

**Virginia Code Commission  
Meeting Materials  
May 16, 2022**

# VIRGINIA CODE COMMISSION

***Monday, November 17, 2021 - 10:00 a.m.***

*Senate Room 3- The Capitol*

**DRAFT**

## Meeting Minutes

**Members Present in Person:** Ward L. Armstrong; Nicole S. Cheuk; Joanne Frye; Jennifer L. McClellan; Christopher R. Nolen; Charles S. Sharp; Marcus B. Simon; Malfourd W. Trumbo; Amigo Wade.

**Members Present Electronically:** John S. Edwards; Leslie L. Lilley

**Members Absent:** Don L. Scott, Jr.

**Staff Present:** Connor Garstka, Taylor Mey, Ryan Brimmer, Sarah Stanton, Julia Carlton, Holly Trice, Anne Bloomsburg, Nikki Clemons, Stephanie Kerns, Division of Legislative Services; Maryann Horch, Senate Technology

**Others Present:** Tom Lisk, ALAC; Cindy Wilkinson, Virginia Retirement System

**Call to order:** Senator Edwards, chair, called the meeting to order at 10:07 a.m. Pursuant to § 2.2-3708.2, the meeting was held electronically. A quorum of the Commission was present. Senator Edwards presided over the meeting virtually.

**Approval of minutes:** The minutes of the October 18, 2021, meeting of the Commission, as distributed to the members, were approved.

**Administrative Law Advisory Committee (ALAC) End of Year Report:** *Tom Lisk*

Tom Lisk shared that ALAC had three workgroups in 2021. The workgroups addressed electronic records of final administrative agency orders. Section 2.2-4023 of the Code of Virginia requires that agencies retain physical signed final orders. The workgroup suggested allowing agencies to maintain the signed final orders in forms other than as hard copies, including as electronic records.

Chair Edwards asked for a motion to approve the draft language to amend § 2.2-4023 of the Code of Virginia. The motion was made, properly seconded, and a roll call vote was conducted. The motion carried.

<b>Motion to Approve 2022 Code of Virginia pricing and replacement volumes proposal</b>	<b>Yea</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>
Ward Armstrong	1			
Nicole Cheuk	1			
Joanne Frye	1			
Leslie L. Lilley	1			
Jennifer McClellan	1			
Christopher R. Nolen	1			

Don L. Scott Jr.				1
Charles S. Sharp	1			
Malfourd W. Trumbo	1			
Amigo R. Wade	1			
Marcus B. Simon	1			
John Edwards	1			
Total	11			1

The workgroup also discussed the Hearing Officer Deskbook. The Deskbook is provided to attorneys appointed by the Supreme Court. The workgroup updated sections of the Deskbook with amendments that will be presented at the annual Hearing Officer Training in December, 2021. No action was required of the Commission.

The workgroup also discussed the executive review process. The workgroup studied and sought out input regarding ways to make the executive review process more accessible in a way that would allow agencies to adopt new regulations quicker. Currently, it takes 23 months on average for agencies to go through the executive review process. The workgroup will work with the new administration to explore ways to improve the process.

### **Obsolete laws review:**

#### *Title 51.1 (Pensions, Benefits, and Retirement) - Connor Garstka*

Mr. Garstka reviewed obsolete laws in Title 51.1. Mr. Garstka pointed to the meeting materials, which had two versions of draft language for the Title for the Commission to consider. The first version of the draft came from the Division of Legislative Services, which recommended setting out the section but removing language that is in the Constitution of Virginia. The rest of the section the agency recommended removing was similar to a statement of purpose. Language that establishes purpose or legislative intent has been removed in the past by the Commission due to its duplicative nature. Senator McClellan expressed concern over removing language that establishes purpose or legislative intent and asked why the Commission allows statements of policy but not of purpose. Senator Edwards explained that that's what the Code Commission has done in the past to avoid confusion or duplicative language, but noted the second version of the draft provided in the meeting materials came from the Virginia Retirement System (VRS), the agency that would have to enforce the section.

Cindy Wilkinson from VRS addressed the Commission and stated that the agency preferred to keep in the language establishing purpose as it defines and documents VRS as an independent agency. Ms. Wilkinson stated the agency uses the language in the section during litigation cases regarding VRS's independence and views it as substantive law.

Chair Edwards asked for a motion to adopt the Virginia Retirement System recommendations for Title 51.1. The motion was made, properly seconded, and a roll call vote was conducted. The motion carried.

<b>Motion to Approve 2022 Code of Virginia pricing and replacement volumes proposal</b>	<b>Yea</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>
Ward Armstrong	1			
Nicole Cheuk	1			
Joanne Frye	1			
Leslie L. Lilley	1			
Jennifer McClellan	1			
Christopher R. Nolen	1			
Don L. Scott Jr.				1
Charles S. Sharp	1			
Malfourd W. Trumbo	1			
Amigo R. Wade	1			
Marcus B. Simon	1			
John Edwards	1			
<b>Total</b>	<b>11</b>			<b>1</b>

*Title 22.1 (Education) - Ryan Brimmer*

Mr. Brimmer reviewed the obsolete laws in Title 22.1 of the Code of Virginia. All of the suggested changes were technical in nature. Ms. Cheuk asked about the repeal of § 22.1-89.3, asking who the stakeholders consulted were. Mr. Brimmer stated that the division consulted with the Virginia School Board Association, which confirmed that the section had never been utilized.

Chair Edwards asked for a motion to adopt the recommendations for Title 22.1. The motion was made, properly seconded, and a roll call vote was conducted. The motion carried.

<b>Motion to Approve 2022 Code of Virginia pricing and replacement volumes proposal</b>	<b>Yea</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>
Ward Armstrong	1			
Nicole Cheuk	1			
Joanne Frye	1			
Leslie L. Lilley	1			

Jennifer McClellan	1			
Christopher R. Nolen	1			
Don L. Scott Jr.				1
Charles S. Sharp	1			
Malfourd W. Trumbo	1			
Amigo R. Wade	1			
Marcus B. Simon	1			
John Edwards	1			
Total	11			1

**Recodification of Title 32.1 - outline and proposed workgroup members:**

Sarah Stanton and Julia Carlton addressed the Commission regarding recodifying Titles 32.1 and 35.1. Title 32.1 has not been recodified since 1979 and Title 35.1 has not been recodified since the 1980s. The division suggested the titles be addressed together because both are administered by the Commissioner of Health and the State Board of Health. The division provided a list of stakeholders that could be appropriate for a workgroup in the Spring of 2022. Ms. Stanton drew attention to Chapters 9 through 13.1 of Title 32.1, which are administered by the Department of Medical Assistance Services and address Medicaid. Ms. Stanton said the Commission will have to consider pulling those chapters out of the title and into another. Mr. Nolen asked how the stakeholder groups would be broken down, and Ms. Stanton stated that the title will be broken down into narrow subject matters and workgroup meetings would be broken into topics for interested stakeholders. Mr. Nolen asked how long the recodification would take and Ms. Stanton said it would likely take two years.

Chair Edwards asked for a motion to approve the recodification outline and proposed workgroup members. The motion was made, properly seconded, and a roll call vote was conducted. The motion carried.

<b>Motion to Approve 2022 Code of Virginia pricing and replacement volumes proposal</b>	<b>Yea</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>
Ward Armstrong	1			
Nicole Cheuk	1			
Joanne Frye	1			
Leslie L. Lilley	1			
Jennifer McClellan	1			

Christopher R. Nolen	1			
Don L. Scott Jr.				1
Charles S. Sharp	1			
Malfourd W. Trumbo	1			
Amigo R. Wade	1			
Marcus B. Simon	1			
John Edwards	1			
Total	11			1

**Other business:**

The Commission discussed the breakdown of the bills that would be addressed in the upcoming legislative session. The Commission agreed to cover who would carry which bill outside of the meeting.

**Public comment, adjournment:** Senator Edwards opened the floor for public comment. There was no public comment.

Chair Edwards asked for a motion to adjourn the meeting. The motion was made, properly seconded, and a roll call vote was conducted. The motion carried.

<b>Motion to Approve 2022 Code of Virginia pricing and replacement volumes proposal</b>	<b>Yea</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>
Ward Armstrong	1			
Nicole Cheuk	1			
Joanne Frye	1			
Leslie L. Lilley	1			
Jennifer McClellan	1			
Christopher R. Nolen	1			
Don L. Scott Jr.				1
Charles S. Sharp	1			
Malfourd W. Trumbo	1			
Amigo R. Wade	1			

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Marcus B. Simon	1			
John Edwards	1			
Total	11			1

As there was no public comment and no further business to discuss, the meeting adjourned at 11:18 a.m.

