



VIRGINIA

REGISTER OF REGULATIONS

VOL.41 ISS. 6

PUBLISHED EVERY OTHER WEEK BY THE VIRGINIA CODE COMMISSION

November 4, 2024

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THE VIRGINIA REGISTER INFORMATION PAGE

THE VIRGINIA REGISTER OF REGULATIONS is an official state publication issued every other week throughout the year. Indexes are published quarterly, and are cumulative for the year. The *Virginia Register* has several functions. The new and amended sections of regulations, both as proposed and as finally adopted, are required by law to be published in the *Virginia Register*. In addition, the *Virginia Register* is a source of other information about state government, including petitions for rulemaking, emergency regulations, executive orders issued by the Governor, and notices of public hearings on regulations.

ADOPTION, AMENDMENT, AND REPEAL OF REGULATIONS

Unless exempted by law, an agency wishing to adopt, amend, or repeal regulations must follow the procedures in the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia). Typically, this includes first publishing in the *Virginia Register* a notice of intended regulatory action; a basis, purpose, substance and issues statement; an economic impact analysis prepared by the Department of Planning and Budget; the agency's response to the economic impact analysis; a summary; a notice giving the public an opportunity to comment on the proposal; and the text of the proposed regulation.

Following publication of the proposed regulation in the *Virginia Register*, the promulgating agency receives public comments for a minimum of 60 days. The Governor reviews the proposed regulation to determine if it is necessary to protect the public health, safety, and welfare, and if it is clearly written and easily understandable. If the Governor chooses to comment on the proposed regulation, his comments must be transmitted to the agency and the Registrar of Regulations no later than 15 days following the completion of the 60-day public comment period. The Governor's comments, if any, will be published in the *Virginia Register*. Not less than 15 days following the completion of the 60-day public comment period, the agency may adopt the proposed regulation.

The Joint Commission on Administrative Rules or the appropriate standing committee of each house of the General Assembly may meet during the promulgation or final adoption process and file an objection with the Registrar and the promulgating agency. The objection will be published in the *Virginia Register*. Within 21 days after receipt by the agency of a legislative objection, the agency shall file a response with the Registrar, the objecting legislative body, and the Governor.

When final action is taken, the agency again publishes the text of the regulation as adopted, highlighting all changes made to the proposed regulation and explaining any substantial changes made since publication of the proposal. A 30-day final adoption period begins upon final publication in the *Virginia Register*.

The Governor may review the final regulation during this time and, if he objects, forward his objection to the Registrar and the agency. In addition to or in lieu of filing a formal objection, the Governor may suspend the effective date of a portion or all of a regulation until the end of the next regular General Assembly session by issuing a directive signed by a majority of the members of the appropriate legislative body and the Governor. The Governor's objection or suspension of the regulation, or both, will be published in the *Virginia Register*.

If the Governor finds that the final regulation contains changes made after publication of the proposed regulation that have substantial impact, he may require the agency to provide an additional 30-day public comment period on the changes. Notice of the additional public comment period required by the Governor will be published in the *Virginia Register*. Pursuant to § 2.2-4007.06 of the Code of Virginia, any person may request that the agency solicit additional public comment on certain changes made after publication of the proposed regulation. The agency shall suspend the regulatory process for 30 days upon such request from 25 or more individuals, unless the agency determines that the changes have minor or inconsequential impact.

A regulation becomes effective at the conclusion of the 30-day final adoption period, or at any other later date specified by the promulgating agency, unless (i) a legislative objection has been filed, in which event the regulation, unless withdrawn, becomes effective on the date specified, which shall be after the expiration of the 21-day objection period; (ii) the Governor exercises his

authority to require the agency to provide for additional public comment, in which event the regulation, unless withdrawn, becomes effective on the date specified, which shall be after the expiration of the period for which the Governor has provided for additional public comment; (iii) the Governor and the General Assembly exercise their authority to suspend the effective date of a regulation until the end of the next regular legislative session; or (iv) the agency suspends the regulatory process, in which event the regulation, unless withdrawn, becomes effective on the date specified, which shall be after the expiration of the 30-day public comment period and no earlier than 15 days from publication of the readopted action.

A regulatory action may be withdrawn by the promulgating agency at any time before the regulation becomes final.

FAST-TRACK RULEMAKING PROCESS

Section 2.2-4012.1 of the Code of Virginia provides an alternative to the standard process set forth in the Administrative Process Act for regulations deemed by the Governor to be noncontroversial. To use this process, the Governor's concurrence is required and advance notice must be provided to certain legislative committees. Fast-track regulations become effective on the date noted in the regulatory action if fewer than 10 persons object to using the process in accordance with § 2.2-4012.1.

EMERGENCY REGULATIONS

Pursuant to § 2.2-4011 of the Code of Virginia, an agency may adopt emergency regulations if necessitated by an emergency situation or when Virginia statutory law or the appropriation act or federal law or federal regulation requires that a regulation be effective in 280 days or fewer from its enactment. In either situation, approval of the Governor is required. The emergency regulation is effective upon its filing with the Registrar of Regulations, unless a later date is specified per § 2.2-4012 of the Code of Virginia. Emergency regulations are limited to no more than 18 months in duration; however, may be extended for six months under the circumstances noted in § 2.2-4011 D. Emergency regulations are published as soon as possible in the *Virginia Register* and are on the Register of Regulations website at <https://register.dls.virginia.gov>.

During the time the emergency regulation is in effect, the agency may proceed with the adoption of permanent regulations in accordance with the Administrative Process Act. If the agency chooses not to adopt the regulations, the emergency status ends when the prescribed time limit expires.

STATEMENT

The foregoing constitutes a generalized statement of the procedures to be followed. For specific statutory language, it is suggested that Article 2 (§ 2.2-4006 et seq.) of Chapter 40 of Title 2.2 of the Code of Virginia be examined carefully.

CITATION TO THE VIRGINIA REGISTER

The *Virginia Register* is cited by volume, issue, page number, and date. **34:8 VA.R. 763-832 December 11, 2017**, refers to Volume 34, Issue 8, pages 763 through 832 of the *Virginia Register* issued on December 11, 2017.

The Virginia Register of Regulations is published pursuant to Article 6 (§ 2.2-4031 et seq.) of Chapter 40 of Title 2.2 of the Code of Virginia.

Members of the Virginia Code Commission: **Marcus B. Simon, Chair; Russet W. Perry, Vice Chair; Katrina E. Callsen; Nicole Cheuk; Richard E. Gardiner; Ryan T. McDougle; Michael Mullin; Christopher R. Nolen; Steven Popps; Charles S. Sharp; Malfourd W. Trumbo; Amigo R. Wade.**

Staff of the Virginia Register: **Holly Trice, Registrar of Regulations; Anne Bloomsburg, Assistant Registrar; Nikki Clemons, Managing Editor; Erin Comerford, Regulations Analyst.**

PUBLICATION SCHEDULE AND DEADLINES

This schedule is available on the Virginia Register of Regulations website (<http://register.dls.virginia.gov>).

November 2024 through December 2025

<u>Volume: Issue</u>	<u>Material Submitted By Noon*</u>	<u>Will Be Published On</u>
41:7	October 30, 2024	November 18, 2024
41:8	November 13, 2024	December 2, 2024
41:9	November 26, 2024 (Tuesday)	December 16, 2024
41:10	December 11, 2024	December 30, 2024
41:11	December 23, 2024 (Monday)	January 13, 2025
41:12	January 8, 2025	January 27, 2025
41:13	January 22, 2025	February 10, 2025
41:14	February 5, 2025	February 24, 2025
41:15	February 19, 2025	March 10, 2025
41:16	March 5, 2025	March 24, 2025
41:17	March 19, 2025	April 7, 2025
41:18	April 2, 2025	April 21, 2025
41:19	April 16, 2025	May 5, 2025
41:20	April 30, 2025	May 19, 2025
41:21	May 14, 2025	June 2, 2025
41:22	May 28, 2025	June 16, 2025
41:23	June 11, 2025	June 30, 2025
41:24	June 25, 2025	July 14, 2025
41:25	July 9, 2025	July 28, 2025
41:26	July 23, 2025	August 11, 2025
42:1	August 6, 2025	August 25, 2025
42:2	August 20, 2025	September 8, 2025
42:3	September 3, 2025	September 22, 2025
42:4	September 17, 2025	October 6, 2025
42:5	October 1, 2025	October 20, 2025
42:6	October 15, 2025	November 3, 2025
42:7	October 29, 2025	November 17, 2025
42:8	November 12, 2025	December 1, 2025

*Filing deadlines are Wednesdays unless otherwise specified.

PETITIONS FOR RULEMAKING

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF COUNSELING

Agency Decision

Title of Regulation: 18VAC115-20. Regulations Governing the Practice of Professional Counseling.

Statutory Authority: §§ 54.1-2400 and 54.1-3505 of the Code of Virginia.

Name of Petitioner: Sharon Watson.

Nature of Petitioner's Request: The petitioner requests that the Board of Counseling amend 18VAC115-20-52 B 10 and 18VAC115-50-60 B 8 to allow residents in counseling to directly bill for services and directly receive payments from clients.

Agency Decision: Request denied.

Statement of Reason for Decision: At its meeting on October 4, 2024, the Board of Counseling voted to take no action on the petition. The board believes there are additional factors to consider, such as new liability for supervisors and public knowledge of supervision, prior to taking such a regulatory action. To that end, the board has referred this issue to the board's regulatory committee to further consider the petitioner's request.

Agency Contact: Jaime Hoyle, Executive Director, Board of Counseling, 9960 Mayland Drive, Suite 300, Henrico, VA 23233, telephone (804) 367-4406, or email jaime.hoyle@dhp.virginia.gov.

VA.R. Doc. No. PFR24-40; Filed June 27, 2024, 12:13 p.m.

Agency Decision

Title of Regulation: 18VAC115-20. Regulations Governing the Practice of Professional Counseling.

Statutory Authority: §§ 54.1-2400 and 54.1-3505 of the Code of Virginia.

Name of Petitioner: Tamara Peterson.

Nature of Petitioner's Request: The petitioner requests that the Board of Counseling amend 18VAC115-20-52 D to require supervisors to report the total hours of residency and evaluate an applicant's competency within a set timeframe.

Agency Decision: Request granted.

