

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 An Act to amend the Code of Virginia by adding a section numbered 44-102.1:1, relating to Department  
3 of Military Affairs; health care premium payments for certain service members.

4 [H 642]  
5 Approved

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

7 **1. That the Code of Virginia is amended by adding a section numbered 44-102.1:1 as follows:**

8 **§ 44-102.1:1. Benefits upon call to active duty under a state of emergency; health care premiums.**

9 A. As used in this section:

10 "Department" means the Department of Military Affairs.

11 "Service member" means a member of the Virginia National Guard or the Virginia Defense Force.

12 "State of emergency" has the same meaning as provided in § 44-146.16.

13 B. If the Governor has declared a state of emergency that activated the Virginia National Guard or  
14 the Virginia Defense Force, then the Department is authorized to pay, for any service member who has  
15 served under such activation for a period at least 14 consecutive days, the portion of the premium for  
16 such service member's health care coverage previously paid by the service member's employer, provided  
17 that the service member provides satisfactory evidence to the Department demonstrating that (i)  
18 immediately prior to being called to state active duty, the service member was employed and received  
19 health care coverage through his employer, (ii) the employer paid a premium to maintain the service  
20 member's health care coverage, and (iii) as a result of the service member's state active duty status, the  
21 employer is no longer paying such premium.

22 C. Any payment made by the Department pursuant to this section shall cover only the portion of the  
23 premium previously paid by the service member's employer from day 15 of the service member's state  
24 active duty until the date the service member is discharged from state active duty. Such payments may  
25 also cover dependents of the service member.

26 D. The Department may use the sum sufficient identified in the relevant state of emergency  
27 declaration for any payment authorized by this section.

28 E. The Department shall establish policies, procedures, and protocols to implement and record any  
29 payment authorized by this section.

30 F. On or before November 1, 2022, and annually thereafter, the Department shall report to the  
31 Secretary of Veterans and Defense Affairs all payments made pursuant to this section.

32 G. Nothing in this section shall create a legal cause of action against the Commonwealth or the  
33 Department.