**Next meeting:** Next year's meeting schedule will be established in 2022.

# VIRGINIA ACTS OF ASSEMBLY -- 2022 SESSION

## CHAPTER 130

*An Act to direct the Virginia Code Commission to convene a work group to review relevant provisions of the Code of Virginia, relating to public notices required to be published by localities.*

[S 417]

Approved April 7, 2022

**Be it enacted by the General Assembly of Virginia:**

**1.** *§ 1. That the Virginia Code Commission shall convene a work group, including representatives of the Virginia Press Association, the Virginia Association of Counties, the Virginia Municipal League, and other relevant stakeholders to review requirements throughout the Code of Virginia for localities to provide public notice for intended actions and events, including business meetings, the creation of taxation zones, proposed amendments to existing planning and zoning ordinances, and consideration of budgets. The work group shall also review (i) the varying frequency for publishing notices in newspapers and other print media, (ii) the number of days required to elapse between the publications of notices, and (iii) the amount of information required to be contained in each notice and make recommendations for uniformity and efficiency. The Virginia Code Commission shall submit a report to the Chairmen of the House Committee on General Laws and the Senate Committee on General Laws and Technology summarizing the work and any recommendations of the work group by November 1, 2022.*



# VIRGINIA ACTS OF ASSEMBLY -- 2022 SESSION

## CHAPTER 129

*An Act to direct the Virginia Code Commission to convene a work group to review relevant provisions of the Code of Virginia, relating to public notices required to be published by localities.*

[H 1131]

Approved April 7, 2022

**Be it enacted by the General Assembly of Virginia:**

**1.** § 1. *That the Virginia Code Commission shall convene a work group, including representatives of the Virginia Press Association, the Virginia Association of Counties, the Virginia Municipal League, and other relevant stakeholders to review requirements throughout the Code of Virginia for localities to provide public notice for intended actions and events, including business meetings, the creation of taxation zones, proposed amendments to existing planning and zoning ordinances, and consideration of budgets. The work group shall also review (i) the varying frequency for publishing notices in newspapers and other print media, (ii) the number of days required to elapse between the publications of notices, and (iii) the amount of information required to be contained in each notice and make recommendations for uniformity and efficiency. The Virginia Code Commission shall submit a report to the Chairmen of the House Committee on General Laws and the Senate Committee on General Laws and Technology summarizing the work and any recommendations of the work group by November 1, 2022.*

# Virginia Code Commission SB 417/HB 1131 Work Group

## Proposed Work Plan

Senate Bill 417 and House Bill 1131, passed during the 2022 legislative session, provide for the Code Commission to convene a work group to review requirements throughout the Code of Virginia for localities to provide public notice for intended actions, including business meetings, creation of taxation zones, proposed amendments to existing planning and zoning ordinances, and consideration of budgets. The Commission is required to submit a report to the Chairs of the House Committee on General Laws and the Senate Committee on General Laws and Technology summarizing the work and any recommendations of the work group by November 1, 2022. In consideration of the compressed time period for completion of the work, a proposed work plan has been developed with the objective of meeting the deadline.

### I. Scope of Work Group Review and Recommendations

**A. Types of Intended Actions of Localities.** Focus on the four areas specifically stated in the legislation: (1) business meetings, (2) creation of taxation zones, (3) proposed amendments to existing planning and zoning ordinances, and (4) consideration of budgets.

**B. Specific Review of Notices.** Focus on the three areas specifically listed in the legislation: (1) varying frequency for publishing in newspapers and other print media, (2) number of days required to elapse between publications of the notices, and (3) amount of information required to be contained in each notice.

**C. Scope of Recommendations.** Construct recommendations around the two areas specifically mentioned in the legislation: (1) uniformity and (2) efficiency.

### II. Composition of Work Group

The legislation specifically provides for the Virginia Association of Counties, the Virginia Municipal League, and the Virginia Press Association to be included on the work group. Below are suggested additional relevant stakeholder groups for inclusion on the work group.

Virginia Press Association	Coalition for Open Government
Virginia Association of Counties	Treasurers*
Commission on Local Government	Commissioners of the Revenue*
Local Government Attorneys of Virginia, Inc.	VA Chapter of the American Planning Association
Virginia Association of Government Purchasing Officials	Residential Builders/Developers*
Virginia School Boards Association	Commercial Builders/Developers*
Local Electoral Boards*	

### **III. Schedule of Work Group Meetings/Submission of Recommendation**

It is anticipated that four to five meetings of the work group will be necessary. These meetings will be a mixture of in-person and virtual meetings. The overall objective will be to have any recommendations finalized by September to allow review and approval by the Commission at its October 3, 2022, meeting for submittal to the two legislative committees by the November 1, 2022, deadline.

Here is a broad outline of the anticipated schedule:

#### *First meeting - June 2022*

- Introduction of members
- Review of proposed work plan
- Determine meeting schedule
- Discussion: methodology of review and format of recommendations

#### *Second Meeting - July 2022*

- Review of notices related to business meetings
- Review of notices related to the consideration of budgets

#### *Third Meeting - August 2022*

- Review of notices related to the creation of tax zones
- Review of notices related to planning and zoning ordinances

#### *Fourth Meeting - September 2022*

- Develop recommendations for uniformity and efficiency regarding (i) varying frequency for publishing in newspapers and other print media, (ii) number of days required to elapse between publications of the notices, and (iii) amount of information required to be contained in each notice
- Format recommendations for submittal to Commission

#### *Fifth meeting (if needed) - September 2022*

#### Code Commission Meeting - October 3, 2022

Report submitted to the Chairs of the House Committee on General Laws and the Senate Committee on General Laws and Technology by November 1, 2022.

## 2022 Session of the General Assembly

### Code Commission Bills

Bill No. and Patron	Subject	Status
SB 421 Sen. Edwards	Libraries and education services; obsolete provisions.	Enacted - <a href="#">Chapter 355</a>
SB 479 Sen. McClellan	Health Services; obsolete provisions.	Enacted - <a href="#">Chapter 264</a>
SB 480 Sen. McClellan	Administrative Process Act; final orders, electronic retention.	Enacted - <a href="#">Chapter 247</a>
HB 338 Del. Simon	Retirement and taxation; obsolete and not set out sections.	Enacted - <a href="#">Chapter 294</a>
HB 342 Del. Simon	Police, Virginia State; removes obsolete language relating to the teletype system formally used.	Enacted - <a href="#">Chapter 049</a>
HB 561 Del. Scott	Corporations and regulated business entities; not set out and obsolete sections of the Code.	Enacted - <a href="#">Chapter 234</a>
HB 562 Del. Scott	Conservation and natural resources; sections not set out, technical revisions.	Enacted - <a href="#">Chapter 235</a>