Statement of Reason for Decision: At its meeting on October 4, 2024, the Board of Counseling voted to initiate a rulemaking to implement the request to require supervisors to report total hours of residency and evaluate an applicant's competency within a set timeframe.

Agency Contact: Jaime Hoyle, Executive Director, Board of Counseling, 9960 Mayland Drive, Suite 300, Henrico, VA 23233, telephone (804) 367-4406, or email jaime.hoyle@dhp.virginia.gov.

VA.R. Doc. No. PFR24-35; Filed June 18, 2024, 9:54 a.m.

BOARD OF SOCIAL WORK

Initial Agency Notice

Title of Regulation: 18VAC140-20. Regulations Governing the Practice of Social Work.

Statutory Authority: § 54.1-2400 of the Code of Virginia.

Name of Petitioner: Alexander Lagos Choquecahua.

Nature of Petitioner's Request: The petitioner requests that the Board of Social Work amend 18VAC140-20-50 A to permit a supervisee who has received approval to obtain supervision hours but has not begun supervision to pause the four-year timeframe to obtain supervision until the supervisee is ready to begin earning supervision hours.

Agency Plan for Disposition of Request: The petition for rulemaking will be published in the Virginia Register of Regulations on November 4, 2024. The petition will also be published on the Virginia Regulatory Town Hall to receive public comment, which opens November 4, 2024, and closes December 4, 2024. The board will consider the petition and all comments in support or opposition at the next meeting after the close of public comment. That meeting is currently scheduled for December 20, 2024. The petitioner will be notified of the board's decision after that meeting.

Public Comment Deadline: December 4, 2024.

Agency Contact: Jaime Hoyle, Executive Director, Board of Social Work, 9960 Mayland Drive, Suite 300, Henrico, VA 23233, telephone (804) 367-4441, or email jaime.hoyle@dhp.virginia.gov.

VA.R. Doc. No. PFR25-422; Filed October 15, 2024, 3:22 p.m.

PERIODIC REVIEWS AND SMALL BUSINESS IMPACT REVIEWS

TITLE 12. HEALTH

STATE BOARD OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES

Report of Findings

Pursuant to §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, the State Board of Behavioral Health and Developmental Services conducted a periodic review and a small business impact review of **12VAC35-225, Requirements for Virginia Early Intervention System**, and determined that this regulation should be amended. The board is publishing its report of findings dated October 3, 2024, to support this decision.

In its role as state lead agency for Virginia's early intervention services system, the Department of Behavioral Health and Developmental Services (DBHDS) defines and ensures consistency with federal regulations as they relate to Virginia's early intervention system, so this regulation is necessary to interpret federal and state law and to protect the public health, safety, and welfare by helping young children with developmental delays at a critical stage of life. The regulation is also clearly written and easily understandable to the families seeking services, program staff, the community, and the public. Virginia's requirements for the early intervention system achieve the intended objective in the most efficient, cost-effective manner by closely conforming to the federal requirements. The decision is to amend the regulation and add two professional disciplines to the list of qualified personnel who may seek certification from DBHDS as early intervention professionals under 12VAC35-225-430 B and four professional disciplines to the list of qualified personnel who may seek certification from DBHDS as early intervention specialists under 12VAC35-225-430 C. These proposed changes are expected to expand the eligible pool of providers to deliver early intervention services for infants and toddlers with disabilities and their families.

There is a continued need for the regulation. Virginia's early intervention system, the Infant and Toddler Connection of Virginia, must include, at a minimum, the components required by Part C of the Individuals with Disabilities Education Act at 20 USC § 1435(a) and 34 CFR Part 303. Many of the complaints and comments received concerning the regulation were calls to expand the program to cover more children. The complexity of the regulation is appropriate in that it closely conforms to the federal requirements. The regulation does not overlap, duplicate, or conflict with federal or state law or regulation. The regulation was last evaluated less than four years ago and a fast-track rulemaking action was promulgated to update certain sections to appropriately align with relevant Department of Medical Assistance Services regulations. Technology, economic conditions, or other factors have not changed in the area affected by the regulation. The board's

decision, consistent with applicable law, will have no economic impact on small businesses.

Contact Information: Ruth Anne Walker, Director of Regulatory Affairs, Department of Behavioral Health and Developmental Services, Jefferson Building, 1220 Bank Street, Fourth Floor, Richmond, VA 23219, telephone (804) 225-2252, FAX (804) 371-4609, TDD (804) 371-8977, or email ruthanne.walker@dbhds.virginia.gov.

TITLE 22. SOCIAL SERVICES

STATE BOARD OF SOCIAL SERVICES

Report of Findings

Pursuant to §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, the State Board of Social Services conducted a periodic review and a small business impact review of **22VAC40-780, Eligibility for Direct Social Services**, and determined that this regulation should be retained as is. The board is publishing its report of findings dated October 16, 2024, to support this decision.

This regulation provides authority for local departments of social services (LDSS) to provide direct services to families who are found to be eligible in one of three categories. This authority is essential in order to protect the safety and welfare of children and families. The regulation is clearly written and easily understandable. The board recommends this regulation be retained without changes.

This regulation is necessary in that it provides the authority for LDSS to provide direct services to children and families. There were no complaints or comments received from the public concerning this regulation. This regulation does not conflict with federal or state law or regulations and there are no requirements that exceed applicable federal requirements. This regulation was last reviewed in 2019. There are no impacts on small businesses.

Contact Information: Nikki Clarke Callaghan, Legislation, Regulations, and Guidance Manager, Department of Social Services, 5600 Cox Road, Glen Allen, VA 23060, telephone (804) 726-7943, or email nikki.callaghan@dss.virginia.gov.

REGULATIONS

For information concerning the different types of regulations, see the Information Page.

Symbol Key

Roman type indicates existing text of regulations. Underscored language indicates proposed new text. Language that has been stricken indicates proposed text for deletion. Brackets are used in final regulations to indicate changes from the proposed regulation.

TITLE 8. EDUCATION

STATE BOARD OF EDUCATION

Forms

REGISTRAR'S NOTICE: Forms used in administering the regulation have been filed by the agency. The forms are not being published; however, online users of this issue of the Virginia Register of Regulations may click on the name of a form with a hyperlink to access it. The forms are also available from the agency contact or may be viewed at the Office of the Registrar of Regulations, General Assembly Building, 201 North Ninth Street, Fourth Floor, Richmond, Virginia 23219.

Title of Regulation: **8VAC20-770. Background Checks for Child Day Programs and Family Day Systems.**

Agency Contact: Alyson Williams, Legislative Consultant, Department of Education, 101 North 14th Street, Richmond, VA 23219, telephone (804) 773-6273, or email alyson.williams@doe.virginia.gov.

FORMS (8VAC20-770)

~~Central Registry Release of Information Form (eff. 7/1/21)~~

[Sworn Statement or Affirmation for Child Day Programs \(rev. 7/2021\)](#)

VA.R. Doc. No. R25-8073; Filed October 8, 2024, 12:23 p.m.

Forms

REGISTRAR'S NOTICE: Forms used in administering the regulation have been filed by the agency. The forms are not being published; however, online users of this issue of the Virginia Register of Regulations may click on the name of a form with a hyperlink to access it. The forms are also available from the agency contact or may be viewed at the Office of the Registrar of Regulations, General Assembly Building, 201 North Ninth Street, Fourth Floor, Richmond, Virginia 23219.

Title of Regulation: **8VAC20-780. Standards for Licensed Child Day Centers.**

Agency Contact: Alyson Williams, Legislative Consultant, Department of Education, 101 North 14th Street, Richmond, VA 23219, telephone (804) 773-6273, or email alyson.williams@doe.virginia.gov.

FORMS (8VAC20-780)

~~Initial Application for a License to Operate a Child Day Center (eff. 7/1/21)~~

~~Renewal Application for a License to Operate a Child Day Center (eff. 7/1/21)~~

VA.R. Doc. No. R25-8074; Filed October 8, 2024, 12:23 p.m.

GOVERNOR

EXECUTIVE ORDER NUMBER THIRTY-ONE (2024)

Establishment of Multi-Agency Data Sharing Protocols Regarding Voter List Maintenance

By virtue of the authority vested in me as Governor of the Commonwealth, I hereby issue this Executive Order to ensure the accurate, transparent, and reliable use of data among state agencies that will result in best-in-class voter list maintenance processes for the Commonwealth.

Importance of Initiative

Secure elections start with comprehensive list maintenance practices. The interagency exchange of data is a vital component of election administration in the Commonwealth. Transparency and interagency collaboration are essential to ensuring that every eligible Virginian can exercise their right to vote and know that the list of registered voters is accurate and up to date.

Currently, the Department of Elections receives data for list maintenance purposes from a wide variety of state and local entities such as the Department of Motor Vehicles, the Virginia Department of Health, the Virginia State Police, and all 133 Commonwealth Circuit Courts in compliance with state and federal laws. The Department of Elections partners with local electoral boards, general registrars, and their staffs to maintain an accurate list of registered voters, processing thousands of voter registration transactions per month.

The process for updating and maintaining the Commonwealth's voter registration system has seen many improvements over the last two years. The Commonwealth has made unprecedented strides in improving the accuracy of its voter list through audits of all list maintenance practices. As a result, Virginia has been nationally recognized for its robust list maintenance improvements and new initiatives.

These robust improvements include:

- Establishing one-to-one data sharing agreements with seven states.
- Documenting detailed data requirements and coordinating with interfacing agencies.
- Conducting two National Change of Address mailings in 2023 for the first time in Virginia history.
- Automating a solution to ensure individuals convicted of a new felony after their rights have been restored are removed from the voter list, which was not occurring previously, addressing miscoded data.
- Streamlining processes for the removal of deceased voters including acquiring access to a national death record database and conducting an audit of Virginia deceased records since 1960.

The continued improvement of the Commonwealth's list maintenance processes is largely contingent upon the quality and timeliness of the interagency data provided to the Department of Elections for processing. As Virginia transitions to a new statewide voter registration system targeted for delivery next year, it is imperative to acknowledge the shared responsibility held not only by the Department of Elections, but all other entities within the Commonwealth that provide data. Therefore, it is essential that these entities review the accuracy, validity, timeliness, and reliability of the data they provide to the Department of Elections for processing. An accurate voter list is established through the existing collaborative efforts which should be leveraged for a best-in-class list maintenance process.

