

22104752D

SENATE BILL NO. 153

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on General Laws and Technology
on January 19, 2022)

(Patron Prior to Substitute—Senator Locke)

A *BILL to amend and reenact §§ 2.2-200, 2.2-205, 2.2-602, 2.2-2497, 2.2-2499.5, 2.2-2499.7, 2.2-2499.8, 4.1-604, 22.1-208.02, 22.1-365, and 44-146.18 of the Code of Virginia; to amend the Code of Virginia by adding in Chapter 2 of Title 2.2 an article numbered 13, consisting of sections numbered 2.2-236 and 2.2-237; and to repeal § 2.2-435.12 of the Code of Virginia, relating to Governor's Office; position of Secretary of Diversity, Equity, and Inclusion created.*

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-200, 2.2-205, 2.2-602, 2.2-2497, 2.2-2499.5, 2.2-2499.7, 2.2-2499.8, 4.1-604, 22.1-208.02, 22.1-365, and 44-146.18 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 2 of Title 2.2 an article numbered 13, consisting of sections numbered 2.2-236 and 2.2-237, as follows:

§ 2.2-200. Appointment of Governor's Secretaries; general powers; severance.

A. The Governor's Secretaries shall be appointed by the Governor, subject to confirmation by the General Assembly if in session when the appointment is made, and if not in session, then at its next succeeding session. Each Secretary shall hold office at the pleasure of the Governor for a term coincident with that of the Governor making the appointment or until a successor is appointed and qualified. Before entering upon the discharge of duties, each Secretary shall take an oath to faithfully execute the duties of the office.

B. Each Secretary shall be subject to direction and supervision by the Governor. Except as provided in Article 4 (§ 2.2-208 et seq.), the agencies assigned to each Secretary shall:

1. Exercise their respective powers and duties in accordance with the general policy established by the Governor or by the Secretary acting on behalf of the Governor;
2. Provide such assistance to the Governor or the Secretary as may be required; and
3. Forward all reports to the Governor through the Secretary.

C. Unless the Governor expressly reserves such power to himself and except as provided in Article 4 (§ 2.2-208 et seq.), each Secretary may:

1. Resolve administrative, jurisdictional, operational, program, or policy conflicts between agencies or officials assigned;
2. Direct the formulation of a comprehensive program budget for the functional area identified in § 2.2-1508 encompassing the services of agencies assigned for consideration by the Governor;
3. Hold agency heads accountable for their administrative, fiscal and program actions in the conduct of the respective powers and duties of the agencies;
4. Direct the development of goals, objectives, policies and plans that are necessary to the effective and efficient operation of government;
5. Sign documents on behalf of the Governor that originate with agencies assigned to the Secretary; and
6. Employ such personnel and to contract for such consulting services as may be required to perform the powers and duties conferred upon the Secretary by law or executive order.

D. Severance benefits provided to any departing Secretary shall be publicly announced by the Governor prior to such departure.

E. As used in this chapter, "Governor's Secretaries" means the Secretary of Administration; the Secretary of Agriculture and Forestry; the Secretary of Commerce and Trade; the Secretary of Diversity, Equity, and Inclusion; the Secretary of Education; the Secretary of Finance; the Secretary of Health and Human Resources; the Secretary of Labor; the Secretary of Natural and Historic Resources; the Secretary of Public Safety and Homeland Security; the Secretary of Transportation; and the Secretary of Veterans and Defense Affairs.

§ 2.2-205. Economic development policy for the Commonwealth.

A. During the first year of each new gubernatorial administration, the Secretary, with the assistance of a cabinet-level committee appointed in accordance with subsection B, shall develop and implement a written comprehensive economic development policy for the Commonwealth. In developing this policy, the Secretary and the committee shall review the economic development policy in effect at the commencement of the Governor's term of office. The Secretary shall make such revisions to the existing policy as the Secretary deems necessary to ensure that it is appropriate for the Commonwealth. Once the policy has been adopted by the Secretary and the committee and approved by the Governor, it shall be submitted to the General Assembly for its consideration.