## 2022 Uncodified Acts and Enactment Clauses Assigned Code Section Numbers or Placed in Existing Code Sections

Uncodified Acts Assigned Code Section Numbers or Placed in Existing Code Sections	
Chapter number	Text - changes to add catchline or conform to Code of Virginia style are denoted in red
162	<p><i>Codify § 1 as § 40.1-11.4.</i></p> <p><del>1. § 1. §40.1-11.4. Seizure first aid posters</del>  The Department <del>of Labor and Industry (the Department)</del> shall provide all employers and employees in the Commonwealth with in-color informational posters, at least 8.5 inches by 11 inches in size, with respect to rendering seizure first aid. The information shall be disseminated by means determined by the Department, including electronically, and the information approved by the Department shall be fully consistent with information and guidelines developed by the Epilepsy Foundation of America and any such successor organization. Each employer of 25 or more employees in the Commonwealth shall physically post information on seizure first aid provided by the Department in a prominent position in the employer's workplace that is visible to employees. For the purposes of this <del>act section</del>, "seizure first aid" means procedures to respond, attend, and provide comfort and safety to an individual suffering from a seizure. "Seizure first aid" does not include training to medically treat an individual suffering from a seizure. Nothing in this <del>act section</del> shall be construed to supersede any other provision of law, including the exemption from liability for a person rendering emergency care in good faith without compensation pursuant to the provisions of § 8.01-225 <del>of the Code of Virginia.</del></p>
356	<p><i>Codify enactment clauses 5 and 6 as §10.1-1184.1</i></p> <p><u>§ 10.1-1184.1. Additional duties of Department: controversial permits.</u></p> <p><u>A. For purposes of this <del>enactment</del> section, "controversial permit" means an air or water permitting action for which a public hearing has been granted pursuant the provisions of the <del>sixth enactment of this act</del> subsection C. "Controversial permit" also means an air permitting action where a public hearing is required for (i) the construction of a new major source or for a major modification to an existing source, (ii) a new fossil fuel-fired generating facility with a capacity of 500 megawatts or more, (iii) a major modification to an existing source that is a fossil fuel-fired generating facility with a capacity of 500 megawatts or more, (iv) a new fossil fuel-fired compressor station facility used to transport natural gas, or (v) a major modification to an existing source that is a fossil fuel-fired compressor station facility used to transport natural gas.</u></p> <p><del>5. That at B. At</del> each regular meeting of the Air Pollution Control Board <del>and or</del> the State Water Control Board <del>(the Boards)</del>, the Department <del>of Environmental Quality (the Department)</del> shall provide an overview and update regarding any controversial permits pending before the Department that are relevant to each board. Immediately after such presentation by the Department, the <del>Boards board</del> shall have an opportunity to respond to the Department's presentation and provide commentary regarding such pending permits. Before rendering a final decision on a controversial permit, the Department shall publish a summary of public comments received during the applicable public comment period and public hearing. After such publication, the Department shall publish responses to the public comment summary and hold a public hearing to provide an opportunity for individuals who previously commented, either at a public hearing or in writing during the applicable public comment period, to respond to the Department's public comment summary and response. No new information <del>will</del> <u>shall</u> be accepted at that time.</p> <p><del>For purposes of this enactment, "controversial permit" means an air or water permitting action for which a public hearing has been granted pursuant the provisions of the sixth enactment of this act. "Controversial permit" also means an air permitting action where a public hearing is required for (i) the construction of a new major source or for a major modification to an existing source, (ii) a new fossil fuel-fired generating facility with a capacity of 500 megawatts or more, (iii) a major modification to an existing source that is a fossil fuel-fired generating facility with a capacity of 500 megawatts or more,</del></p>

## 2022 Uncodified Acts and Enactment Clauses Assigned Code Section Numbers or Placed in Existing Code Sections

~~(iv) a new fossil fuel-fired compressor station facility used to transport natural gas, or (v) a major modification to an existing source that is a fossil fuel-fired compressor station facility used to transport natural gas.~~

~~6.~~ That any C. Any changes to regulations necessary to implement the provisions of this ~~act~~ section shall include the following criteria for requesting and granting a public hearing on a permit action during a public comment period in those instances where a public hearing is not mandatory under state or federal law or regulation.

1. During the public comment period on permit action, interested persons may request a public hearing to contest such action or the terms and conditions thereof. Requests for a public hearing shall contain the following information: (i) the name and postal mailing or email address of the requester; (ii) the names and addresses of all persons for whom the requester is acting as a representative (for the purposes of this requirement, "person" includes an unincorporated association); (iii) the reason for the request for a public hearing; (iv) a brief, informal statement setting forth the factual nature and the extent of the interest of the requester or of the persons for whom the requester is acting as representative in the application or tentative determination, including an explanation of how and to what extent such interest would be directly and adversely affected by the issuance, denial, modification, or revocation of the permit in question; and (v) where possible, specific references to the terms and conditions of the permit in question, together with suggested revisions and alterations of those terms and conditions that the requester considers are needed to conform the permit to the intent and provisions of the basic laws of the State Air Pollution Control Board or the State Water Control Board, as applicable.

2. Upon completion of the public comment period on a permit action, the Director ~~of the Department of Environmental Quality~~ shall review all timely requests for public hearing filed during the public comment period on the permit action and within 30 calendar days following the expiration of the time period for the submission of requests shall grant a public hearing, unless the permittee or applicant agrees to a later date, if the Director finds the following: (a) that there is a significant public interest in the issuance, denial, modification, or revocation of the permit in question as evidenced by receipt of a minimum of 25 individual requests for a public hearing; (b) that the requesters raise substantial, disputed issues relevant to the issuance, denial, modification, or revocation of the permit in question; and (c) that the action requested by the interested party is not on its face inconsistent with, or in violation of, the basic laws of the State Air Pollution Control Board if the permit action is an air permit action, or the basic laws of the State Water Control Board if the permit action is a water permit action, federal law, or any regulation promulgated thereunder.

3. The Director ~~of the Department of Environmental Quality~~ shall, forthwith, notify by email or mail at his last known address (1) each requester and (2) the applicant or permittee of the decision to grant or deny a public hearing. If the request for a public hearing is granted, the Director shall schedule the hearing at a time between 45 and 75 days after emailing or mailing of the notice of the decision to grant the public hearing. The Director shall cause, or require the applicant to publish, notice of a public hearing to be published once, in a newspaper of general circulation in the city or county where the facility or operation that is the subject of the permit or permit application is located, at least 30 days before the hearing date. In making its decision, the Department shall consider (A) the verbal and written comments received during the public comment period and public hearing made part of the record, (B) any commentary of the Board, and (C) the agency files. The public comment period shall remain open for 15 days after the close of the public hearing if required by § 10.1-1307.01 ~~of the Code of Virginia, as amended by this act~~, or § 62.1-44.15:01 ~~of the Code of Virginia~~.

4. In addition, the Director may, in his discretion, convene a public hearing on a permit action.

## 2022 Uncodified Acts and Enactment Clauses Assigned Code Section Numbers or Placed in Existing Code Sections

Enactment Clauses Assigned Code Section Numbers or Placed in Existing Code Sections	
Chapter number	Text - changes to add catchline or conform to Code of Virginia style are denoted in red
436	<p><i>Codify §1 as §56-479.4.</i></p> <p>The State Corporation Commission may designate any commercial mobile radio or cellular telephone service provider as an eligible telecommunications carrier for purposes of providing Lifeline service, in addition to any commercial mobile radio or cellular telephone service providers designated as such pursuant to 47 U.S.C. §§ 214(e) and (e)(2), without requiring any such provider to obtain a certificate pursuant to the provisions of § 56-265.4:4. The Commission is authorized to promulgate all rules and regulations necessary to implement the provisions of this <del>act</del> <u>section</u>.</p>
464	<p><i>Codify enactment clause 3 as subsection D of §54.1-2408.4.</i></p> <p><del>D.</del><b>That the</b> <b>Red</b> Department of Health Professions shall, beginning July 1, 2023, annually report to the Chairmen of the Senate Committee on Education and Health and the House Committee on Health, Welfare and Institutions the number of out-of-state health care practitioners who have utilized the temporary authorization to practice pending licensure and have not subsequently been issued full licensure.</p>
653	<p><i>Codify §1 as §56-596.4:</i></p> <p><u>§ 56-596.4. Electric utilities; local reliability data.</u></p> <p><u>§ 4.-A. For the purposes of this section, "Phase II Utility" has the same meaning as provided in subdivision A 1 of § 56-585.1.</u></p> <p><u>B.</u> Upon request of a locality located within the service territory of a Phase II Utility, a Phase II Utility shall provide local reliability data within 30 days of such request. The data provided to the locality shall be limited in scope to the particular locality that made the request. Such data provided by the utility shall include standard reliability metrics used in accordance with industry-recognized electric reliability standards (IEEE 1366), including data from the System Average Interruption Duration Index (SAIDI), the System Average Interruption Frequency Index (SAIFI), the Customer Average Interruption Duration Index (CAIDI), and the Customer Average Interruption Frequency Index (CAIFI). The <del>State Corporation</del> Commission shall include in the report required pursuant to § 56-596.3 <del>of the Code of Virginia</del> such industry standard reliability metrics for each Phase II Utility and a description of any infrastructure investments made by each Phase II Utility to improve electric service reliability over the relevant reporting period. <del>For the purposes of this act, "Phase II Utility" has the same meaning as provided in subdivision A 1 of § 56-585.1 of the Code of Virginia</del></p>

## **RENEWAL AGREEMENT - VIRGINIA REGISTER OF REGULATIONS**

This **RENEWAL AGREEMENT** is made between the **VIRGINIA CODE COMMISSION**, a legislative agency of the Virginia General Assembly, with offices in Richmond, Virginia (the Commission), and **Matthew Bender & Company, Inc., a member of the LexisNexis Group**, a corporation organized under the laws of the State of New York (Lexis).