Directive

Accordingly, pursuant to the authority vested in me as the Chief Executive Officer of the Commonwealth, and pursuant to Article V of the Constitution of Virginia and the laws of the Commonwealth:

I. Adopt Data Sharing Agreements Between State Agencies

I hereby direct the Department of Elections, the Department of Health, the Department of Motor Vehicles, and the Virginia State Police to update data sharing agreements between those agencies within 90 days from the effective date of this Executive Order. The agreements shall indicate the applicable state or federal law that permits the sharing of Commonwealth data, the designated contact for each agency, and any other responsibility to ensure the accuracy, reliability, privacy, and efficiency of the data used for list maintenance. These agreements shall be reviewed annually.

II. Create an Interagency Data Review Work Group

I hereby direct the following agencies to create and participate in an interagency data review work group, including other stakeholders as may be deemed necessary, to examine and make recommendations regarding the quality, accuracy, sharing, and security of Commonwealth data provided to the Department of Elections for use in the existing Voter Election Registration Information System in support of conversion to the new statewide voter registration system scheduled for implementation mid-2025:

- Virginia Information Technologies Agency
- Office of Data Governance
- Department of Health
- Department of Motor Vehicles
- Virginia State Police

This effort shall develop comprehensive best practices across agencies and offer recommendations that make necessary and effective changes to the Commonwealth's list maintenance

processes. The work group shall review and verify the accuracy and source of data inputs provided and ensure all data provided meets applicable state and federal requirements. The work group shall identify opportunities to standardize data exchanged between agencies to better facilitate accurate and documented conversion to the new Elections system. Within 120 days of the effective date of this Executive Order, the Department of Elections shall report to the Secretary of Administration on the status of the work group.

III. Adopt Data Sharing Standards Between State Agencies

In alignment with the findings and recommendations of the work group, I hereby direct the Department of Elections to develop data sharing standards for the source, transmission, and receipt of information provided by each state agency that shares data for list maintenance processing.

The standards adopted shall indicate data attributes, extract specifications, and processes for the secure transmission and receipt of data. The participating agencies shall integrate the Department of Elections' requirements into upcoming system and data modernization projects. These standards shall be reviewed annually.

IV. Adopt Memoranda of Understanding with Additional States

In addition to exchanging registered voter lists with states bordering the Commonwealth pursuant to Code of Virginia § 24.2-404.4, I hereby direct the Department of Elections to also provide and request voter registration information and lists of individuals who voted in primaries and elections, where available, to and from other states.

The Department shall use this information to identify duplicate registrations, voters who no longer reside in the Commonwealth, and other persons who are no longer entitled to be registered, to maintain the overall accuracy of the voter registration system.

Effective Date

This Executive Order shall be effective upon its signing and shall remain in force and effect unless amended or rescinded by further executive order or directive. Given under my hand and under the Seal of the Commonwealth of Virginia, this 7th day of June 2024.

/s/ Glenn Youngkin, Governor

EXECUTIVE ORDER NUMBER THIRTY-TWO (2024)

Reestablishing the Task Force on Maternal Health Data and Quality Measures

By virtue of the authority vested in me as Governor of the Commonwealth, I hereby issue this Executive Order to reestablish the Task Force on Maternal Health Data and Quality Measures.

Importance of the Initiative

Supporting women's health services is key to the well-being of women and families in the Commonwealth. Enhancing quality maternal health care underscores my commitment to supporting the holistic well-being of those who are or may become mothers and their children. The Commonwealth can—and must—effectively address disparities and promote the health and dignity of every mother.

Quality health care for women, prior to pregnancy, prenatal, at birth, and postpartum, is essential. The data shows this care is especially critical in addressing the higher maternal mortality rates for African American, indigenous, and Hispanic women, as well as women in rural and underserved communities. Access to maternal health services supports thriving families by ensuring that pregnant women receive essential prenatal care, including medical screenings, nutritional support, and information and education that improve birth outcomes.

Our ongoing efforts have improved prenatal care, with additional investment and partnerships with maternal health hubs in areas such as Petersburg and have expanded access to doula and nurse midwives who are specially trained to provide direct support for mothers before, during, and after childbirth.

We have broadened health care coverage and access for expectant mothers and are helping secure mothers' access to financial assistance, as well as increased legal enforcement to hold fathers accountable for meeting their financial responsibilities to their children. Virginia was also recently selected to participate in a National Governors Association's Improving Maternal and Child Health in Rural America Learning Collaborative that will provide insights and best practices to improve maternal health outcomes.

While we have made progress, our work in this area plays a crucial role in reducing maternal and infant mortality rates, which is why further action is necessary to solidify these accomplishments.

Directive

I hereby direct the State Health Commissioner to re-establish the Task Force on Maternal Health Data and Quality Measures (the Task Force) for the purpose of evaluating maternal health data collection processes to inform policies in the Commonwealth that improve maternal care, quality, and outcomes.

The Task Force shall include:

- (i) The Director of the Department of Medical Assistance Services or her designee;
- (ii) The Director of the Virginia Neonatal Perinatal Collaborative or her designee;
- (iii) the Program Manager for the Maternal Mortality Review Team;

Governor

(iv) Individuals as designated by the Secretary of Health and Human Resources, who to the extent possible shall be:

- a. members of nonprofits related to health information or data;
- b. licensed obstetricians or gynecologists practicing in the Commonwealth;
- c. individuals who are licensed nurse practitioners or registered nurses who work in the area of maternal health in the Commonwealth;
- d. individuals who are certified nurse midwives; individuals who are licensed certified midwives in the Commonwealth;
- e. experts in postpartum care and depression in the Commonwealth;
- f. individuals who are experts in maternal health data collection processes;
- g. representatives from organizations or groups in the Commonwealth that specialize in serving at-risk populations and improving equity and outcomes in maternal health;
- h. individuals who are licensed in neonatal and premature infant care and nutrition in the Commonwealth;
- i. representatives in maternal health from each of the health care payers;
- j. health care experts who serve underserved and minority populations in the Commonwealth;
- k. the Commissioner of the Department of Behavioral Health and Developmental Services and the Commissioner of the Department of Social Services or their designees;

(v) the Secretary of Education or her designee, the Chief Diversity, Opportunity and Inclusion Officer or his designee, the Chair of the Virginia Council on Women, as well as any other stakeholders as may be appropriate appointed by the Governor.

The Task Force shall:

- (i) Monitor progress and evaluate all data from state-level stakeholders, including third-party payers, and all available electronic claims data to examine quality of care with regard to race, ethnicity, and other demographic and clinical outcomes data;
- (ii) Monitor progress and evaluate data from existing state-level sources mandated for maternal care, including the Healthcare Effectiveness Data and Information Set (HEDIS) measure updates to Prenatal and Postpartum Care and Postpartum Depression;
- (iii) Examine the barriers preventing the collection and reporting of timely maternal health data from all stakeholders, including payers;

(iv) Examine current maternal health benefit requirements and determine the need for additional benefits to protect women's health;

(v) Evaluate the impact of Social Determinants of Health screening on pregnant women and its impact on outcomes data;

(vi) Analyze available data one year after delivery, including local-health district level data that will assist in better understanding the scope of the issue; and

(vii) Develop recommendations, based upon best practices, for standard quality metrics on maternal care.

All agencies of the Commonwealth shall assist the Task Force upon request. The Virginia Department of Health and the Virginia Department of Medical Assistance Services shall provide staff assistance to the Task Force. The Task Force shall report its findings and conclusions to the Governor and General Assembly by December 1 of each year regarding its activities and shall conclude its work by December 1, 2025.

Providing Postnatal Support Services

By December 1, 2024, the Secretary of Health and Human Resources shall provide a report to the Governor outlining recommendations including budgetary, legislative, or administrative measures with the goal of improving maternal health, including maternal mental health and substance use and progress towards eliminating health disparities. This report shall include recommendations for:

(i) The identification and provision of services, referrals, and educational initiatives that improve maternal health outcomes and address pregnant, breastfeeding, and postpartum women.

(ii) The provision of resources and dissemination of information pertaining to maternal mental health conditions including postpartum depression and other postpartum and perinatal mental health conditions and substance use issues affecting women including their symptoms, treatment options, and the availability of resources.

Effective Date of the Executive Order

This Executive Order shall be effective upon signing and shall remain in full force and effect unless amended or rescinded by further executive order or directive. Given under my hand and under the Seal of the Commonwealth of Virginia this 26th day of June 2024.

/s/ Glenn Youngkin, Governor

EXECUTIVE ORDER NUMBER THIRTY-THREE (2024)

Establishing Cell Phone-Free Education to Promote the Health & Safety of Virginia's K-12 Students

By virtue of the authority vested in me as Governor of the Commonwealth, I hereby issue this Executive Order directing the Secretary of Education, Secretary of Health and Human

Resources, Superintendent of Public Instruction, the Virginia Department of Education, and the State Health Commissioner to heed the call of parents, public health professionals, educators, and other stakeholders across the Commonwealth and take immediate actions to protect the health and safety of students in Virginia's K-12 public schools by issuing guidance on the establishment of cell phone-free education policies and procedures.

Importance of the Initiative

The necessity of implementing cell phone-free education in Virginia's K-12 public schools is increasingly evident. Parents, public health professionals, educators, and other stakeholders across the Commonwealth are expressing concern over the alarming mental health crisis and chronic health conditions affecting adolescents, such as depression and anxiety, driven in part by extensive social media usage and widespread cell phone possession among children. Cell phone-free education will significantly reduce the amount of time students can be on phones without parental supervision.

Children spend an average of 4.8 hours a day on social media, and recent studies indicate that spending more than three hours a day on social media doubles the risk of poor mental health for adolescents.¹ Most alarming is the Centers for Disease Control and Prevention data from 2019-2021, reporting that the rate of suicide has increased 167% since 2010 for girls and 91% since 2010 for boys.² In the same timeframe, boys and girls experienced a spike in depression of 161% and 145%, respectively.³

In addition to the worsening state of youth mental health in the past decade, the state of academic achievement also suffered, as measured by the precipitous drop in the National Assessment for Educational Progress (NAEP) scores beginning in 2012.