60 B. During the first year of each new gubernatorial administration, the Governor shall issue an
61 executive order creating a cabinet-level committee to assist the Secretary in the development of the
62 comprehensive economic development policy for the Commonwealth. The Secretary shall be the
63 chairman of the committee, and the Secretaries of Administration;; Agriculture and Forestry;; *Diversity,*
64 *Equity, and Inclusion;* Education;; Health and Human Resources;; Labor;; Natural and Historic
65 Resources;; and Transportation shall serve as committee members. The Governor may also appoint
66 members of regional and local economic development groups and members of the business community
67 to serve on the committee.

68 **§ 2.2-236. Position established; agencies for which responsible.**

69 *The position of Secretary of Diversity, Equity, and Inclusion (the Secretary) is created. The Secretary*
70 *shall be responsible to the Governor and shall work with each applicable state agency head in the*
71 *establishment and monitoring of diversity, equity, and inclusion.*

72 *The Governor, by executive order, may assign any state executive agency to the Secretary. To assist*
73 *the Secretary, the Governor shall also, by executive order, appoint the following positions and describe*
74 *the expected powers and duties of each: (i) a confidential special assistant; (ii) a deputy chief officer of*
75 *diversity; (iii) a deputy diversity officer and senior policy advisor to the Office of New Americans; (iv) a*
76 *deputy diversity officer for statewide language access; (v) an assistant diversity officer for community*
77 *outreach and the Equity Workgroup; (vi) an assistant director for access/functional needs for people*
78 *with disabilities; (vii) a communications or policy advisor to the Office of Diversity, Equity, and*
79 *Inclusion; and (viii) two American Sign Language interpreters.*

80 **§ 2.2-237. Responsibilities of the Secretary.**

81 A. *The Secretary shall assist the Governor and the Governor's Secretaries in establishing and*
82 *monitoring strategic plans to promote diversity, equity, and inclusion in all state agencies. The Secretary*
83 *shall be responsible for the duties assigned to him pursuant to this article, Chapter 4.2 (§ 2.2-435.6 et*
84 *seq.), Article 24 (§ 2.2-2470 et seq.) of Chapter 24, and other tasks as may be assigned to him by the*
85 *Governor.*

86 B. *The Secretary shall be responsible for:*

87 1. *Supervising all state-level policies impacting diversity, equity, and inclusion;*

88 2. *Assisting the Governor's Secretaries in developing and monitoring the comprehensive diversity,*
89 *equity, and inclusion strategic plan pursuant to § 2.2-602;*

90 3. *Conducting statewide equity assessments to build and maintain a sustainable framework to*
91 *promote inclusive practices across state government;*

92 4. *Implementing a measurable, statewide strategic plan to address systemic inequities in state*
93 *government policies and practices;*

94 5. *Reporting progress across multiple social determinants of health, language access, and workforce*
95 *diversity metrics;*

96 6. *Facilitating community outreach and engagement and reporting feedback and suggestions from*
97 *state employees, external stakeholders, and community leaders into equity policies; and*

98 7. *Monitoring federal legislation and policy in order to maximize the Commonwealth's effective use*
99 *of access to federal funding available for diversity, equity, and inclusion strategic plans.*

100 **§ 2.2-602. Duties of agencies and their appointing authorities; establishment of personnel**
101 **standards; diversity, equity, and inclusion strategic plans.**

102 A. The heads of state agencies shall be the appointing authorities of the respective agencies, and
103 shall establish and maintain within their agencies methods of administration relating to the establishment
104 and maintenance of personnel standards on a merit basis that are approved by the Governor for the
105 proper and efficient enforcement of the Virginia Personnel Act (§ 2.2-2900 et seq.). But the Governor
106 shall exercise no authority with respect to the selection or tenure of office of any individual employed in
107 accordance with such methods, except when the Governor is the appointing authority.

108 Appointing authorities may assign to the personnel officers or to other officers and employees of
109 their agencies such personnel duties as they see fit.

110 Agencies shall establish and maintain rosters of their employees that shall set forth, as to each
111 employee, the class title, pay, and status and such other data as they may deem desirable to produce
112 significant facts pertaining to personnel administration.