### **WITNESSETH**

Whereas, the Commission entered into an agreement dated May 1, 2003, with Weil Publishing Co., Inc., a Delaware corporation located in Augusta, Maine, for the printing of the Virginia Register of Regulations; and

Whereas, Weil Publishing Co., Inc., was subsequently acquired by Lexis and through its purchase agreement fulfilled all the provisions of the May 1, 2003 agreement; and

Whereas, that agreement has been extended for periods of two years by mutual agreement since July 24, 2008; and

Whereas, the parties are now desirous of a continuation of that agreement until June 1, 2024<sup>2</sup>;

**NOW, THEREFORE**, in consideration of the provisions, terms, and conditions of this **RENEWAL AGREEMENT**, Lexis and the Commission agree that:

**I.** Lexis shall print the Virginia Register of Regulations on the same biweekly schedule as the issues published by the Commission prior to May 1, 2003. The Commission shall determine the content and schedule for printing and shipping of the Virginia Register of Regulations. It shall be Lexis' responsibility to update the index at quarterly intervals. The Virginia Register of Regulations shall be bound in similar fashion to the version currently printed by Lexis.

**II.** Lexis shall provide an annual subscription to the Virginia Register of Regulations and the quarterly index to the Commission at no cost.

**III.** The Commission shall provide Lexis the data for each edition of the Virginia Register of Regulations in an electronic format acceptable to both Lexis and the Commission. The Commission agrees to provide Lexis with complete data for each issue of the Virginia Register of Regulations by e-mail or ftp transmission, or mutually acceptable equivalent means, not less than five days before the date of web publication of the same issue.

**IV.** The Commission has no financial obligation to Lexis under this **RENEWAL AGREEMENT**. Lexis has no financial obligation to the Commission under this **RENEWAL AGREEMENT**.



**V.** Lexis shall determine the price of all new and renewal subscriptions in its sole discretion. However, Lexis shall, on July 1 of each year, notify the Commission of the fee charged by Lexis for subscriptions, and the number of subscribers and renewals thereof.

**VI.** Lexis may at its own expense take those steps required to obtain and register all copyright rights in all copyrightable parts of the Virginia Register of Regulations and its index and in all other copyrightable materials created in the performance of this **RENEWAL AGREEMENT** that constitute an enhancement to the Virginia Register of Regulations. As used in this agreement, "enhancement" shall include any material added by Lexis to the Virginia Register of Regulations document as it is received from the Commission. Lexis may register this copyright in the name of Lexis, and the sole and exclusive worldwide ownership interest in these copyrights shall be held by Lexis.

**VII.** This **RENEWAL AGREEMENT** is for a period of two years from June 1, 202~~2~~<sup>9</sup>, after which time it may be extended for periods of two years by mutual agreement. The Commission may terminate this **RENEWAL AGREEMENT** if, at any time, Lexis refuses to or does not comply with provisions of this agreement. Lexis shall be given written notice of any breach of this **RENEWAL AGREEMENT** and shall have thirty days to fully cure all such breaches. If at the end of such period Lexis has failed to fully cure any such breach, the Commission may void this **RENEWAL AGREEMENT**; however, Lexis shall:

1. Immediately provide the Commission with a list of all current subscribers;
2. Deliver to the Commission an error-free computer file in standard, machine readable format containing the entire then-current version of the index to the Register of Regulations for the use by the Commission as it may choose; and
3. Assist the Commission in all ways to facilitate an orderly transition of the Virginia Register of Regulations and index to the Commission or another contract printer.

**VIII.** For the purposes of this **RENEWAL AGREEMENT** and notices given under this agreement, the individuals identified below are designated as representatives of the respective parties. Either party may from time to time designate in writing new or substitute representatives. For the Commission: Director of the Division of Legislative Services. For Lexis: Senior Director - Government Content Acquisition, Matthew Bender & Company, Inc.

**IX.** This **RENEWAL AGREEMENT** is the entire agreement between Lexis and the Commission and supersedes any and all prior understandings and agreements, oral or written. Any amendment must be in writing and signed by both Lexis and the Commission.

**X.** This **RENEWAL AGREEMENT** shall be interpreted according to the laws of the Commonwealth of Virginia.

**XI.** Should any provision of the **RENEWAL AGREEMENT** be held to be void, invalid, or unenforceable or illegal by a court, the validity and enforceability of the other provisions shall not be affected thereby.

**XII.** This **RENEWAL AGREEMENT** is subject to the Virginia Freedom of Information Act, and nothing in it shall prohibit the Commission from providing information pursuant to the Virginia Freedom of Information Act.

**IN WITNESS WHEREOF**, the Commission and Lexis have executed this **RENEWAL AGREEMENT** by their authorized representatives on the \_\_\_\_ day of \_\_\_\_\_ 202~~2~~<sup>9</sup>.

\_\_\_\_\_  
Anders P. Ganten  
Senior Director - Government Content  
Acquisition  
Matthew Bender & Company, Inc.

\_\_\_\_\_  
Amigo Wade  
~~Acting~~ Director, Division of Legislative  
Services  
Virginia Code Commission  
Commonwealth of Virginia

## **RENEWAL AGREEMENT - VIRGINIA REGISTER OF REGULATIONS**

This **RENEWAL AGREEMENT** is made between the **VIRGINIA CODE COMMISSION**, a legislative agency of the Virginia General Assembly, with offices in Richmond, Virginia (the Commission), and **Matthew Bender & Company, Inc., a member of the LexisNexis Group**, a corporation organized under the laws of the State of New York (Lexis).

### **WITNESSETH**

Whereas, the Commission entered into an agreement dated May 1, 2003, with Weil Publishing Co., Inc., a Delaware corporation located in Augusta, Maine, for the printing of the Virginia Register of Regulations; and

Whereas, Weil Publishing Co., Inc., was subsequently acquired by Lexis and through its purchase agreement fulfilled all the provisions of the May 1, 2003 agreement; and

Whereas, that agreement has been extended for periods of two years by mutual agreement since July 24, 2008; and

Whereas, the parties are now desirous of a continuation of that agreement until June 1, 2024;

**NOW, THEREFORE**, in consideration of the provisions, terms, and conditions of this **RENEWAL AGREEMENT**, Lexis and the Commission agree that:

**I.** Lexis shall print the Virginia Register of Regulations on the same biweekly schedule as the issues published by the Commission prior to May 1, 2003. The Commission shall determine the content and schedule for printing and shipping of the Virginia Register of Regulations. It shall be Lexis' responsibility to update the index at quarterly intervals. The Virginia Register of Regulations shall be bound in similar fashion to the version currently printed by Lexis.

**II.** Lexis shall provide an annual subscription to the Virginia Register of Regulations and the quarterly index to the Commission at no cost.

**III.** The Commission shall provide Lexis the data for each edition of the Virginia Register of Regulations in an electronic format acceptable to both Lexis and the Commission. The Commission agrees to provide Lexis with complete data for each issue of the Virginia Register of Regulations by e-mail or ftp transmission, or mutually acceptable equivalent means, not less than five days before the date of web publication of the same issue.

**IV.** The Commission has no financial obligation to Lexis under this **RENEWAL AGREEMENT**. Lexis has no financial obligation to the Commission under this **RENEWAL AGREEMENT**.

**V.** Lexis shall determine the price of all new and renewal subscriptions in its sole discretion. However, Lexis shall, on July 1 of each year, notify the Commission of the fee charged by Lexis for subscriptions, and the number of subscribers and renewals thereof.

**VI.** Lexis may at its own expense take those steps required to obtain and register all copyright rights in all copyrightable parts of the Virginia Register of Regulations and its index and in all other copyrightable materials created in the performance of this **RENEWAL AGREEMENT** that constitute an enhancement to the Virginia Register of Regulations. As used in this agreement, "enhancement" shall include any material added by Lexis to the Virginia Register of Regulations document as it is received from the Commission. Lexis may register this copyright in the name of Lexis, and the sole and exclusive worldwide ownership interest in these copyrights shall be held by Lexis.