Many school divisions in the Commonwealth and around the nation have acknowledged and taken steps to address this growing challenge by restraining cell phone use and access to social media, especially during instructional hours. Up to now, public schools have often left these decisions and consequences to individual teachers, resulting in a variety of expectations and enforcement, all too often leading to students frequently checking their devices, scrolling through social media, and sending direct messages.⁴

Studies indicate that students who use their phones during class learn less and achieve lower grades.⁵ The issue extends beyond mere distraction; substantial phone and social media use can have a cumulative, lasting, and detrimental impact on adolescents' ability to focus and engage in their studies.⁶

Therefore, creating a cell phone-free education environment in public schools is not only a prudent measure but an essential one to promote a healthier and more focused educational environment where every child is free to learn.

Several school divisions within the Commonwealth have transitioned to cell phone-free education during the school day, and we should learn from these early leaders across Virginia and the nation and continue to benefit from emerging best practices. Clear guidance provided by the Virginia Department of Education will significantly benefit students, parents, and educators, while assisting local school boards and divisions in considering the appropriate response to this mental health and educational problem.

Directive

Accordingly, pursuant to the authority vested in me as the Chief Executive Officer of the Commonwealth, and pursuant to Article V of the Constitution and the laws of the Commonwealth, consistent with Code of Virginia § 22.1-23(6), I hereby order the Secretary of Education, the Secretary of Health and Human Resources, the Superintendent of Public Instruction, the Department of Education, and the State Health Commissioner to:

1. Facilitate listening sessions and other stakeholder engagement opportunities to solicit public input on age-appropriate cell phone-free education policies and procedures, gather feedback on best practices currently underway in Virginia public schools, and receive input for the draft guidance establishing cell phone-free education in K-12 public schools.
2. Establish a detailed definition of "cell phone-free education" which incorporates feedback from parents, students, teachers, and other stakeholders. The definition should address the age-appropriateness of all actions including the elimination or severe restriction of the use of cell phones and smart phones during instructional time, as well as input on age-appropriate restrictions on other personal electronic communication devices, such as smart watches, tablets, and computers connected to the internet during instructional time other than school authorized uses.
3. Publish model implementation plans that offer school divisions options to achieve cell phone-free education learning environments, such as pouches, dedicated cell phone "lockers," and other best practices derived from localities and states that have adopted similar policies.
4. Publish draft guidance for public school divisions to adopt policies and procedures establishing cell phone-free education, through the restriction or elimination of cell phone use during instructional time, on the Virginia Department of Education website for feedback from parents, students, teachers, public school administrators, school board members, and other stakeholders by August 15, 2024.
5. Address within the draft guidance processes for parents to communicate with children for typical reasons, such as forgotten items and changes in pick-up times, as well as protocols for students with medical needs to access their devices and for emergency communication.

6. Issue final guidance after considering feedback from stakeholders by September 16, 2024, for school divisions to adopt policies and procedures by January 1, 2025. Nothing in this Executive Order is intended to prohibit school divisions from adopting age-appropriate policies and procedures ahead of this date or that are more comprehensive than the guidance issued pursuant to this Order.

7. Establish a reporting mechanism to post public school division adopted cell phone-free education policies and procedures in line with this Executive Order on the Virginia Department of Education website and to collect relevant data on an ongoing basis related to student outcomes for follow-up reporting.

8. Coordinate with the Department of Behavioral Health and Developmental Services, Virginia Department of Health, and other relevant agencies to disseminate information regarding the effects of cell phone usage on academic and mental health development and chronic health conditions, such as depression and anxiety, that affect school aged children; as well as tools to promote healthy social media and phone usage for youth, to teachers, parents, and medical professionals.

Effective Date

This Executive Order shall be effective upon its signing and shall remain in force and effect unless amended or rescinded by a future executive order or directive. Given under my hand and under the Seal of the Commonwealth of Virginia, this ninth day of July, 2024.

/s/ Glenn Youngkin, Governor

¹ American Psychological Association (April/May 2024). <https://www.apa.org/monitor/2024/04/teen-social-use-mental-health>.

² U.S. Centers for Disease Control and Prevention (n.d.), National Center for Injury Prevention and Control. (n.d.). Additional notes and figures from The Anxious Generation here.

³ National Survey on Drug Use and Health conducted by federal Substance Abuse and Mental Health Services Administration (n.d.), U.S. Centers for Disease Control and Prevention (n.d.). Additional notes and figures from The Anxious Generation here.

⁴ Clayton, D. E., & Haley, D. A. (2013). An Introduction to Multitasking and Texting: Prevalence and Impact on Grades and GPA in Marketing Classes. *Journal of Marketing Education*, 35(1), 26-40.

⁵ Kuznekoff, J. H., & Titsworth, S. (2013). The Impact of Mobile Phone Usage on Student Learning. *Communication Education*, 62(3), 233-252.

⁶ Glass, A. L., & Kang, M. (2018). Dividing Attention in the Classroom Reduces Exam Performance. *Educational Psychology*, 39(3), 395-408.

EXECUTIVE ORDER NUMBER THIRTY-FOUR (2024)

Declaration of a State of Emergency Due to Hurricane / Tropical Storm Debby

Importance of the Issue

On Tuesday, August 6th, I verbally declared a state of emergency to exist for the Commonwealth of Virginia based on National Weather Service and National Hurricane Center

forecasts that indicate a tropical storm / hurricane is likely to cause significant rainfall and flooding across the entire Commonwealth that could cause transportation difficulties and power outages.

The Virginia Emergency Operations Center has been actively monitoring the movement of severe weather heading toward Virginia, with anticipated arrival on the evening of Wednesday, August 7, 2024. The National Weather Service and National Hurricane Center forecasts are predicting the potential for tropical storm force winds, heavy rain, and severe flooding across the entirety of the state. Accordingly, the pre-positioning of response assets and supplies will be necessary to assist our local and state partners. The Virginia Emergency Support Team will activate for this incident.

The health and general welfare of the citizens of the Commonwealth require that state action be taken to help alleviate the conditions caused by this situation. The effects of this storm constitute a disaster wherein human life and public and private property are imperiled, as described in § 44-146.16 of the Code of Virginia. Therefore, by virtue of the authority vested in me by Article V, Section 7 of the Constitution of Virginia, by §§ 44-146.17 and 44-75.1 of the Code, as Governor and Director of Emergency Management and Commander-in-Chief of the Commonwealth's Armed Forces, I proclaim a state of emergency. Accordingly, I direct state and local governments to render appropriate assistance to prepare for this event, to alleviate any conditions resulting from the situation, and to implement recovery and mitigation operations and activities so as to return impacted areas to pre-event conditions as much as possible. Emergency services shall be conducted in accordance with § 44-146.13 et seq. of the Code.

Following a declaration of a local emergency pursuant to § 44-146.21 of the Code of Virginia, if a local governing body determines that evacuation is deemed necessary for the preservation of life or other emergency mitigation, response or recovery, pursuant to § 44-146.17(A) (1) of the Code of Virginia, I direct the evacuation of all or part of the populace therein from such areas and upon such timetable as the local governing body, in coordination with the Virginia Emergency Operations Center (VEOC), acting on behalf of the State Coordinator of Emergency Management, shall determine. Notwithstanding the foregoing, I reserve the right to direct and compel evacuation from the same and different areas and determine a different timetable both where local governing bodies have made such a determination and where local governing bodies have not made such a determination. Violations of any order to citizens to evacuate shall constitute a violation of this Executive Order and are punishable as a Class 1 misdemeanor.

This Executive Order also covers preparatory actions for this event that began on August 6, 2024.

Directive

In order to marshal all public resources and appropriate preparedness, response, and recovery measures, I order the following actions:

1. Implementation by state agencies of the Commonwealth of Virginia Emergency Operations Plan, as amended, along with other appropriate state plans.
2. Activation of the Virginia Emergency Operations Center and the Virginia Emergency Support Team, as directed by the State Coordinator of Emergency Management, to coordinate the provision of assistance to state, local, and tribal governments and to facilitate emergency services assignments to other agencies; activation of the Emergency Management Assistance Compact and § 44-146.28:1 of the Code, as needed.
3. Authorization for the heads of executive branch agencies, on behalf of their regulatory boards as appropriate, and with the concurrence of their Cabinet Secretary, to waive any state requirement or regulation, and enter into contracts without regard to normal procedures or formalities, and without regard to application or permit fees or royalties. All waivers issued by agencies shall be posted on their websites.
4. Activation of § 59.1-525 et seq. of the Code related to price gouging.
5. Authorization of a maximum of \$2,750,000 in state sum sufficient funds for state and local government mission assignments and state response and recovery operations authorized and coordinated through the Virginia Department of Emergency Management allowable by The Stafford Act, 42 U.S.C. § 5121 et seq. Included in this authorization is \$1,000,000 for the Department of Military Affairs.
6. Activation of the Virginia National Guard to State Active Duty.

Effective Date of this Executive Order

This Executive Order shall be effective August 6, 2024, and shall remain in full force and effect for 30 days pursuant to § 44-146.17(A)(1), unless sooner amended or rescinded by further executive order.

Termination of this Executive Order is not intended to terminate any federal type benefits granted or to be granted due to injury or death as a result of service under this Executive Order.

Given under my hand and under the Seal of the Commonwealth of Virginia, this 6th August 2024.

/s/ Glenn Youngkin, Governor\

EXECUTIVE ORDER NUMBER THIRTY-FIVE (2024)

Comprehensive Election Security Protecting Legal Voters and Accurate Counting

By virtue of the authority vested in me as Governor, I hereby issue this Executive Order to protect the casting of legal ballots by legally eligible voters in Virginia's elections, including with stringent ballot security, complete and thorough counting machine testing, and best-in-the-nation voter list maintenance.

Importance of Initiative

In Virginia, we have established a comprehensive approach and continuous improvement process for election security, which is necessary to ensure that individuals cast legal votes. The Virginia model for securing elections has proven itself over the past few years despite the significant expansion of voting days and locations and the lingering effects of the pandemic on state and local governments. Under my Administration, Virginia has made unprecedented strides in improving the accuracy of our voter list including substantial updates for removal of deceased voters and protection against non-citizen registration.

Recent improvements we have made include establishing comprehensive data-sharing agreements with seven states and receiving additional data from 42 states.