113 Agencies shall establish and maintain such promotion and employment lists, rated according to merit
114 and fitness, as they deem desirable. Agencies may make use of the employment list kept by the
115 Department of Human Resource Management in lieu of keeping employment lists for their agencies.

116 Agencies shall supply the Governor with any information he deems necessary for the performance of
117 his duties in connection with the administration of Virginia Personnel Act (§ 2.2-2900 et seq.).

118 B. The heads of state agencies shall establish and maintain a comprehensive diversity, equity, and
119 inclusion strategic plan in coordination with the ~~Governor's Director~~ Secretary of Diversity, Equity, and
120 Inclusion.

121 The plan shall integrate the diversity, equity, and inclusion goals into the agency's mission,

operations, programs, and infrastructure to enhance equitable opportunities for the populations served by the agency and to foster an increasingly diverse, equitable, and inclusive workplace environment.

The plan shall include best practices that (i) proactively address potential barriers to equal employment opportunities pursuant to federal and state equal employment opportunity laws; (ii) foster pay equity pursuant to federal and state equal pay laws; (iii) promote diversity and equity in hiring, promotion, retention, succession planning, and agency leadership opportunities; and (iv) promote employee engagement and inclusivity in the workplace.

Each agency shall establish an infrastructure to effectively support ongoing progress and accountability in achieving diversity, equity, and inclusion goals in coordination with the ~~Governor's~~ ~~Director~~ *Secretary* of Diversity, Equity, and Inclusion.

Each agency shall submit an annual report to the Governor assessing the impact of the strategic plan on the populations served by the agency and on the agency's workforce and budget.

§ 2.2-2497. Membership; terms; compensation and expenses.

A. The Board shall consist of 18 nonlegislative citizen members appointed by the Governor who represent or have experience with the faith community; local government; the U.S. Citizenship and Immigration Service; law-enforcement agencies; health, mental health, housing and workforce development organizations; organizations serving youth and the elderly; organizations providing legal services for immigrants; and educational institutions and institutions of higher education. In addition, the ~~Director~~ *Secretary* of Diversity, Equity, and Inclusion for the Commonwealth and the Chairmen of the Virginia-Asian Advisory Board, the Latino Advisory Board, the Virginia African American Advisory Board, and the Council on Women, or their designees, shall serve ex officio with nonvoting privileges. Nonlegislative citizen members of the Board shall be residents of the Commonwealth.

Ex officio members shall serve terms consistent with their terms of office.

B. After the initial staggering of terms, nonlegislative citizen members shall be appointed for a term of four years. Appointments to fill vacancies shall be for the unexpired terms. No nonlegislative citizen member shall serve more than two consecutive four-year terms; however, the remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment.

C. The Board shall elect from its membership a chairman and vice-chairman. A majority of the members of the Board shall constitute a quorum. Meetings of the Board shall be limited to four per year and shall be held upon the call of the chairman or whenever the majority of the members so request.

D. Members of the Board shall receive no compensation for their services but shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825.

§ 2.2-2499.5. Cannabis Equity Reinvestment Board; purpose; membership; quorum; meetings.

A. The Cannabis Equity Reinvestment Board (the Board) is established as a policy board in the executive branch of state government. The purpose of the Board is to directly address the impact of economic disinvestment, violence, and historical overuse of criminal justice responses to community and individual needs by providing resources to support local design and control of community-based responses to such impacts.

B. The Board shall have a total membership of 20 members that shall consist of 13 nonlegislative citizen members and seven ex officio members. Nonlegislative citizen members shall be appointed as follows: three to be appointed by the Senate Committee on Rules, one of whom shall be a person who has been previously incarcerated or convicted of a marijuana-related crime, one of whom shall be an expert in the field of public health with experience in trauma-informed care, if possible, and one of whom shall be an expert in education with a focus on access to opportunities for youth in underserved communities; five to be appointed by the Speaker of the House of Delegates, one of whom shall be an expert on Virginia's foster care system, one of whom shall be an expert in workforce development, one of whom shall be a representative from one of Virginia's historically black colleges and universities, one of whom shall be a veteran, and one of whom shall be an entrepreneur with expertise in emerging industries or access to capital for small businesses; and five to be appointed by the Governor, subject to confirmation by the General Assembly, one of whom shall be a representative from the Virginia Indigent Defense Commission and four of whom shall be community-based providers or community development organization representatives who provide services to address the social determinants of health and promote community investment in communities adversely and disproportionately impacted by marijuana prohibitions, including services such as workforce development, youth mentoring and educational services, job training and placement services, and reentry services. Nonlegislative citizen members shall be citizens of the Commonwealth and reflect the racial, ethnic, gender, and geographic diversity of the Commonwealth.