**VII.** This **RENEWAL AGREEMENT** is for a period of two years from June 1, 2022, after which time it may be extended for periods of two years by mutual agreement. The Commission may terminate this **RENEWAL AGREEMENT** if, at any time, Lexis refuses to or does not comply with provisions of this agreement. Lexis shall be given written notice of any breach of this **RENEWAL AGREEMENT** and shall have thirty days to fully cure all such breaches. If at the end of such period Lexis has failed to fully cure any such breach, the Commission may void this **RENEWAL AGREEMENT**; however, Lexis shall:

1. Immediately provide the Commission with a list of all current subscribers;
2. Deliver to the Commission an error-free computer file in standard, machine readable format containing the entire then-current version of the index to the Register of Regulations for the use by the Commission as it may choose; and
3. Assist the Commission in all ways to facilitate an orderly transition of the Virginia Register of Regulations and index to the Commission or another contract printer.

**VIII.** For the purposes of this **RENEWAL AGREEMENT** and notices given under this agreement, the individuals identified below are designated as representatives of the respective parties. Either party may from time to time designate in writing new or substitute representatives. For the Commission: Director of the Division of Legislative Services. For Lexis: Senior Director - Government Content Acquisition, Matthew Bender & Company, Inc.

**IX.** This **RENEWAL AGREEMENT** is the entire agreement between Lexis and the Commission and supersedes any and all prior understandings and agreements, oral or written. Any amendment must be in writing and signed by both Lexis and the Commission.

**X.** This **RENEWAL AGREEMENT** shall be interpreted according to the laws of the Commonwealth of Virginia.

**XI.** Should any provision of the **RENEWAL AGREEMENT** be held to be void, invalid, or unenforceable or illegal by a court, the validity and enforceability of the other provisions shall not be affected thereby.

**XII.** This **RENEWAL AGREEMENT** is subject to the Virginia Freedom of Information Act, and nothing in it shall prohibit the Commission from providing information pursuant to the Virginia Freedom of Information Act.

**IN WITNESS WHEREOF**, the Commission and Lexis have executed this **RENEWAL AGREEMENT** by their authorized representatives on the \_\_\_\_ day of \_\_\_\_\_ 2022.

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Anders P. Ganten  
Senior Director - Government Content  
Acquisition  
Matthew Bender & Company, Inc.

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Amigo Wade  
Director, Division of Legislative Services  
  
Virginia Code Commission  
Commonwealth of Virginia

**Volumes 1-18 (Titles 1-24 of VAC)**

Main Volume Pamphlet	Title/Section	Main Volume Copyright	Size of Main Volume	Pages in 2019 Supp. Pamphlets	Pages in 2020 Supp. Pamphlets	Pages in 2021 Supp. Pamphlets
1	Title 1. Administration; Title 2. Agriculture (2 VAC 5-10- to 2 VAC 5-480)	2021	757	390	301	0
2	Title 2. Agriculture (2 VAC 5-490- to End); Title 3. Alcoholic Beverages	2021	693	472	475	0
3	Title 4. Conservation and Natural Resources (4 VAC 3-10 to 4 VAC 25-40)	2021	1089	471	449	0
4	Title 4 Conservation and Natural Resources (4 VAC 25-50- to End)	2021	714	146	134	0
5	Title 5. Corporations; Title 6. Criminal Justice and Corrections; Title 7. Economic Development; Title 8. Education (8 VAC 20-10 to 8 VAC 20-131)	2020	1502	653	0	84
6	Title 8. (8 VAC 20-140- to End); Title 9. (9 VAC 5-5 to 9 VAC 5-60)	2018	1419	182	195	238
7	Title 9. Environment (9 VAC 5-70 to 9 VAC 20-120)	2018	1503	161	252	294
8	Title 9. Environment (9 VAC 20-130 to 9 VAC 25-360)	2018	1431	279	332	509
9	Title 9. Environment (9 VAC 25-370 to End)	2018	1371	210	369	526
10	Title 10. Finance and Financial Institutions; Title 11. Gaming; Title 12. Health (12 VAC 5-10 to 12 VAC 5-412)	2019	1563	0	60	273
11	Title 12. Health (12 VAC 5-420 to 12 VAC 25-40)	2019	1725	0	64	484
12	Title 12. Health (12 VAC 30-5 to 12 VAC 30-150)	2019	1431	0	175	450
13	Title 12. Health (12 VAC 35-10 to End); Title 13. Housing	2019	1416	0	79	680
14	Title 14. Insurance; Title 15. Judicial; Title 16. Labor and Employment	2016	1414	263	296	383
15	Title 17. Libraries and Cultural Resources; Title 18. Professional and Occupational Licensing (18 VAC 5-10 to 18 VAC 95-30)	2020	1487	538	0	183
16	Title 18. Professional and Occupational Licensing (18 VAC 100-10 to End); Title 19. Public Safety; Title 20. Public Utilities and Telecommunications.	2020	1576	630	0	512
17	Title 21. Securities and Retail Franchising; Title 22. Social Services	2020	1540	549	0	136
18	Title 23. Taxation; Title 24. Transportation and Motor Vehicles	2016	1357	98	95	156
	General Index A-I	2020				
	General Index J-Z	2020				

## **2022 Code Commission Work Plan Proposed**

**Recodification** - The Code Commission approved Title 32.1 (Health) to begin mid-way through 2020 interim and continue through 2021 for introduction into the 2022 Session of the General Assembly. Due a number of unforeseen circumstances, including COVID, however, staff was not able to begin the recodification in 2020. At the last meeting of the Code Commission of 2021, Staff proposed a work group which was approved by the Commission. The recodification will continue all of this year and likely well into 2023.

In 2017, the Commission approved Title 24.2 (Elections) for recodification beginning in the 2022 interim based on the belief that redistricting would be completed by then and staff would be available. Given a number of factors related to redistricting and the new campaign financing reform study, staff may not be available to start on the Title 24.2 recodification until late 2022 or 2023; however, Title 24.2 will be the next title to be recodified after Title 32.1.

**SB 417/HB 1131 Workgroup** - During the 2022 Legislative Session, the General Assembly passed SB 417 and HB 1131. Both bills are identical and direct the Virginia Code Commission to convene a work group to review requirements throughout the Code of Virginia for localities to provide public notice for intended actions and events, including (i) the varying frequency for publishing notices in newspapers and other print media, (ii) the number of days required to elapse between the publications of notices, and (iii) the amount of information required to be contained in each notice, and make recommendations for uniformity and efficiency. The bill requires the Commission to submit a report to the Chairmen of the House Committee on General Laws and the Senate Committee on General Laws and Technology summarizing the work and any recommendations of the work group by November 1, 2022.

**Code of Virginia; pricing and replacement volumes** - Lexis will present for the Commission's approval a recommendation regarding which volumes of the Code of Virginia should be replaced in 2023 and the cost of volumes/supplements.

**Administrative Law Advisory Committee** - ALAC was established to assist the Code Commission with oversight authority over the operation and effectiveness of the regulation promulgation process pursuant to the Virginia Administrative Process Act and Virginia Register Act. The Commission appoints the members of ALAC and makes reappointments as necessary.

**Rules of evidence** - Staff monitors updates to Virginia Supreme Court Rules of Evidence for modification of Code of Virginia catchlines when necessary to include in the catchline of a Code section from which a rule in the Rules of Evidence has been derived a notation specifying that rule (per enactment clause 6 of [c. 688](#) (2012 Acts)).

*Example: § 18.2-67.7:1. Evidence of similar crimes in child sexual offense cases (Supreme Court Rule 2:413 derived from this section).*

### **Contract expiration dates:**

Code of Virginia (LexisNexis): expires August 31, 2026; renewable.

Virginia Administrative Code (West): expires April 30, 2024; renewable.

Virginia Register of Regulations (LexisNexis): expires June 2, 2022; renewable.

Code of Virginia Publishers Forum Access Agreement (West and LexisNexis): expires November 21, 2022; renewable. *Allows access to the Code Publishers Forum so noncontract publishers have access to the same information as the contract publisher. Chair approves renewals.*

## OVERVIEW AND OUTLINE OF TITLES 32.1 & 35.1

**Title 32.1, Health**, was last recodified in 1979, when Chapter 711 of the Acts of Assembly of 1979 replaced Title 32 with Title 32.1. Title 32.1 now consists of 28 chapters, one of which is repealed in its entirety. While some chapters include numerous articles, 17 of the chapters are not divided into articles. Thirteen chapters consist of five or fewer sections, with five of those chapters having only one section. Within the chapters that are divided into articles, many articles have been repealed in their entirety. While some sections in Title 32.1 have not been amended since the 1979 recodification, there are numerous sections, articles, and chapters that are amended frequently.

