance abuse treatment services, use of evidence-based practices, and other pertinent topics.

Law Advice: Monitor and Track

SJ325 Chronic diseases; Joint Commission on Health Care to study opportunities for early identification.

Chief Patron: Houck

Summary:

Directs the Joint Commission on Health Care to study opportunities for early identification and preventive care of chronic diseases. In conducting its study, the Commission shall (i) examine clinical and other studies concerning the manner in which early identification and preventive care can be utilized to halt or slow the evolution of such conditions as diabetes, hypertension, kidney disease, obesity, and pneumonia into chronic and terminal conditions, (ii) assess the means by which Virginia can address fragmentation of services across the health care delivery system and the patient's community in order to enhance early identification and preventive care and care management for chronic disease and identify opportunities for providing more coordinated care management for individuals with multiple chronic diseases, and (iii) estimate the fiscal impact on the Commonwealth and private payers from such strategies.

Law Advice: Monitor and Track

SJ332 Constitutional amendment; tax exemptions for buildings constructed or designed to conserve energy.

Chief Patron: Petersen

Summary:

Authorizes the General Assembly to enact laws to permit localities to exempt from property taxes, any property, including real or personal property, equipment, facilities, or devices, constructed or designed to conserve energy and natural resources in a manner that meets or exceeds performance standards established for such purposes. The amendment also deletes the authorization for the General Assembly by general law to directly exempt from property taxes such property and property designed to abate pollution or transfer or store solar energy.

Law Advice: Monitor and Track

SJ345 Recycling receptacles; state and local governmental entities to increase usage thereof.

Chief Patron: Vogel

Summary:

Encourages state and local governments to increase the usage of recycling receptacles at public places and governmental facilities.

Law Advice: FYI - No Direct Impact

SJ358 Hospital emergency rooms; Crime Commission to study issues of public safety.

Chief Patron: Stolle

Summary:

Directs the Crime Commission to study the incidence of violent events in hospital emergency rooms and how such public safety issues can best be addressed.

Law Advice: Monitor and Track

SJ363 False Identification cards; Crime Commission to study issues regarding apprehension and prosecution.

Chief Patron: Martin

Summary:

Directs the Crime Commission to study criminal justice issues regarding the manufacture and use of false identification cards.

Law Advice: Monitor and Track

SJ373 American Cancer Society Day; designating as February 5, 2009, and each succeeding year.

Chief Patron: Miller, J.C.

Summary:

Designates February 5, in 2009 and in each succeeding year, as American Cancer Society Day in Virginia.

Law Advice: FYI - No Direct Impact

SJ388 Resolution; Commending United Network for Organ Sharing.

Chief Patron: McEachin

Summary:

Commends the United Network for Organ Sharing on its 25th anniversary to saving and improving the quality of life of thousands of citizens through organ transplantation.

Law Advice: FYI - No Direct Impact

Companion to HJ799.