We conducted multiple National Change of Address mailings over the past two years and will continue to conduct them. This process identifies individuals who no longer reside in Virginia. The streamlined process for eliminating deceased voters includes accessing a national death record database and conducting a comprehensive audit. This resulted in us removing 79,867 deceased voters in 2023.

Virginia is one of only three states in the nation that require those registering to vote to provide their full 9-digit social security number for registration. Over ninety percent of voters in Virginia submit electronic registration applications online through the Department of Elections (ELECT), which requires a valid Department of Motor Vehicles (DMV) credential, or submit registration applications when conducting transactions with DMV.

DMV requires applicants to submit proof of identity and legal presence for those that do not yet hold a valid Virginia credential. When issuing a credential such as a driver's license, DMV verifies applicants' proof of identity and legal status with the Department Homeland Security Systematic Alien Verification for Entitlements (SAVE) database and the Social Security Administration database.

All data collected by the DMV that identifies non-citizens is shared with ELECT, which uses it to scrub existing voter rolls and remove non-citizens who may have purposefully or accidentally registered to vote. According to data from

Governor

ELECT, between January 2022 and July 2024, records indicate we removed 6,303 non-citizens from the voter rolls.

Executive Order 31 reinforced the need for timeliness of interagency data. The multi-agency data sharing protocols and standards developed by the working group called for in the Executive Order ensure the accuracy, reliability, privacy, and timeliness of the data used for list maintenance.

The audits we conduct of Virginia's list maintenance practices have not only been effective but have also earned national recognition for robust list maintenance improvements and new initiatives. This recognition is a testament to the fairness, transparency, and legality of Virginia's voting process, which includes:

- 100% paper ballots which provide a physical record of the voter's intent
- Use of paper ballot counting machines, not voting machines
- Strict chain of custody for ballots with daily reconciliation during early voting
- Application required to receive a mail ballot - no mass mailing of ballots
- Counting machines tested prior to every election
- Counting machines not connected to the internet
- Drop boxes under 24/7 monitoring

As we continue to make improvements, the Commonwealth will remain steadfast in its efforts to provide Virginians with the confidence they deserve in their elections. Our election security model is designed to prevent illegal votes and guarantee legal votes are accurately counted. However, security procedures can only be as strong as the state and federal law which governs voting. Further strengthening of Virginia's election security system will rely on strengthening state and federal law.

Directive

Accordingly, pursuant to the authority vested in me as the Chief Executive Officer of the Commonwealth, and pursuant to Article V of the Constitution of Virginia and the laws of the Commonwealth, I hereby direct all relevant Secretariats and Agencies to take the following actions:

Certification of Election Security Procedures

In order to maintain the collaboration and coordination between internal and external parties necessary to maintain the highest level of security, the Commissioner of the Department of Elections shall certify annually in writing to the Governor that the following election security procedures are in place, including the training of registrars regarding these critical procedures, and that the Commonwealth's system of checks

and balances to maintain secure elections is functioning optimally.

1. Ballot Security:

- a. There is a documented chain of custody for paper ballots with daily reconciliation during early voting.
- b. Ballots are tracked through every step of the process.
- c. In precincts on election day and during early voting, ballots cast are reconciled against the number of voters checked in and number of ballots distributed to voters.
- d. Absentee ballots must be requested by a registered voter before being mailed.
- e. Marked absentee ballots may not be counted until the last four digits of a voter's social security number and year of birth provided on the envelope are matched to the voter's record in the statewide voter registration system.
- f. Use of provisional ballots for the Same Day Registration process, which requires that these ballots are not counted in the precinct but go back to the registrar's office for determination of eligibility and adjudication by the Electoral Board.
- g. 100% paper ballots are used in Virginia and are retained by clerks of court for 22 months.

2. Counting Machine Testing and Certification

- a. Virginia does not use "voting machines" just paper ballot counting machines.
- b. No ballot counting machines are connected to the internet.
- c. All counting machines are certified to state and federal standards.
- d. Every piece of equipment utilized in the voting and counting process, such as electronic pollbooks, is tested before use in a polling place.

3. Triple-Check of Election Result Accuracy

- a. Officers of election check election results at the precinct level on election night.
- b. Electoral Boards check elections results at the locality level in the post-election canvass.
- c. Department of Elections staff check elections results at the state level through results review and audits prior to certification.

Certification of Accuracy of Voter Lists

The Commissioner of the Department of Elections shall certify in writing to the Governor that the following election security procedures are in place to protect voter lists:

1. Daily Updates to the Voter List to:
 - a. Add new eligible voters.

b. Remove voters who have moved in accordance with federal and state law.

c. Remove deceased voters.

d. Remove ineligible voters, including felons and mentally incapacitated.

e. Remove individuals who are unable to verify that they are citizens to the Department of Motor Vehicles from the statewide voter registration list, should that individual either intentionally or unintentionally attempt to register to vote, in accordance with federal and state law.

f. The Department of Elections compares the list of individuals who have been identified as non-citizens to the list of existing registered voters and then registrars notify any matches of their pending cancellation unless they affirm their citizenship within 14 days.

2. When issuing a credential such as a driver's license, DMV verifies applicants' proof of identity and legal status with the Department Homeland Security Systematic Alien Verification for Entitlements (SAVE) database and the Social Security Administration database.

Referral for False Claims of Citizenship

The Department of Motor Vehicles shall expedite the interagency data sharing with the Department of Elections of non-citizens by generating a daily file of all non-citizens transactions, including addresses and document numbers.

In accordance with the Code of Virginia § 24.2-429, all registrars are required to cancel the registrations of non-citizens who have registered to vote in a local, state, or federal election by falsely claiming that they are a citizen, including the forging of documentation or any other means of improper registration. Code of Virginia § 24.2-1019 additionally requires said registrars to immediately notify the Commonwealth's Attorney for their jurisdiction of this alleged unlawful conduct. Additionally, the Office of the Attorney General has full authority to enforce election laws pursuant to Code of Virginia § 24.2-104.

Awareness Campaign for Election Security

The Department of Elections shall encourage and provide information to all general registrars to post or provide to voters directly regarding election-related offenses and their punishments (Title 24.2, Chapter 10 of the Code of Virginia), including:

- § 24.2-1000. Intimidation and threats toward election officials; penalty.
- § 24.2-1002.1. Unlawful disclosure or use of social security number or part thereof.
- § 24.2-1004. Illegal voting and registrations.

§ 24.2-1009. Stealing or tampering with ballot containers, voting or registration equipment, software, records or documents,.

§ 24.2-1007. Soliciting or accepting bribe to influence or procure vote.

§ 24.2-1016. False statements; penalties.

All state agencies that register individuals to vote shall post the aforementioned information in a conspicuous place or provide it to applicants directly.

Given under my hand and under the Seal of the Commonwealth of Virginia this 7th day of August, 2024.

/s/ Glenn Youngkin, Governor

EXECUTIVE ORDER NUMBER THIRTY-SIX (2024)

Establishing the Stand Tall - Stay Strong - Succeed Together Reentry Initiative

By virtue of the authority vested in me as Governor of the Commonwealth, I hereby issue this Executive Order to ensure our Commonwealth supports the thousands of Virginians on probation striving to re-enter society successfully following incarceration.

Importance of Initiative

Each year, around 10,000 adults and juveniles are released from incarceration into supervision in Virginia. Fifty thousand returning citizens are managed by the Virginia Department of Corrections (VADOC) at any one time and remain on supervision for an average of three years. Unfortunately, too many of these Virginians eventually return to prison and jails.

More than half of those currently in our prisons and jails have recidivated, although this is not immediately apparent from some of the recidivism data. Under the main recidivism metric adopted by most states — reincarceration rates of returning citizens within three years of reentry — Virginia's rate is the 2nd lowest in the nation at 19%. While even under this standard it means that one-in-five formerly incarcerated Virginians do not have a successful reentry into society within three years of reentry, this metric does not paint a full picture of success because of the three-year time period¹ and the requirement that the returning citizen be reincarcerated in a prison instead of a jail or other correctional facility.²

While the numbers are alarming, the reality is that every Virginian who re-enters successfully generates great benefits to the Commonwealth:

- Individuals benefit when they contribute to society and achieve their human potential;
- Communities benefit when families are made whole and crime decreases; and

- The Commonwealth of Virginia benefits from the increased societal and economic contributions and the reduced burden on public safety infrastructure.

In April of 2023, in accordance with section 2.2-221.1 of the Code of Virginia, I tasked the Chief Transformation Officer with the Secretary of Public Safety to partner to create a cross-agency effort to improve reentry outcomes using existing personnel and resources. This effort, consistent with the Code of Virginia § 53.1-32.2, takes an innovative approach creating the nation's first dynamic system to measure the achievement of the six positive factors that facilitate a successful reentry for returning citizens, which include:

- 1) gainful employment;
- 2) stable housing;
- 3) healthcare insurance coverage;
- 4) appropriate supervision levels;
- 5) necessary mental health treatment;
- 6) necessary substance abuse treatment.

Today, we formalize our ongoing work as we establish by Executive Order the Stand Tall — Stay Strong — Succeed Together Team (the Team). Since April of 2023, the Team has helped 3,100 more returning citizens gain employment, 7,100 more enroll in health insurance, and updated appropriate supervision levels for 5,500 more returning citizens by focusing on the six success factors. Additionally, the team stemmed the increase in absconding for the first time in 12 years with a net decline of 600 absconders, or 10% of the overall population.

By focusing on factors directly linked to reentry success on a monthly basis, we strategically managed resources to address critical gaps proactively, to identify and initiative pilot programs across agencies to address issues and celebrate best practices. Current successful partnerships included employment referrals with Virginia Works and Virginia Department for Aging and Rehabilitative Services (DARS), healthcare enrollment referrals with the Department of Medical Assistance (DMAS), veterans referrals with the Department of Veterans Services (DVS), pre-release coordination with the Virginia Department of Behavioral Health and Developmental Services (DBHDS), and public safety coordination with the Virginia State Police (VSP) to reduce absconding.

While these efforts resulted in great improvements without any increases in funding through cross-agency partnerships, we need to do more as a Commonwealth to improve reentry. To further improve reentry in accordance with Section 2.2-221.1 of the Code of Virginia, this Executive Order directs agencies to continue to collaborate on an integrated system to support reentry and directs the Team to integrate non-state entities into this critical effort.