**Title 35.1, Hotels, Restaurants, Summer Camps, and Campgrounds**, was last recodified in 1981, when Chapter 468 of the Acts of Assembly of 1981 replaced Title 35 with Title 35.1. Title 35.1 now consists of five chapters, none of which are divided into articles. The largest chapter includes 10 sections. The smallest chapters each include two sections. While some sections in Title 35.1 have not been amended since the 1981 recodification, other sections are amended somewhat frequently.

### TITLE 32.1

#### HEALTH

<b>CHAPTER 1</b>	<b>ADMINISTRATION GENERALLY</b>	<b>[51 sections]</b>
Article 1	General Provisions	[5 sections]
Article 2	State Board of Health	[18 sections]
Article 3	Department of Health and State Health Commissioner	[13 Sections]
Article 4	Procedures; Inspections; Orders; Penalties; Representation by Attorney General	[7 sections]
Article 5	Local Health Departments and Directors	[8 sections]
<b>CHAPTER 2</b>	<b>DISEASE PREVENTION AND CONTROL</b>	<b>[103 sections]</b>
Article 1	Reporting of Diseases	[9 sections]
Article 2	Investigation of Diseases	[3 sections]
Article 3	Disease Control Measures	[18 sections]
Article 3.01	Isolation of Certain Persons with Communicable Diseases of Public Health Significance	[4 sections]
Article 3.02	Quarantine and Isolation of Persons with Communicable Diseases of Public Health Threat	[14 sections]
Article 3.1	Control of Rabies	[4 sections]
Article 4	Tuberculosis	[7 sections]
Article 5	Venereal Diseases	[7 sections]
Article 6	Prevention of Blindness form Ophthalmia Neonatorum	[4 sections]
Article 6.1	Virginia Hearing Loss Identification and Monitoring System	[2 sections]
Article 7	Newborn Screening	[5 sections]
Article 8	Voluntary Program for Control of Genetic and Metabolic Diseases	[2 sections]
Article 8.1	Virginia Congenital Anomalies Reporting and Education System	[3 sections]
Article 8.2	Virginia Cord Blood Bank Initiative	[2 sections]
Article 9	Statewide Cancer Registry	[5 sections]
Article 9.1	<i>Repealed</i> (Statewide Alzheimer's Disease and Related Disorder Registry)	
Article 10	<i>Repealed</i> (Laboratory Tests)	
Article 11	Penalty	[1 section]
Article 12	<i>Repealed</i> (The Commonwealth Neurotrauma Initiative)	



## OVERVIEW AND OUTLINE OF TITLES 32.1 & 35.1

Article 13	Statewide Asthma Management	[2 sections]
Article 14	Youth Suicide Prevention	[1 section]
Article 15	Youth Health Risk Behavior Survey	[1 section]
Article 16	Advisory Council on Pediatric Autoimmune Neuropsychiatric Disorders Associated with Streptococcal Infections and Pediatric Acute-onset Neuropsychiatric Syndrome	[3 sections]
Article 17	Substance-Exposed Infants	[1 section]
Article 18	Alzheimer's Disease	[1 section]
Article 19	Rare Disease Council	[4 sections]
<b>CHAPTER 3</b>	<b>MEDICAL CARE SERVICES</b>	<b>[7 sections]</b>
Article 1	<i>Repealed</i> (Medical Assistance Program)	
Article 2	Maternal and Child Health Services and Crippled Children's Services	[3 sections]
Article 3	<i>Repealed</i> (Virginia Voluntary Formulary)	
Article 4	Miscellaneous Services	[4 sections]
<b>CHAPTER 4</b>	<b>HEALTH CARE PLANNING</b>	<b>[88 sections]</b>
Article 1	<i>Repealed</i> (Medical Care Facilities Certificate of Public Need)	
Article 1.1	Medical Care Facilities Certificate of Public Need	[20 sections]
Article 2	<i>Repealed</i> (Medical Care Facilities Development)	
Article 2.1	Statewide Emergency Medical Services System and Services	[34 sections]
Article 2.2	Evaluation of Director of Office of Emergency Medical Services	[1 section]
Article 3	<i>Repealed</i> (Statewide Emergency Medical Care System)	
Article 3.1	Emergency Medical Services Patient Care Information System	[4 sections]
Article 4	<i>Repealed</i> (Health Planning and Resources Development)	
Article 4.1	Health Planning and Resources Development	[8 sections]
Article 5	<i>Repealed</i> (Perinatal Services)	
Article 6	Primary Health Care System	[15 sections]
Article 6.1	Local Health Partnership Authorities	[5 sections]
Article 7	<i>Expired</i> (Review of Health Services Quality)	
Article 8	Health Workforce Recruitment and Retention	[1 section]
<b>CHAPTER 5</b>	<b>REGULATION OF MEDICAL CARE FACILITIES AND SERVICES</b>	<b>[114 sections]</b>
Article 1	Hospital and Nursing Home Licensure and Inspection	[53 sections]
Article 1.1	Certificate of Quality Assurance of Managed Care Health Insurance Plan Licensees	[6 sections]
Article 1.2	Utilization Review Standards and Appeals	[11 sections]
Article 2	Rights and Responsibilities of Patients in Nursing Homes	[6 sections]
Article 2.1	Private Review Agents	[10 sections]
Article 3	<i>Repealed</i> (Blood Banks)	
Article 4	<i>Repealed</i> (Midwives)	
Article 5	<i>Repealed</i> (Emergency Medical Services Vehicles)	
Article 6	<i>Repealed</i> (Home Health Agency Licensing)	
Article 7	Hospice Program Licensing	[8 sections]
Article 7.1	Home Care Organization Licensing	[10 sections]
Article 8	Services for Survivors of Sexual Assault	[10 sections]

## OVERVIEW AND OUTLINE OF TITLES 32.1 & 35.1

<b>CHAPTER 5.1</b>	<b>HUMAN RESEARCH</b>	<b>[5 sections]</b>
<b>CHAPTER 5.2</b>	<b>HUMAN CLONING</b>	<b>[2 sections]</b>
<b>CHAPTER 5.3</b>	<b>COMMONWEALTH HEALTH RESEARCH BOARD AND FUND; CHRISTOPHER REEVE STEM CELL RESEARCH FUND</b>	<b>[9 sections]</b>
<b>CHAPTER 5.4</b>	<b>ANIMAL RESEARCH</b>	<b>[1 section]</b>
<b>CHAPTER 6</b>	<b>ENVIRONMENTAL HEALTH SERVICES</b>	<b>[130 sections]</b>
Article 1	Sewage Disposal	[17 sections]
Article 1.1	State Health Department Sewage Handling and Disposal Appeal Review Board	[10 sections]
Article 2	Public Water Supplies	[19 sections]
Article 2.1	Private Well Construction	[9 sections]
Article 2.2	Wells Near Certain Coal Ash Ponds	[2 sections]
Article 3	<i>Repealed</i> (Solid and Hazardous Waste Management)	
Article 4	Mosquito Control Districts	[11 sections]
Article 5	Public Gathering Places	[4 sections]
Article 6	Migrant Labor Camps	[9 sections]
Article 7	Bedding and Upholstered Furniture	[15 sections]
Article 8	Radiation Control	[19 sections]
Article 8.1	<i>Repealed</i> (Mid-Atlantic Interstate Low-Level Radioactive Waste Compact)	
Article 8.2	<i>Repealed</i> (Southeast Interstate Low-Level Radioactive Waste Management Compact)	
Article 9	Toxic Substances Information	[6 sections]
Article 10	Miscellaneous Provisions	[9 sections]
<b>CHAPTER 7</b>	<b>VITAL RECORDS</b>	<b>[35 sections]</b>
Article 1	Definitions and Administrative Provisions	[8 sections]
Article 2	Birth Certificates	[7 sections]
Article 3	Records of Adoptions	[1 section]
Article 4	Death Certificates and Out-of-State Transit Permits	[4 sections]
Article 5	Marriage Records and Divorce and Annulment Reports	[3 sections]
Article 6	Amendments to Vital Records	[2 sections]
Article 7	Miscellaneous Provisions	[10 sections]
<b>CHAPTER 7.1</b>	<b>HEALTH STATISTICS</b>	<b>[1 section]</b>
<b>CHAPTER 7.2</b>	<b>HEALTH CARE DATA REPORTING</b>	<b>[12 sections]</b>
<b>CHAPTER 8</b>	<b>POSTMORTEM EXAMINATIONS AND SERVICES</b>	<b>[55 sections]</b>
Article 1	Chief Medical Examiner and Postmortem Examinations	[18 sections]
Article 2	Anatomical Gifts	[30 sections]
Article 3	Use of Dead Human Bodies for Scientific Study	[7 sections]
Article 4	<i>Repealed</i> (Cremation)	
<b>CHAPTER 8.1</b>	<b>DISPOSITION OF DEAD HUMAN BODIES</b>	<b>[5 sections]</b>