The Secretaries of *Diversity, Equity, and Inclusion*, Education, Health and Human Resources, and Public Safety and Homeland Security, ~~the Director of Diversity, Equity, and Inclusion~~, the Chief

183 Workforce Development Advisor, and the Attorney General or their designees shall serve ex officio with
184 voting privileges. The Chief Executive Officer of the Virginia Cannabis Control Authority or his
185 designee shall serve ex officio without voting privileges.

186 Ex officio members of the Board shall serve terms coincident with their terms of office. After the
187 initial staggering of terms, nonlegislative citizen members shall be appointed for a term of four years.
188 Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms.
189 Vacancies shall be filled in the same manner as the original appointments. All members may be
190 reappointed.

191 The Board shall be chaired by the ~~Director~~ Secretary of Diversity, Equity, and Inclusion or his
192 designee. The Board shall select a vice-chairman from among its membership. A majority of the
193 members shall constitute a quorum. The Board shall meet at least two times each year and shall meet at
194 the call of the chairman or whenever the majority of the members so request.

195 **§ 2.2-2499.7. Powers and duties of the Board.**

196 The Cannabis Equity Reinvestment Board shall have the following powers and duties:

197 1. Support persons, families, and communities historically and disproportionately targeted and
198 affected by drug enforcement;

199 2. Develop and implement scholarship programs and educational and vocational resources for
200 historically marginalized persons, including persons in foster care, who have been adversely impacted by
201 substance use individually, in their families, or in their communities.

202 3. Develop and implement a program to award grants to support workforce development programs,
203 mentoring programs, job training and placement services, apprenticeships, and reentry services that serve
204 persons and communities historically and disproportionately targeted by drug enforcement.

205 4. Administer the Cannabis Equity Reinvestment Fund established pursuant to § 2.2-2499.8.

206 5. Collaborate with the Board of Directors of the Virginia Cannabis Control Authority and the ~~Office~~
207 Secretary of Diversity, Equity, and Inclusion as necessary to implement programs and provide
208 recommendations in line with the purpose of this article.

209 6. Submit an annual report to the Governor and the General Assembly for publication as a report
210 document as provided in the procedures of the Division of Legislative Automated Systems for the
211 processing of legislative documents and reports. The chairman shall submit to the Governor and the
212 General Assembly an annual executive summary of the interim activity and work of the Council no later
213 than the first day of each regular session of the General Assembly. The executive summary shall be
214 submitted as a report document as provided in the procedures of the Division of Legislative Automated
215 Systems for the processing of legislative documents and reports and shall be posted on the General
216 Assembly's website.

217 7. Perform such other activities and functions as the Governor and General Assembly may direct.

218 **§ 2.2-2499.8. Cannabis Equity Reinvestment Fund.**

219 There is hereby created in the state treasury a special nonreverting fund to be known as the Cannabis
220 Equity Reinvestment Fund, referred to in this section as "the Fund." The Fund shall be established on
221 the books of the Comptroller. All funds appropriated for such purpose and any gifts, donations, grants,
222 bequests, and other funds received on its behalf shall be paid into the state treasury and credited to the
223 Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any
224 moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert
225 to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the
226 purposes of:

227 1. Supporting persons, families, and communities historically and disproportionately targeted and
228 affected by drug enforcement;

229 2. Providing scholarship opportunities and educational and vocational resources for historically
230 marginalized persons, including persons in foster care, who have been adversely impacted by substance
231 use individually, in their families, or in their communities;

232 3. Awarding grants to support workforce development, mentoring programs, job training and
233 placement services, apprenticeships, and reentry services that serve persons and communities historically
234 and disproportionately targeted by drug enforcement.