Directive

Pursuant to the authority vested in me as the Chief Executive Officer of the Commonwealth by Article V of the Constitution of Virginia and the laws of the Commonwealth, including Code of Virginia §§ 2.2-2005 and 2.2-2007-2012, I hereby order my administration, the Secretary of Public Safety, the Chief Transformation Officer, the Secretary of Labor, the Secretary of Health and Human Resources, the Secretary of Education and all executive branch agencies to work with the Team to establish and integrated system to support reentry by taking the following actions:

Pre-Release Reentry Programming and Job Training Efforts

1. Implement a Commonwealth-wide partnership between Virginia's Community College System and VADOC prisons to improve continuing education for those incarcerated.
2. The Secretary of Education, in collaboration with the State Council of Higher Education for Virginia and the Virginia Community College System, shall explore opportunities to increase the number of incarcerated individuals using Pell Grants in qualifying prison education programs, as defined under 34 CFR 668.236, at Virginia's public and private nonprofit institutions of higher education.
3. Implement a strategy to increase remote learning and programming in VADOC prisons with the support of Virginia's Information Technology Agency (VITA) and the Department of Housing and Community Development (DHCD) to maximize connectivity and affordability.
4. Align VADOC workforce program success metrics to Virginia Works' state-wide metrics and ensure programs are preparing those incarcerated for the top industries³ effectively.
5. Accelerate VADOC adult education efforts for those in VADOC prisons with low-level literacy to increase reading levels two grades by 2026.⁴
6. Facilitate increased opportunities for prison ministries and faith-based nonprofits to volunteer at VADOC prisons.

Employment Efforts

1. Implement hiring practices friendly to returning citizens in state government, including direct-hire, apprenticeship, and internships as specified in the new DHRM policy guidance.
2. Scale Virginia Works and DARS partnership with VADOC probation and parole for supervisee referrals to enhance utilization of workforce readiness and job placement services upon reentry.
3. Implement Commonwealth-wide partnership between Adult Education and VADOC Probation and Parole to improve supervisee literacy and GED completion rates.
4. Integrate jails into reentry employment best practices working through the State Compensation Board (SCB).

5. Integrate the business community into second chance hiring ecosystem with Virginia Works.

Benefit Enrollment Efforts

1. Virginia Department of Social Services shall designate a state-wide reentry coordinator to help:

a. Re-establish local DSS leadership across all 43 local reentry councils;

b. Collaborate with local DSS offices to partner with VADOC to increase benefit enrollment success; and

c. Partner with VADOC Probation and Parole to use family programming and related services to improve connectivity with their families.

2. Assess opportunities to strengthen and modernize DMV's partnership with VADOC and jails to ensure returning citizens have valid identification upon reentry.

3. Integrate Community Services Boards into reentry efforts, including during incarceration within prisons and jails.

4. Partner with Department of Veterans Services (DVS) to refer returning citizens who are veterans to address gaps in critical success factors, including housing.

5. Share data, in accordance with state and federal law, among DSS, DMAS, and VADOC to improve reentry data accuracy, and implement best practices prescribed by the Office of Data Governance and Analytics (ODGA).

6. Integrate jails into benefit enrollment best practices working through the State Compensation Board.

Parenthood Efforts

1. In partnership with VADOC, SCB, DSS and the Commonwealth's Chief Diversity Officer, implement and scale programming within prisons, jails and communities to help incarcerated parents be the best father or mother possible, to give them a purpose for change, and to help end generational incarceration.

2. DSS to partner with VADOC Probation and Parole to use family programming and related services to improve connectivity with their families.

3. Increase non-state and private entities to scale parenthood volunteer efforts through streamlining of the VADOC volunteer approval and training practices.

Public Safety Efforts

1. The Secretary of Public Safety in coordination with VADOC is to review and update its methodology for measuring and tracking reentry success to ensure accuracy and actionability of data.

2. The Secretary of Public Safety is to coordinate use of law enforcement resources and agency data consistent with federal

and state law to decrease absconding and enhance public safety.

3. The Secretary of Public Safety with the help of VADOC and the Attorney General is to identify changes in regulations and code that would help VADOC provide more effective supervision.

I also order my administration to create a Stand Tall — Stay Strong — Succeed Together Executive Task Force ("Task Force") comprised of stakeholders from the leadership of the Department of Corrections, local jail leaders, the leadership of the Senate Rehabilitation and Social Services Committee as well as the House Public Safety Committee or designated representatives, the Office of the Attorney General of Virginia, Lieutenant Governor, Virginia Sheriffs Association, Virginia Association of Chiefs of Police, Virginia State Police, justice-involved individuals, faith-based organizations, prisons and jails, community advocacy groups, victims of crime, and the Virginia Association of Commonwealth's Attorneys, and other stakeholders. The Task Force shall meet every three months to review reentry progress and results.

Effective Date

This Executive Order shall be effective upon its signing and shall remain in force and effect unless amended or rescinded by further executive order or directive. Given under my hand and under the Seal of the Commonwealth of Virginia, this 15th day of August 2024,

/s/ Glenn Youngkin, Governor

¹ This rate jumps to over 40% within 12 years of reentry for state responsible releases.

² Virginia State Responsible incarcerations are for felony convictions with a sentence of 1+ years or a parole violation with a sentence of 2+ years. These rates are much higher when accounting for recidivism for local responsible felonies and misdemeanor crimes.

³ As identified by Virginia Office of Education Economics (VOEE)

⁴ Low-level literacy inmates defined as 3rd grade/NRS Level 2* or below.

EXECUTIVE ORDER NUMBER THIRTY-SEVEN (2024)

Declaration of a State of Emergency Due to Hurricane Helene

Importance of the Issue

On Wednesday, September 25, 2024, I verbally declared a state of emergency to exist for the Commonwealth of Virginia based on National Weather Service and National Hurricane Center forecasts that indicate a hurricane is likely to cause significant rainfall, flooding, tornados, and strong winds in portions of the Commonwealth that could cause life safety concerns, transportation difficulties, and power outages.

The Virginia Emergency Operations Center has been actively monitoring the movement of severe weather heading toward

Virginia, with anticipated arrival of additional rain starting on the evening of Thursday, September 26, 2024. The National Weather Service and National Hurricane Center forecasts indicate that the western portions of the Commonwealth could experience significant rainfall and flooding into the weekend combined with pre-cursor rainfall events predicted in the next few days. Accordingly, the pre-positioning of response assets and supplies will be necessary to assist our local and state partners. The Virginia Emergency Support Team will activate for this incident.

The health and general welfare of the citizens of the Commonwealth require that state action be taken to help alleviate the conditions caused by this situation. The effects of this storm constitute a disaster wherein human life and public and private property are imperiled, as described in § 44-146.16 of the Code of Virginia (the Code). Therefore, by virtue of the authority vested in me by Article V, Section 7 of the Constitution of Virginia, by §§ 44-146.17 and 44-75.1 of the Code, as Governor and Director of Emergency Management and Commander-in-Chief of the Commonwealth's Armed Forces, I proclaim a state of emergency. Accordingly, I direct state and local governments to render appropriate assistance to prepare for this event, to alleviate any conditions resulting from the situation, and to implement recovery and mitigation operations and activities so as to return impacted areas to pre-event conditions as much as possible. Emergency services shall be conducted in accordance with § 44-146.13 et seq. of the Code.

Following a declaration of a local emergency pursuant to § 44-146.21 of the Code, if a local governing body determines that evacuation is deemed necessary for the preservation of life or other emergency mitigation, response or recovery, pursuant to § 44-146.17(A)(1) of the Code, I direct the evacuation of all or part of the populace therein from such areas and upon such timetable as the local governing body, in coordination with the Virginia Emergency Operations Center (VEOC), acting on behalf of the State Coordinator of Emergency Management, shall determine. Notwithstanding the foregoing, I reserve the right to direct and compel evacuation from the same and different areas and determine a different timetable both where local governing bodies have made such a determination and where local governing bodies have not made such a determination. Violations of any order to citizens to evacuate shall constitute a violation of this Executive Order and are punishable as a Class 1 misdemeanor.

This Executive Order also covers preparatory actions for this event that began on September 25, 2024.

Directive

In order to marshal all public resources and appropriate preparedness, response, and recovery measures, I order the following actions:

1. Implementation by state agencies of the Commonwealth of Virginia Emergency Operations Plan, as amended, along with other appropriate state plans.
2. Activation of the Virginia Emergency Operations Center and the Virginia Emergency Support Team, as directed by the State Coordinator of Emergency Management, to coordinate the provision of assistance to state, local, and tribal governments and to facilitate emergency services assignments to other agencies; activation of the Emergency Management Assistance Compact § 44-146.28:1 of the Code, as needed.
3. Authorization for the heads of executive branch agencies, on behalf of their regulatory boards as appropriate, and with the concurrence of their Cabinet Secretary, to waive any state requirement or regulation, and enter into contracts without regard to normal procedures or formalities, and without regard to application or permit fees or royalties. All waivers issued by agencies shall be posted on their websites.
4. Activation of § 59.1-525 et seq. of the Code related to price gouging.
5. Authorization of a maximum of \$2,750,000 in state sum sufficient funds for state and local government mission assignments and state response and recovery operations authorized and coordinated through the Virginia Department of Emergency Management allowable by The Stafford Act, 42 U.S.C. § 5121 et seq. Included in this authorization is \$1,000,000 for the Department of Military Affairs. Within 60 days of the expiration of the Executive Order, an accounting of all expenses shall be submitted to the Director of the Department of Planning and Budget.
6. Activation of the Virginia National Guard to State Active Duty.

Effective Date of this Executive Order

This Executive Order shall be effective September 25, 2024, and shall remain in full force and effect for 45 days pursuant to § 44-146.17(A)(1) of the Code, unless sooner amended or rescinded by further executive order.

Termination of this Executive Order is not intended to terminate any federal type benefits granted or to be granted due to injury or death as a result of service under this Executive Order.

Given under my hand and under the Seal of the Commonwealth of Virginia, this 25th day of September 2024.