## OVERVIEW AND OUTLINE OF TITLES 32.1 & 35.1

<b>CHAPTER 9</b>	<b>REGULATION OF MEDICAL ASSISTANCE</b>	<b>[17 sections]</b>
Article 1	In General	[13 sections]
Article 2	Regulation of Recipient Eligibility	[4 sections]
<b>CHAPTER 10</b>	<b>DEPARTMENT OF MEDICAL ASSISTANCE SERVICES</b>	<b>[40 sections]</b>
Article 1	General Provisions	[34 sections]
Article 2	<i>Repealed</i> (Medicaid New Drug Review Act)	
Article 3	<i>Repealed</i> (Virginia Medicaid Drug Formulary and Competitive Procurement of Drug Products)	
Article 4	Medicaid Prior Authorization Advisory Committee	[6 sections]
<b>CHAPTER 11</b>	<b><i>REPEALED</i> (VIRGINIA INDIGENT HEALTH CARE TRUST FUND)</b>	
<b>CHAPTER 12</b>	<b>STATE/LOCAL HOSPITALIZATION PROGRAM</b>	<b>[8 sections]</b>
<b>CHAPTER 13</b>	<b>FAMILY ACCESS TO MEDICAL INSURANCE SECURITY PLAN</b>	<b>[5 sections]</b>
<b>CHAPTER 13.1</b>	<b>CERTIFIED NURSING FACILITY EDUCATION INITIATIVE</b>	<b>[3 sections]</b>
<b>CHAPTER 14</b>	<b>VIRGINIA FOUNDATION FOR HEALTHY YOUTH</b>	<b>[13 sections]</b>
<b>CHAPTER 15</b>	<b>VIRGINIA HEALTH CARE FUND</b>	<b>[2 sections]</b>
<b>CHAPTER 16</b>	<b>BREAST AND CERVICAL CANCER PREVENTION AND TREATMENT FUND</b>	<b>[2 sections]</b>
<b>CHAPTER 17</b>	<b>BREASTFEEDING</b>	<b>[1 section]</b>
<b>CHAPTER 18</b>	<b>RECOGNITION OF EMS PERSONNEL LICENSURE INTERSTATE COMPACT</b>	<b>[1 section]</b>
<b>CHAPTER 19</b>	<b>EMERGENCY DEPARTMENT CARE COORDINATION PROGRAM</b>	<b>[1 section]</b>
<b>CHAPTER 20</b>	<b>DISPOSITION OF ASSETS BY NONPROFIT HEALTH CARE ENTITIES</b>	<b>[3 sections]</b>

## TITLE 35.1

### HOTELS, RESTAURANTS, SUMMER CAMPS, AND CAMPGROUNDS

<b>CHAPTER 1</b>	<b>GENERAL PROVISIONS</b>	<b>[10 sections]</b>
<b>CHAPTER 2</b>	<b>REGULATIONS</b>	<b>[9 sections]</b>
<b>CHAPTER 3</b>	<b>LICENSES; INSPECTIONS</b>	<b>[7 sections]</b>
<b>CHAPTER 4</b>	<b>EXEMPTIONS</b>	<b>[2 sections]</b>
<b>CHAPTER 5</b>	<b>POSTING HOTEL RATES; HOTEL LIABILITY</b>	<b>[2 sections]</b>

## **RECODIFICATION OF TITLES 32.1 AND 35.1 - PROPOSED OUTLINE**

### **PROPOSED TITLE 32.2 - HEALTH**

#### **SUBTITLE I - ADMINISTRATION**

##### **CHAPTER 1 - Administration Generally**

Article 1 - General Provisions

Article 2 - State Board of Health

Article 3 - Department of Health and State Health Commissioner

Article 4 - Procedures; Inspections; Orders; Penalties; Representation by AG

Article 5 - Local Health Departments and Directors

##### **CHAPTER 2 - Health Care Planning**

Article 1 - Health Planning and Resource Development

Article 2 - Local Health Partnership Authorities

Article 3 - Primary Health Care System

Article 4 - Health Care Data Reporting

##### **CHAPTER 3 - Vital Records**

Article 1 - Definitions and Administrative Provisions

Article 2 - Birth Certificates

Article 3 - Records of Adoptions

Article 4 - Death Certificates and Out-of-State Transit Permits

Article 5 - Marriage Records and Divorce and Annulment Reports

Article 6 - Amendments to Vital Records

Article 7 - Miscellaneous Provisions

#### **SUBTITLE II - HEALTH CARE FACILITIES AND SERVICES**

##### **CHAPTER 4 - Medical Care Facilities Certificate of Public Need**

##### **CHAPTER 5 - Hospitals**

##### **CHAPTER 6 - Nursing Homes**

- Includes Rights and Responsibilities of Patients in Nursing Homes (Art. 2, Ch. 5)

##### **CHAPTER 7 - Hospice Programs**

##### **CHAPTER 8 - Home Care Organizations**

##### **CHAPTER 9 - Services for Survivors of Sexual Assault**

## **RECODIFICATION OF TITLES 32.1 AND 35.1 - PROPOSED OUTLINE**

### **CHAPTER 10 - Emergency Medical Services**

Article 1 - Statewide Emergency Medical Services System and Services

Article 2 - Emergency Medical Services Patient Care Information System

Article 3 - Recognition of EMS Personnel Licensure Interstate Compact

### **CHAPTER 11 - Certificate of Quality Assurance of Managed Care Health Insurance Plan Licensees**

### **CHAPTER 12 - Private Review Agents**

### **CHAPTER 13 - Other Health Care Services**

## **SUBTITLE III - PUBLIC HEALTH SERVICES**

### **CHAPTER 14 - Reporting and Investigation of Diseases**

### **CHAPTER 15 - Disease Control and Prevention Measures**

Article 1 - Disease Control Measures Generally

- Includes Control of Rabies (§ 3.2-6521 and Ch. 2, Art. 3.1), Tuberculosis (Ch. 2, Art. 4), Venereal Diseases (Ch. 2, Art. 5), Prevention of Blindness from Ophthalmia Neonatorum (Ch. 2, Art. 6), Voluntary Program for Control of Genetic and Metabolic Diseases (Ch. 2, Art. 8), Statewide Asthma Management (Ch. 2, Art. 13), Youth Suicide Prevention (Ch. 2, Art. 14), Youth Health Risk Behavior Survey (Ch. 2, Art. 15), and Alzheimer's Disease (Ch. 2, Art. 18)

Article 2 - Immunizations

- Includes portions of § 22.1-271.2 and subsections T and W of § 54.1-3408

Article 3 - Isolation of Certain Persons with Communicable Diseases of Public Health Significance

Article 4 - Quarantine and Isolation of Certain Persons with Communicable Diseases of Public Health Threat

### **CHAPTER 16 - Statewide Cancer Registry**

### **CHAPTER 17 - Maternal and Infant Health**

- Includes Virginia Hearing Loss Identification and Monitoring System (Ch. 2, Art. 6.1), Newborn Screening (Ch. 2, Art. 7), Virginia Congenital Anomalies Reporting and Education System (Ch. 2, Art. 8.1), Virginia Cord Blood Bank Initiative (Ch. 2, Art. 8.2), Substance-Exposed Infants (Ch. 2, Art. 17), and Maternal and Child Health Services and Crippled Children's Services (Ch. 3, Art. 2)

## **RECODIFICATION OF TITLES 32.1 AND 35.1 - PROPOSED OUTLINE**

### **CHAPTER 18 - Post Mortem Examinations and Services; Disposition of Dead Human Bodies**

Article 1 - Chief Medical Examiner and Postmortem Examinations

Article 2 - Disposition of Dead Human Bodies

Article 3 - Anatomical Gifts

Article 4 - Use of Dead Human Bodies for Scientific Study

### **CHAPTER 19 - Advisory Council on Pediatric Autoimmune Neuropsychiatric Disorders Associated with Streptococcal Infections and Pediatric Acute-onset Neuropsychiatric Syndrome**