235 4. Contributing to the Virginia Indigent Defense Commission established pursuant to § 19.2-163.01;
236 and

237 5. Contributing to the Virginia Cannabis Equity Business Loan Fund established pursuant to § 4.1-
238 1501.

239 Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants
240 issued by the Comptroller upon written request signed by the ~~Director~~ Secretary of Diversity, Equity,
241 and Inclusion.

242 **§ 4.1-604. Powers and duties of the Board.**

243 The Board shall have the following powers and duties:

244 1. Promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) and

§ 4.1-606;

2. Control the possession, sale, transportation, and delivery of marijuana and marijuana products;
3. Grant, suspend, and revoke licenses for the cultivation, manufacture, distribution, sale, and testing of marijuana and marijuana products as provided by law;

4. Determine the nature, form, and capacity of all containers used for holding marijuana products to be kept or sold and prescribe the form and content of all labels and seals to be placed thereon;

5. Maintain actions to enjoin common nuisances as defined in § 4.1-1113;

6. Establish standards and implement an online course for employees of retail marijuana stores that trains employees on how to educate consumers on the potential risks of marijuana use;

7. Establish a plan to develop and disseminate to retail marijuana store licensees a pamphlet or similar document regarding the potential risks of marijuana use to be prominently displayed and made available to consumers;

8. Establish a position for a Cannabis Social Equity Liaison who shall lead the Cannabis Business Equity and Diversity Support Team and liaise with the ~~Director~~ Secretary of Diversity, Equity, and Inclusion on matters related to diversity, equity, and inclusion standards in the marijuana industry;

9. Establish a Cannabis Business Equity and Diversity Support Team, which shall (i) develop requirements for the creation and submission of diversity, equity, and inclusion plans by persons who wish to possess a license in more than one license category pursuant to subsection C of § 4.1-805, which may include a requirement that the licensee participate in social equity apprenticeship plan, and an approval process and requirements for implementation of such plans; (ii) be responsible for conducting an analysis of potential barriers to entry for small, women-owned, and minority-owned businesses and veteran-owned businesses interested in participating in the marijuana industry and recommending strategies to effectively mitigate such potential barriers; (iii) provide assistance with business planning for potential marijuana establishment licensees; (iv) spread awareness of business opportunities related to the marijuana marketplace in areas disproportionately impacted by marijuana prohibition and enforcement; (v) provide technical assistance in navigating the administrative process to potential marijuana establishment licensees; and (vi) conduct other outreach initiatives in areas disproportionately impacted by marijuana prohibition and enforcement as necessary;

10. Establish a position for an individual with professional experience in a health related field who shall staff the Cannabis Public Health Advisory Council, established pursuant to § 4.1-603, liaise with the Office of the Secretary of Health and Human Resources and relevant health and human services agencies and organizations, and perform other duties as needed.

11. Establish and implement a plan, in coordination with the Cannabis Social Equity Liaison and the ~~Director~~ Secretary of Diversity, Equity, and Inclusion to promote and encourage participation in the marijuana industry by people from communities that have been disproportionately impacted by marijuana prohibition and enforcement and to positively impact those communities;

12. Sue and be sued, implead and be impleaded, and complain and defend in all courts;

13. Adopt, use, and alter at will a common seal;

14. Fix, alter, charge, and collect rates, rentals, fees, and other charges for the use of property of, the sale of products of, or services rendered by the Authority at rates to be determined by the Authority for the purpose of providing for the payment of the expenses of the Authority;

15. Make and enter into all contracts and agreements necessary or incidental to the performance of its duties, the furtherance of its purposes, and the execution of its powers under this subtitle, including agreements with any person or federal agency;

16. Employ, at its discretion, consultants, researchers, architects, engineers, accountants, financial experts, investment bankers, superintendents, managers, and such other employees and special agents as may be necessary and fix their compensation to be payable from funds made available to the Authority. Legal services for the Authority shall be provided by the Attorney General in accordance with Chapter 5 (§ 2.2-500 et seq.) of Title 2.2;