/s/ Glenn Youngkin, Governor

EXECUTIVE ORDER NUMBER THIRTY-EIGHT (2024)

Establishing the Office of First Responder Wellness

By virtue of the authority vested in me as Governor of the Commonwealth, I hereby issue this Executive Order to support the emotional, physical, and overall mental wellness of the

Commonwealth's First Responders and their families by formalizing the Department of Criminal Justice Services' Office of First Responder Wellness and establishing a new Chief Coordinating Officer role for First Responder Wellness within the Office of the Governor reporting to the Secretary of Public Safety & Homeland Security. Our first responder community requires higher levels of awareness, deserves this increased support, and we must adopt a comprehensive approach to support the mental and physical health of our law enforcement officers, firefighters, emergency medical services (EMS) providers, emergency communications officers, corrections officers, and retirees.

Importance of the Initiative

First responders are exposed to significant critical incidents involving human tragedy and suffering daily. An average citizen may experience three to eight traumatic incidents in their lifetime, whereas it is estimated that many first responders experience approximately 3.5 traumatic events in a six-month period throughout their entire career.¹ Emergency personnel are trained to respond to, assist, and care for those involved in the most horrifying and life-threatening incidents such as violent homicides, multi-vehicle accidents, house fires, sexual assaults, traumatic incidents involving children, domestic violence, natural disasters, and the loss of public safety colleagues. They knowingly put themselves in physically dangerous and mentally challenging situations to protect others. When not on the front lines, they are often left alone to cope with the daily accumulation of stressors, anxiety, and mental trauma associated with what they have seen and experienced.

The potential long-term effects of repeated trauma exposure on first responders may lead to substance abuse, behavioral dysfunction, physical health issues, and suicidal tendencies. The federal Substance Abuse and Mental Health Services Administration (SAMHSA) has estimated that thirty percent of first responders develop behavioral health conditions including, but not limited to, depression and post-traumatic stress disorder (PTSD), significantly higher than the general population.²

Unfortunately, studies also show that the impact of a first responder's chosen profession can shorten his or her life expectancy by as much as 20 years.³ First responders are more likely to die by suicide than in the line of duty. A 2023 study found that first responders made up one percent of all suicides from 2015-2017, according to data from the Centers for Disease Control and Prevention.⁴ Issues such as alcoholism, drug abuse, and sleep deprivation affect not only the wellbeing of first responders but also that of the family and friends of these public servants.⁵

The Office of First Responder Wellness was originally established by the Virginia Department of Criminal Justice Services (DCJS) in 2022, however, there is a history of first responder wellness initiatives dating back even further. The

mission of the Office of First Responder Wellness is to adopt a public health approach to first responder wellness through primary prevention, early intervention, response and recovery initiatives, including the development of resources that not only save the lives of our first responders but also improve their overall wellness.

The Office has secured two federal Justice Assistance Grants from the U.S. Department of Justice, hired full-time and part-time wellness training personnel officials, and expanded the number and types of available training to and for first responders. The Office created a first responder wellness website, vafirstresponderwellness.org, to provide resources, training opportunities, and important wellness information for all first responder groups. The Office also created a dedicated contact e-mail, vafirstresponderwellness@dcjs.virginia.gov, so that first responders can always reach out for help.

This year, I issued a Proclamation recognizing the week of March 25th through March 29th as "First Responder Wellness Week," and a successful webinar series with a total of 200 attendees was launched to address the first responder wellness initiatives in Virginia, unresolved trauma of first responders, their cognitive fitness, and overall spiritual and physical wellness.

The Office of First Responder Wellness has also expanded on training courses offered to first responders and is currently developing the Mobile First Responder Application to host on-demand training micro modules on wellness topics. Finally, several Public Service Announcements have been made to develop suicide prevention and awareness for law enforcement, break the stigma of law enforcement officers asking for mental health resources and assistance, and direct officers in need of immediate assistance to the COPLINE 24/7 hotline.

We will continue to ensure that those in public safety and first responder leadership have the necessary training and resources pertaining to prevention, intervention, and postvention to better understand and develop mental health and wellness best practices.

In doing so, we will further capitalize on the principles set forth in our Right Help, Right Now initiative by continuing to build out the continuum of care to better and more appropriately meet the needs of individuals. For too long, too many Virginians, including our first responders, have suffered silently and have forgone the urgent care they so desperately need. First responders are the backbone of the Commonwealth, and by maximizing the resources and care available to them, we will produce a safer, healthier, and more secure community for all Virginians.

Directive

Accordingly, pursuant to the authority vested in me as the Chief Executive Officer of the Commonwealth, and pursuant to Article V of the Constitution of Virginia and the laws of the

Commonwealth, I hereby direct my administration to implement the following measures to support our first responders through programs addressing, but not limited to, emotional, physical, and overall personal wellness,

1. The Secretary of Public Safety & Homeland Security shall establish and maintain an Office of First Responder Wellness under the Department of Criminal Justice Services. The Office of First Responder Wellness shall operate collaboratively with the Virginia State Police, Department of Corrections, Department of Juvenile Justice, Department of Emergency Management, and the Department of Fire Programs, as well as the Department of Health and the Department of Behavioral Health and Developmental Services, to serve as a centralized resource to help our first responders.

2. The Department of Criminal Justice Services' Office of First Responder Wellness shall seek authorization to utilize unexpended Fiscal Year 2024 balances to offer grants for non-profits and local agencies supporting first responder wellness efforts.

3. The Secretary of Public Safety & Homeland Security shall designate a Chief Coordinating Officer to oversee first responder wellness programs, promote the Office of First Responder Wellness, work across state agencies, and to collaborate with law enforcement, fire departments, emergency medical service organizations, correctional officers, and emergency communication dispatchers to ensure the wellness programs are meeting the needs of and reaching our first responders.

4. The Chief Coordinating Officer shall establish an ongoing working group to enhance coordination with the relevant state agencies listed above, as well as leaders from law enforcement, fire services, emergency medical services, emergency communications operators, clergy, mental health clinicians, and family members of first responders that have experienced trauma. The working group shall make recommendations for program enhancements to the Governor through the Secretary of Public Safety & Homeland Security.

5. The Office of First Responder Wellness shall provide and facilitate training opportunities for first responder agencies and their employees seeking to establish or enhance first responder wellness programs and peer support services for their responding employees. Training should include on demand e-learning modules to provide first responders with training and information on physical, financial, emotional, and spiritual wellness at their convenience and when needed.

6. The Office of First Responder Wellness shall maintain and disseminate information on first responder wellness, mental health, suicidal ideation, and trauma-related issues through training, conferences, a dedicated website, newsletters, and other Virginia-specific publications and resources.

7. The Chief Coordinating Officer in conjunction with the Department of Criminal Justice Services' Office of First Responder Wellness, the Virginia State Police, Department of

Corrections, Department of Juvenile Justice, Department of Emergency Management, Department of Fire Programs, and the Office of Emergency Medical Services at the Department of Health shall conduct community outreach to promote public and private partnerships to provide additional resources for first responder wellness programs.

8. The Office of First Responder Wellness at the Department of Criminal Justice shall collaborate with the Virginia State Police, Department of Corrections, Department of Juvenile Justice, Department of Emergency Management, Office of Emergency Medical Services at the Department of Health, and the Department of Fire Programs to develop a model public safety training program focusing on physical and mental wellness for all first responders.

9. The Office of First Responder Wellness shall work with public and private partners to offer available resources and training to assist first responders with understanding and managing their individual situations. The Office of First Responder Wellness shall provide technical assistance to Virginia's first responder agencies in the development and implementation of initiatives promoting first responder wellness, peer support programs, trauma support, and other mental health and wellness initiatives with such funds as may be available for such purpose.

Effective Date

This Executive Order shall be effective upon its signing and shall remain in force and effect unless amended or rescinded by further executive order or directive. Given under my hand and under the Seal of the Commonwealth of Virginia this 2nd day of October, 2024.

/s/ Glenn Youngkin, Governor

¹ Tara Hartley & Khachatur Sarkisian, et al., PTSD Symptoms Among Police Officers: Associations with Frequency, Recent, and Types of Traumatic Events, 15(4) *International Journal of Emergency Mental Health*, 241-253 (2013), available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4734407/>.

² See Substance Abuse and Mental Health Services Administration, Disaster Technical Assistance Center Supplemental Research Bulletin: First Responders: Behavioral Health Concerns, Emergency Response, and Trauma (2018), available at <https://www.samhsa.gov/sites/default/files/dtac/supplementalresearchbulletin-firstresponders-may2018.pdf>.

³ See The 77 Foundation, Demographic Overview, available at <https://seventy-seven.org/demographic-overview/>.

⁴ Leslie Carson & Suzanne Marsh, et al., An Analysis of Suicides Among First Responders—Findings from the National Violent Death Reporting System, 2015-2017, 85 *Journal of Safety Research* 361-70 (2023), available at <https://www.sciencedirect.com/science/article/abs/pii/S0022437523000415>.

⁵ Sara Gilman, Substance Use Disorders in First Responders: The Vicious Cycle of Chronic Traumatic Stress Exposure and Sleep Deprivation as Contributing Factors, *Advances in Addiction & Recovery*, 16-19 (2020), available at https://www.naadac.org/assets/241G/aa&r_winter2020_substance_use_disorders_in_first_responders.pdf#:~:text=evidence%020that%20first%20responders%20exhibit@s20ongoing.

GUIDANCE DOCUMENTS

PUBLIC COMMENT OPPORTUNITY

Pursuant to § 2.2-4002.1 of the Code of Virginia, a certified guidance document is subject to a 30-day public comment period after publication in the Virginia Register of Regulations and prior to the guidance document's effective date. During the public comment period, comments may be made through the Virginia Regulatory Town Hall website (<http://www.townhall.virginia.gov>) or sent to the agency contact. Under subsection C of § 2.2-4002.1, the effective date of the guidance document may be delayed for an additional period. The guidance document may also be withdrawn.

The following guidance documents have been submitted for publication by the listed agencies for a public comment period. Online users of this issue of the Virginia Register of Regulations may click on the name of a guidance document to access it. Guidance documents are also available on the Virginia Regulatory Town Hall (<http://www.townhall.virginia.gov>) or from the agency contact or may be viewed at the Office of the Registrar of Regulations, General Assembly Building, 201 North Ninth Street, Fourth Floor, Richmond, Virginia 23219.

BOARD OF ACCOUNTANCY

Title of Document: [Education Handbook](#).

