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**SENATE BILL NO. 1362**

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Education and Health)

(Patron Prior to Substitute—Senator Lewis)

Senate Amendments in [ ] - February 4, 2021

*A BILL to require employers to report outbreaks of COVID-19; emergency.*

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

**1.** *§ 1. On the basis of COVID-19 outbreak information that employers are required to provide to the State Department of Health (the Department) pursuant to the Emergency Temporary Standard, Infectious Disease Prevention: SARS-CoV-2 Virus That Causes COVID-19, promulgated by the Department of Labor and Industry and in effect at 16VAC25-220, or any permanent regulation intended to succeed such regulation, upon determination that a worksite cluster has occurred at a workplace with 50 or more employees, the Department shall make a report available to the public on a website maintained by the Department, provided that the release of such information does not violate the provisions of § 32.1-41 of the Code of Virginia. Such information shall include (i) the name of the employer at which a worksite cluster has been reported and (ii) the number of confirmed cases of COVID-19 reported by such employer. The Department shall also report when previously reported outbreaks are under control.*

*For the purposes of this section,* [ *"employer" has the same meaning as defined in § 40.1-2 of the Code of Virginia,* ] *"worksite cluster" means five or more cases with illness onset or initial positive results within a 14-day period and a likely epidemiologic linkage between cases, and "likely epidemiologic linkage" means (a) verification by the Department that the confirmed cases were in close proximity in the same worksite setting for a sufficient time period, (b) that the timing of contact fits with likely timing of exposure, and (c) that it is more likely than not that the worksite was the source of exposure for identified cases.*

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

**3. That the provisions of this act shall expire upon expiration of the Governor's declared state of emergency in response to the continued spread of the SARS-CoV-2 novel coronavirus, or COVID-19.**

**[ 4. That the provisions of this act shall not become effective unless an appropriation effectuating the purposes of this act is included in a general appropriation act passed in 2021 by the General Assembly that becomes law. ]**