17. Receive and accept from any federal or private agency, foundation, corporation, association, or person grants or other aid to be expended in accomplishing the objectives of the Authority, and receive and accept from the Commonwealth or any state and any municipality, county, or other political subdivision thereof or from any other source aid or contributions of either money, property, or other things of value, to be held, used, and applied only for the purposes for which such grants and contributions may be made. All federal moneys accepted under this section shall be accepted and expended by the Authority upon such terms and conditions as are prescribed by the United States and as are consistent with state law, and all state moneys accepted under this section shall be expended by the Authority upon such terms and conditions as are prescribed by the Commonwealth;

18. Adopt, alter, and repeal bylaws, rules, and regulations governing the manner in which its business shall be transacted and the manner in which the powers of the Authority shall be exercised and its duties performed. The Board may delegate or assign any duty or task to be performed by the

306 Authority to any officer or employee of the Authority. The Board shall remain responsible for the
307 performance of any such duties or tasks. Any delegation pursuant to this subdivision shall, where
308 appropriate, be accompanied by written guidelines for the exercise of the duties or tasks delegated.
309 Where appropriate, the guidelines shall require that the Board receive summaries of actions taken. Such
310 delegation or assignment shall not relieve the Board of the responsibility to ensure faithful performance
311 of the duties and tasks;

312 19. Conduct or engage in any lawful business, activity, effort, or project consistent with the
313 Authority's purposes or necessary or convenient to exercise its powers;

314 20. Develop policies and procedures generally applicable to the procurement of goods, services, and
315 construction, based upon competitive principles;

316 21. Develop policies and procedures consistent with Article 4 (§ 2.2-4347 et seq.) of Chapter 43 of
317 Title 2.2;

318 22. Acquire, purchase, hold, use, lease, or otherwise dispose of any property, real, personal or mixed,
319 tangible or intangible, or any interest therein necessary or desirable for carrying out the purposes of the
320 Authority; lease as lessee any property, real, personal or mixed, tangible or intangible, or any interest
321 therein, at such annual rental and on such terms and conditions as may be determined by the Board;
322 lease as lessor to any person any property, real, personal or mixed, tangible or intangible, or any interest
323 therein, at any time acquired by the Authority, whether wholly or partially completed, at such annual
324 rental and on such terms and conditions as may be determined by the Board; sell, transfer, or convey
325 any property, real, personal or mixed, tangible or intangible, or any interest therein, at any time acquired
326 or held by the Authority on such terms and conditions as may be determined by the Board; and occupy
327 and improve any land or building required for the purposes of this subtitle;

328 23. Purchase, lease, or acquire the use of, by any manner, any plant or equipment that may be
329 considered necessary or useful in carrying into effect the purposes of this subtitle, including rectifying,
330 blending, and processing plants;

331 24. Appoint every agent and employee required for its operations, require any or all of them to give
332 bonds payable to the Commonwealth in such penalty as shall be fixed by the Board, and engage the
333 services of experts and professionals;

334 25. Hold and conduct hearings, issue subpoenas requiring the attendance of witnesses and the
335 production of records, memoranda, papers, and other documents before the Board or any agent of the
336 Board, and administer oaths and take testimony thereunder. The Board may authorize any Board
337 member or agent of the Board to hold and conduct hearings, issue subpoenas, administer oaths and take
338 testimony thereunder, and decide cases, subject to final decision by the Board, on application of any
339 party aggrieved. The Board may enter into consent agreements and may request and accept from any
340 applicant or licensee a consent agreement in lieu of proceedings on (i) objections to the issuance of a
341 license or (ii) disciplinary action. Any such consent agreement shall include findings of fact and may
342 include an admission or a finding of a violation. A consent agreement shall not be considered a case
343 decision of the Board and shall not be subject to judicial review under the provisions of the
344 Administrative Process Act (§ 2.2-4000 et seq.), but may be considered by the Board in future
345 disciplinary proceedings;

346 26. Make a reasonable charge for preparing and furnishing statistical information and compilations to
347 persons other than (i) officials, including court and police officials, of the Commonwealth and of its
348 subdivisions if the information requested is for official use and (ii) persons who have a personal or legal
349 interest in obtaining the information requested if such information is not to be used for commercial or
350 trade purposes;

