

VIRGINIA ACTS OF ASSEMBLY -- 2016 SESSION

CHAPTER 526

An Act to amend and reenact § 40.1-2.1 of the Code of Virginia, relating to the occupational safety and health program applicable to employees of agencies of the Commonwealth, political subdivisions, and other public bodies.

[S 607]

Approved March 29, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 40.1-2.1 of the Code of Virginia is amended and reenacted as follows:

§ 40.1-2.1. Application of title to Commonwealth and its agencies, etc.; safety and health program for public employees.

The provisions of this title and any rules and regulations promulgated pursuant thereto shall not apply to the Commonwealth or any of its agencies, institutions, or political subdivisions, or any public body, unless, and to the extent that, coverage is extended by specific regulation of the Commissioner or the ~~Safety and Health Codes~~ Board. The Commissioner is authorized to establish and maintain an effective and comprehensive occupational safety and health program applicable to employees of the Commonwealth, its agencies, institutions, political subdivisions, or any public body. Such program shall be subject to any State plan submitted to the federal government for State enforcement of the Federal Occupational Safety and Health Act of 1970 (P.L. 91-596), or any other regulation promulgated under Title 40.1. The Commissioner *or the Board* shall establish procedures *and adopt regulations* for enforcing the program ~~which~~ *that* shall include provisions for (i) *the issuance of proposed penalties*; (ii) *the payment of such penalties or a negotiated sum in lieu of such penalties*; (iii) *the deposit of such payments into the general fund of the state treasury*; (iv) fair hearings, including judicial review; and (v) *other* sanctions to be applied for violations.