### **CHAPTER 20 - Rare Disease Council**

### **CHAPTER 21 - Virginia Foundation for Healthy Youth**

### **CHAPTER 22 - Commonwealth Health Research Board and Fund**

### **CHAPTER 23 - Virginia Health Care Fund**

## **SUBTITLE IV - ENVIRONMENTAL HEALTH SERVICES**

### **CHAPTER 24 - Water Supplies**

Article 1 - Public Water Supplies

Article 2 - Private Well Construction

Article 3 - Wells Near Certain Coal Ash Ponds

### **CHAPTER 25 - Sewage Disposal**

Article 1 - Sewage Disposal

Article 2 - State Health Department Sewage Handling and Disposal Appeal Review Board

### **CHAPTER 26 - Health and Sanitation; Control of Crustacea, Finfish and Shellfish (Ch. 8 of Title 28.2)**

### **CHAPTER 27 - Radiation Control**

### **CHAPTER 28 - Toxic Substances**

### **CHAPTER 29 - Mosquito Control Districts**

### **CHAPTER 30 - Bedding and Upholstered Furniture**

### **CHAPTER 31 - Public Gathering Places**

Article 1 - Food Establishments

- Includes Milk, Milk Products, and Dairies (Ch. 52 of Title 3.2)

Article 2 - Hotels, Summer Camps, and Campgrounds

Article 3 - Public Gathering Places

Article 4 - Migrant Labor Camps

### **CHAPTER 32 - Other Environmental Health Services**

**RECODIFICATION OF TITLES 32.1 AND 35.1 - PROPOSED OUTLINE**

**TITLE 43.5 - MEDICAL ASSISTANCE SERVICES**

**CHAPTER 1 - Board of Medical Assistance Services**

**CHAPTER 2 - Department of Medical Assistance Services; Director of Medical Assistance Services**

**CHAPTER 3 - Eligibility for Medical Assistance Services**

**CHAPTER 4 - Medical Assistance Services**

**CHAPTER 5 - State/Local Hospitalization Program**

**CHAPTER 6 - Family Access to Medical Insurance Security Plan**

**CHAPTER 7 - Certified Nursing Facility Education Initiative**

## **Titles 32.1 & 35.1 Recodification — 2022 Schedule of Meetings**

### **APRIL**

- |           |                |  |
|-----------|----------------|--|
| <b>26</b> | <b>Tuesday</b> | <b>Work Group Meeting #1</b>   |
|           |                | <ul style="list-style-type: none"><li>● Review the proposed outline</li><li>● Review the proposed schedule</li></ul> |

### **MAY**

- |           |                  |   |                   |
|-----------|------------------|---|-------------------|
| <b>16</b> | <b>Monday</b>    | <b>CODE COMMISSION</b>  | <b>10:00 a.m.</b> |
| <b>25</b> | <b>Wednesday</b> | <b>Work Group Meeting #2</b>  |                   |
|           |                  | <ul style="list-style-type: none"><li>● Finalize the proposed outline</li><li>● Finalize the proposed schedule</li><li>● FIRST REVIEW:<ul style="list-style-type: none"><li>○ Chapter 1: Administration Generally</li><li>○ Chapter 2: Health Care Planning</li></ul></li></ul> |                   |

### **JUNE**

- |           |                  |  |                   |
|-----------|------------------|--|-------------------|
| <b>8</b>  | <b>Wednesday</b> | <b>CODE COMMISSION</b>   | <b>10:00 a.m.</b> |
| <b>29</b> | <b>Wednesday</b> | <b>Work Group Meeting #3</b>   |                   |
|           |                  | <ul style="list-style-type: none"><li>● SECOND REVIEW:<ul style="list-style-type: none"><li>○ Chapter 1: Administration Generally</li><li>○ Chapter 2: Health Care Planning</li></ul></li><li>● FIRST REVIEW:<ul style="list-style-type: none"><li>○ Chapter 4: Certificate of Public Need</li><li>○ Outline for Chapter 5: Hospitals and Chapter 6: Nursing Homes</li></ul></li></ul> |                   |

### **JULY**

- |           |                  |  |                   |
|-----------|------------------|--|-------------------|
| <b>19</b> | <b>Tuesday</b>   | <b>CODE COMMISSION</b>   | <b>10:00 a.m.</b> |
| <b>27</b> | <b>Wednesday</b> | <b>Work Group Meeting #4</b>   |                   |
|           |                  | <ul style="list-style-type: none"><li>● SECOND REVIEW:<ul style="list-style-type: none"><li>○ Chapter 4: Certificate of Public Need</li></ul></li><li>● FIRST REVIEW:<ul style="list-style-type: none"><li>○ Chapter 5: Hospitals</li><li>○ Chapter 6: Nursing Homes</li></ul></li></ul> |                   |



## **Titles 32.1 & 35.1 Recodification — 2022 Schedule**

### **AUGUST**

<b>1</b>	<b>Monday</b>	<b>CODE COMMISSION</b>	<b>10:00 a.m.</b>
<b>24</b>	<b>Wednesday</b>	<b>Work Group Meeting #5</b>	
		<ul style="list-style-type: none"><li>● <b>SECOND REVIEW:</b><ul style="list-style-type: none"><li>○ Chapter 5: Hospitals</li><li>○ Chapter 6: Nursing Homes</li></ul></li><li>● <b>FIRST REVIEW:</b><ul style="list-style-type: none"><li>○ Chapter 7: Hospice Programs</li><li>○ Chapter 8: Home Care Organizations</li><li>○ Chapter 9: Services for Survivors of Sexual Assault</li></ul></li></ul>	

### **SEPTEMBER**

<b>7</b>	<b>Wednesday</b>	<b>CODE COMMISSION</b>	<b>2:00 p.m.</b>
<b>21</b>	<b>Wednesday</b>	<b>Work Group Meeting #6</b>	
		<ul style="list-style-type: none"><li>● <b>SECOND REVIEW:</b><ul style="list-style-type: none"><li>○ Chapter 7: Hospice Programs</li><li>○ Chapter 8: Home Care Organizations</li><li>○ Chapter 9: Services for Survivors of Sexual Assault</li></ul></li><li>● <b>FIRST REVIEW:</b><ul style="list-style-type: none"><li>○ Chapter 10: Emergency Medical Services</li><li>○ Chapter 3: Vital Records</li></ul></li></ul>	

### **OCTOBER**

<b>3</b>	<b>Monday</b>	<b>CODE COMMISSION</b>	<b>10:00 a.m.</b>
<b>26</b>	<b>Wednesday</b>	<b>Work Group Meeting #7</b>	
		<ul style="list-style-type: none"><li>● <b>SECOND REVIEW:</b><ul style="list-style-type: none"><li>○ Chapter 10: Emergency Medical Services</li><li>○ Chapter 3: Vital Records</li></ul></li><li>● <b>FIRST REVIEW:</b><ul style="list-style-type: none"><li>○ Chapter 11: Certificate of Quality Assurance</li><li>○ Chapter 12: Private Review Agents</li><li>○ Chapter 13: Other Health Care Services</li></ul></li></ul>	

## **Titles 32.1 & 35.1 Recodification — 2022 Schedule**

### **NOVEMBER**

- |           |                  |   |                   |
|-----------|------------------|---|-------------------|
| <b>9</b>  | <b>Wednesday</b> | <b>Work Group Meeting #8</b>  |                   |
|           |                  | <ul style="list-style-type: none"><li>● SECOND REVIEW:<ul style="list-style-type: none"><li>○ Chapter 11: Certificate of Quality Assurance</li><li>○ Chapter 12: Private Review Agents</li><li>○ Chapter 13: Other Health Care Services</li></ul></li></ul> |                   |
| <b>21</b> | <b>Monday</b>    | <b>CODE COMMISSION</b>  | <b>10:00 a.m.</b> |

### **DECEMBER**

- |          |               |                        |                   |
|----------|---------------|------------------------|-------------------|
| <b>5</b> | <b>Monday</b> | <b>CODE COMMISSION</b> | <b>10:00 a.m.</b> |
|----------|---------------|------------------------|-------------------|