351 27. Assess and collect civil penalties and civil charges for violations of this subtitle and Board
352 regulations;

353 28. Review and approve any proposed legislative or regulatory changes suggested by the Chief
354 Executive Officer as the Board deems appropriate;

355 29. Report quarterly to the Secretary of Public Safety and Homeland Security on the law-enforcement
356 activities undertaken to enforce the provisions of this subtitle;

357 30. Establish and collect fees for all permits set forth in this subtitle, including fees associated with
358 applications for such permits;

359 31. Develop and make available on its website guidance documents regarding compliance and safe
360 practices for persons who cultivate marijuana at home for personal use, which shall include information
361 regarding cultivation practices that promote personal and public safety, including child protection, and
362 discourage practices that create a nuisance;

363 32. Develop and make available on its website a resource that provides information regarding (i)
364 responsible marijuana consumption; (ii) health risks and other dangers associated with marijuana
365 consumption, including inability to operate a motor vehicle and other types of transportation and
366 equipment; and (iii) ancillary effects of marijuana consumption, including ineligibility for certain
367 employment opportunities. The Board shall require that the web address for such resource be included

on the label of all retail marijuana and retail marijuana product as provided in § 4.1-1402; and
 33. Do all acts necessary or advisable to carry out the purposes of this subtitle.

§ 22.1-208.02. Culturally Relevant and Inclusive Education Practices Advisory Committee.

A. The Department of Education, in consultation with the ~~Commonwealth's Director~~ *Secretary* of Diversity, Equity, and Inclusion, shall establish and appoint such members as deemed appropriate to the Culturally Relevant and Inclusive Education Practices Advisory Committee (the Advisory Committee) for the purpose of strengthening culturally relevant education practices and supporting anti-bias education and response in the Commonwealth. The Advisory Committee shall include but not be limited to a geographically, ethnically, and religiously diverse representation of teachers, curriculum specialists, principals, superintendents, advocates, higher education institutions, parents, legislators, and community-based organizations. The Advisory Committee shall report its recommendations to the Board of Education, the Governor, and the Chairpersons of the House Committee on Education and the Senate Committee on Education and Health no later than July 1, 2021. The Committee shall issue interim reports as it deems necessary.

B. The Advisory Committee shall provide standards recommendations to the Virginia Department of Education, and they shall be considered by the Board of Education, during the 2021-2022 review of the history and social science Standards of Learning. Such recommendations shall include:

1. The historical underpinnings of the Holocaust and other historical genocides in the context of how increased lower levels of hate, ridicule, and dehumanization led to larger acts of violence and state-sponsored discrimination and violence;

2. Slavery, anti-Semitism, Islamophobia, and other forms of historical dehumanizing injustice and discrimination;

3. The ignored and untold history of the indigenous people of Virginia and North America; and

4. The untold histories of other groups historically underrepresented in American and world history.

C. The Advisory Committee shall provide recommendations for the issuance of Board of Education guidelines for local school division staff, including teachers and school counselors, to offer age-appropriate anti-bias education to students. The recommendations for such guidelines shall include:

1. Recognition that anti-bias and anti-discrimination education is the work and responsibility of all staff within the local school division;

2. An emphasis on diversity and building a community of empathy, respect, understanding, and connection;

3. Examination of how lower levels of hate, ridicule, and dehumanization lead to larger acts of violence, discrimination and violence;

4. Acknowledgment of inequity on the individual level, such as biased speech and harassment, and injustice at the institutional or systemic level, such as discrimination, and the harmful impact of inequity and injustice on the community, historically and today;

5. School-based and classroom-based responses, which are student centered and proven effective, to various forms of racism, bigotry, and discrimination through empathy, respect, understanding, and connection; and

6. Updates to the Department of Education's teacher's manual, as required by action taken by the 2009 Session of the General Assembly, that emphasizes the causes and ramifications of the Holocaust and genocide.

