

# 2020 SPECIAL SESSION I

## SENATE SUBSTITUTE

20200865D

### SENATE BILL NO. 5095

AMENDMENT IN THE NATURE OF A SUBSTITUTE  
(Proposed by the Senate Committee on Education and Health  
on August 19, 2020)

(Patron Prior to Substitute—Senator Dunnavant)

A *BILL to amend the Code of Virginia by adding a section numbered 32.1-42.2, relating to rapid diagnostic testing; essential workers; emergency.*

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

**1. That the Code of Virginia is amended by adding a section numbered 32.1-42.2 as follows:**

**§ 32.1-42.2. Rapid diagnostic testing; essential workers.**

A. As used in this section:

"Child day center" has the same meaning as set forth in § 22.1-289.02.

"Early childhood care and education entity" has the same meaning as set forth in § 22.1-289.02.

"Emergency medical services personnel" has the same meaning as set forth in § 32.1-111.1.

"Emergency medical services provider" has the same meaning as set forth in § 32.1-111.1.

"Essential worker" means any employee of a business considered essential as set out by the Governor during a public health emergency.

"Family day home" has the same meaning as set forth in § 22.1-289.02.

"Firefighter" has the same meaning as set forth in § 9.1-300.

"Health care provider" means any certified or licensed health care provider who works (i) with patients with a communicable disease of public health significance as defined in § 32.1-48.01, (ii) with patients who could come into contact with a communicable disease of public health significance, and (iii) in any facility where there are patients infected with a communicable disease of public health significance.

"Law-enforcement officer" has the same meaning as set forth in § 18.2-307.1.

"Rapid diagnostic testing" means medical diagnostic tests available for preliminary or emergency medical screening for a communicable disease of public health significance.

B. In any case in which the Commissioner determines that a communicable disease of public health significance exists in the Commonwealth, the Commissioner shall ensure that any available rapid diagnostic testing indicating the existence of such communicable disease is readily available to all essential workers in the Commonwealth. Priority for access to such testing shall go to (i) health care providers, (ii) law-enforcement officers, (iii) emergency medical services personnel and emergency medical services providers, (iv) firefighters, (v) patients in nursing homes as defined in § 32.1-123 who are determined by the nursing home to be high-risk patients, (vi) public and private elementary and secondary schools in the Commonwealth, (vii) public institutions of higher education and private institutions of higher education as defined in § 23.1-100 in the Commonwealth, (viii) private providers licensed by the Department of Behavioral Health and Developmental Services pursuant to Article 2 (§ 37.2-403 et seq.) of Chapter 4 of Title 37.2, and (ix) employees at child day centers, family day homes, and early childhood care and education entities.

**2. That an emergency exists and this act is in force from its passage.**

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