Public Comment Deadline: December 4, 2024.

Effective Date: December 5, 2024.

Agency Contact: Kelli Yoder, Communications Coordinator,
Board of Accountancy, 9960 Mayland Drive, Suite 402,
Henrico, VA 23233, or email kelli.yoder@boa.virginia.gov.

GENERAL NOTICES

DEPARTMENT OF ENVIRONMENTAL QUALITY

Proposed Enforcement Action for HCE Roark Mill Solar LLC and HCE Red House Solar LLC

The Virginia Department of Environmental Quality (DEQ) is proposing enforcement actions for HCE Roark Mill Solar LLC and HCE Red House Solar LLC for violations of State Water Control Law and regulations in Pittsylvania and Charlotte Counties, Virginia. The proposed orders are available from the DEQ contact or at <https://www.deq.virginia.gov/permits/public-notices/enforcement-actions>. The DEQ contact will accept written comments from November 4, 2024, to December 6, 2024.

Contact Information: Kristen Sadtler, Enforcement Coordinator, Department of Environmental Quality, 1111 East Main Street, Richmond, VA 23219, or email kristen.sadtler@deq.virginia.gov.

Proposed Enforcement Action for Rivanna Water and Sewer Authority

The Virginia Department of Environmental Quality (DEQ) is proposing an enforcement action for Rivanna Water and Sewer Authority for violations of the State Water Control Law and regulations in the City of Charlottesville, Virginia. The proposed order is available from the DEQ contact listed or at <https://www.deq.virginia.gov/permits/public-notices/enforcement-actions>. The DEQ contact will accept comments by email or postal mail from November 4, 2024, through December 4, 2024.

Contact Information: Francesca Wright, Senior Enforcement Specialist, Department of Environmental Quality, Valley Regional Office, P.O. Box 3000, Harrisonburg, VA 22801, telephone (804) 543-7707, or email francesca.wright@deq.virginia.gov.

Wythe BESS LLC Notice of Intent for a Small Renewable Energy Project (Energy Storage)

Wythe BESS LLC has provided the Department of Environmental Quality (DEQ) a revised notice of intent to submit the necessary documents for a permit by rule for a small renewable energy project (energy storage) in Wythe County, Virginia, pursuant to 9VAC15-100. The project name is Wythe BESS, the owner is Wythe BESS LLC, and the project developer is RWE Clean Energy. The DEQ project number is RE0000316.

The location of the project is 0 Payne Town Road, Max Meadows, VA 24360, east of Interstate 77, with a centroid of Latitude 36.874298 and Longitude -80.8231601. The project will have a maximum rated power capacity of 52.2 megawatts on approximately 17 acres. As proposed, the project will

include the utilization of approximately 64 battery energy storage system units.

Contact Information: Amber Foster, Renewable Energy Permit by Rule Coordinator, Department of Environmental Quality, 1111 East Main Street, Suite 1400, P.O. Box 1105, Richmond, VA 23218, telephone (804) 774-8474, or email amber.foster@deq.virginia.gov.

BOARD OF PHARMACY

Notice of Public Hearing to Place Chemicals in Schedule I of the Drug Control Act

Pursuant to subsection D of § 54.1-3443 of the Code of Virginia, the Board of Pharmacy is giving notice of a public hearing to consider placement of chemical substances in Schedule I of the Drug Control Act (§ 54.1-3400 et seq. of the Code of Virginia). The public hearing will be conducted at 9:05 a.m. on December 17, 2024 at Perimeter Center, Board Room Four, 9960 Mayland Drive, Suite 201, Henrico, VA 23233. Instructions will be included in the agenda for the board meeting, also on December 17, 2024. Public comment may also be submitted electronically or in writing prior to December 17, 2024, to the contact listed.

Pursuant to § 54.1-3443 D, the Virginia Department of Forensic Science has identified eight compounds for recommended inclusion in the Code of Virginia.

The following compounds are classified as synthetic opioids. Compounds of this type have been placed in Schedule I (subdivision 1 of § 54.1-3446 of the Code of Virginia) in previous legislative sessions.

2-[(4-methoxyphenyl)methyl]-5-nitro-1-(2-pyrrolidin-1-ylethyl)benzimidazole (other names: metonitazepyne, N-pyrrolidino metonitazene), its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted, whenever the existence of these isomers, esters, ethers, and salts is possible within the specific chemical designation.

2-[2-[(4-ethoxyphenyl)methyl]-5-nitrobenzimidazol-1-yl]-N-ethylethanamine (other name: N-desethyl etonitazene), its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted, whenever the existence of these isomers, esters, ethers, and salts is possible within the specific chemical designation.

N-(2-methylphenyl)-N-[1-(2-phenethyl)piperidin-4-yl]propanamide (other name: ortho-methylfentanyl), its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted, whenever the existence of these isomers, esters, ethers, and salts is possible within the specific chemical designation.

Based on their chemical structures, the following compounds are expected to have hallucinogenic properties. Compounds of

this type have been placed in Schedule I (subdivision 3 of § 54.1-3446) in previous legislative sessions.

[3-[2-(diethylamino)ethyl]-1H-indol-4-yl] acetate (other names: 4-acetoxy-N,N-diethyltryptamine; 4-acetoxy DET; 4-AcO-DET; ethacetin), its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation.

3-[2-(diethylamino)ethyl]-1H-indol-4-ol (other names: 4-hydroxy-N,N-diethyltryptamine; 4-hydroxy DET; ethocin), its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation.

3-methylmethcathinone (other names: 3-MMC; metaphedrone; 2-(methylamino)-1-(3-methylphenyl)propan-1-one), its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation.

The following compounds are classified as cannabimimetic agents. Compounds of this type have been placed in Schedule I (subdivision 6 of § 54.1-3446) in previous legislative sessions.

N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1H-indazole-3-carboxamide (other name: ADB-INACA), its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation.

N-cyclohexyl-2-(1-pentylindol-3-yl)acetamide (other names: cyclohexyl-PIATA, CH-PIACA, CH-PIATA), its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation.

Contact Information: Caroline Juran, RPh, Executive Director, Board of Pharmacy, 9960 Mayland Drive, Suite 300, Henrico, VA 23233, telephone (804) 367-4456, FAX (804) 527-4472, or email caroline.juran@dhp.virginia.gov.

VIRGINIA DEPARTMENT OF PLANNING AND BUDGET

Public Comment Opportunity for Commercial Activities List

Pursuant to § 2.2-1501.1 of the Code of Virginia, the Virginia Department of Planning and Budget (DPB) published the 2023 Commercial Activities List (CAL) on October 31, 2023. The CAL is available at <https://dpb.virginia.gov/forms/20231031-1/VirginiaCommercialActivitiesList.pdf>.

DPB is seeking written comments on the CAL and invites recommendations from the public regarding activities being performed by state agencies that might be better performed by the private sector. The public comment period opens November 4, 2024, and closes December 9, 2024. Please include CAL in the subject of the email.

Contact Information: Cari Corr, Commercial Activities List, Virginia Department of Planning and Budget, 1111 East Broad Street, Fifth Floor, Richmond, VA 23219, telephone (804) 225-4549, or email cari.corr@dpb.virginia.gov.

VIRGINIA CODE COMMISSION Notice to State Agencies

Contact Information: *Mailing Address:* Virginia Code Commission, Pocahontas Building, 900 East Main Street, 8th Floor, Richmond, VA 23219; *Telephone:* (804) 698-1810; *Email:* varegs@dls.virginia.gov.

Meeting Notices: Section 2.2-3707 C of the Code of Virginia requires state agencies to post meeting notices on their websites and on the Commonwealth Calendar at <https://commonwealthcalendar.virginia.gov>.

Cumulative Table of Virginia Administrative Code Sections Adopted, Amended, or Repealed: A table listing regulation sections that have been amended, added, or repealed in the *Virginia Register of Regulations* since the regulations were originally published or last supplemented in the print version of the Virginia Administrative Code is available at <http://register.dls.virginia.gov/documents/cumulatab.pdf>.

Filing Material for Publication in the *Virginia Register of Regulations*: Agencies use the Regulation Information System (RIS) to file regulations and related items for publication in the *Virginia Register of Regulations*. The Registrar's office works closely with the Department of Planning and Budget (DPB) to coordinate the system with the Virginia Regulatory Town Hall. RIS and Town Hall complement and enhance one another by sharing pertinent regulatory information.

ERRATA

STATE BOARD OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES

Title of Regulation: **12VAC5-105. Rules and Regulations for Licensing Providers by the Department of Behavioral Health and Developmental Services.**

Publication: 41:5 VA.R. 654-669 October 21, 2024.

Correction to Fast-Track Regulation:

Page 654, Title of Regulation, line 4, after "**adding**" change "**12VAC35-105-1830**" to "**12VAC35-105-1821**" and after "**through**" change "**12VAC35-105-1870**" to "**12VAC35-105-1828**"

Page 667, column 2, next line after "Mobile Medication-Assisted Treatment Services" replace "12VAC35-105-1830" with "12VAC35-105-1821"

next section, replace "12VAC35-105-1840" with "12VAC35-105-1822"

Page 668, column 2, section catchline, replace "12VAC35-105-1850" with "12VAC35-105-1824"

Page 669, column 1, line 1, replace "12VAC35-105-1860" with "12VAC35-105-1826"

column 2, line 1, replace "12VAC35-105-1870" with "12VAC35-105-1828"

VA.R. Doc. No. R23-7415; Filed October 16, 2024, 4:53 p.m.

DEPARTMENT OF LABOR AND INDUSTRY

Title of Regulation: **16VAC15-70, Local Government Union Requirements and Employee Protections.**

Publication: 41:5 VA.R. 609 October 21, 2024.

Correction to Notice of Intended Regulatory Action:

Page 609, column 2, line 2, after "The purpose of the proposed action is to" replace published text with "establish a new regulation to provide standards to (i) make clear that the statutory requirements that currently apply to any union elections will still apply to union elections for local government employees; (ii) extend current proscriptions on private employer methods for collecting union dues to local government employers who collect union dues; and (iii) make clear that the statutory requirements that currently apply to solicitation of union membership during work hours will still apply to solicitation of local government employees."

VA.R. Doc. No. R25-8060; Filed October 23, 2024, 10:48 a.m.