D. The Advisory Committee shall provide recommendations on meaningful professional development with school personnel related to culturally relevant and inclusive education practices. In addition to the Board of Education, the Governor, and the Chairpersons of the House Committee on Education and the Senate Committee on Education and Health, these recommendations shall also be provided to the Advisory Board on Teacher Education and Licensure and the State Council for Higher Education in Virginia. This shall include but not be limited to considerations for:

1. The policies and regulations governing teacher preparation programs; and

2. The policies and regulations governing teacher licensure and professional development requirements for licensure renewal.

§ 22.1-365. Membership; terms; quorum; meetings.

A. The Board shall have a total membership of 16 members that shall consist of 10 nonlegislative citizen members and six ex officio members. Nonlegislative citizen members to be appointed by the Governor shall represent or have STEM experience with the public and private sector, industry partners, environmental organizations, and both formal and informal STEM educational organizations. The Director of the Science Museum of Virginia, the Superintendent of Public Instruction, and the Director of the State Council of Higher Education for Virginia, or their designees, shall serve ex officio with full voting privileges. The Secretary of Education; the ~~Director~~ *Secretary* of Diversity, Equity, and Inclusion ~~for the Commonwealth~~; and the Chief Workforce Development Officer for the Commonwealth, or their designees, shall serve ex officio without voting privileges. Nonlegislative citizen members of the Board

429 shall be citizens of the Commonwealth.

430 B. Ex officio members of the Board shall serve terms coincident with their terms of office.
431 Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms.
432 Vacancies shall be filled in the same manner as the original appointments. All members may be
433 reappointed. After the initial staggering of terms, nonlegislative citizen members shall be appointed for a
434 term of four years. No nonlegislative citizen member shall serve more than two consecutive four-year
435 terms. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute
436 a term in determining the member's eligibility for reappointment.

437 C. The Board shall elect a chairman and vice-chairman from among its membership. A majority of
438 the members shall constitute a quorum. The meetings of the Board shall be held at the call of the
439 chairman or whenever the majority of the members so request.

440 **§ 44-146.18. Department of Emergency Management; administration and operational control;**
441 **coordinator and other personnel; powers and duties.**

442 A. The State Office of Emergency Services is continued and shall hereafter be known as the
443 Department of Emergency Management (the Department). Wherever the words "State Department of
444 Emergency Services" are used in any law of the Commonwealth, they shall mean the Department of
445 Emergency Management. During a declared emergency this Department shall revert to the operational
446 control of the Governor. The Department shall have a coordinator who shall be appointed by and serve
447 at the pleasure of the Governor and also serve as State Emergency Planning Director. The Department
448 shall employ the professional, technical, secretarial, and clerical employees necessary for the
449 performance of its functions.

450 B. The Department shall in the administration of emergency services and disaster preparedness
451 programs:

452 1. In coordination with political subdivisions and state agencies, ensure that the Commonwealth has
453 up-to-date assessments and preparedness plans to prevent, respond to, and recover from all disasters
454 including acts of terrorism;

455 2. Conduct a statewide emergency management assessment in cooperation with political subdivisions,
456 private industry, and other public and private entities deemed vital to preparedness, public safety, and
457 security. The assessment shall include a review of emergency response plans, which include the variety
458 of hazards, natural and man-made. The assessment shall be updated annually;

459 3. Promulgate plans and programs that are conducive to adequate disaster mitigation preparedness,
460 response, and recovery programs;

461 4. Prepare and maintain a State Emergency Operations Plan for disaster response and recovery
462 operations that assigns primary and support responsibilities for basic emergency services functions to
463 state agencies, organizations, and personnel as appropriate;

464 5. Coordinate and administer disaster mitigation, preparedness, response, and recovery plans and
465 programs with the proponent federal, state, and local government agencies and related groups;

466 6. Provide guidance and assistance to state agencies and units of local government in developing and
467 maintaining emergency management and continuity of operations (COOP) programs, plans, and systems;

468 7. Make necessary recommendations to agencies of the federal, state, or local governments on
469 preventive and preparedness measures designed to eliminate or reduce disasters and their impact;

470 8. Determine requirements of the Commonwealth and its political subdivisions for those necessities
471 needed in the event of a declared emergency which are not otherwise readily available;

472 9. Assist state agencies and political subdivisions in establishing and operating training programs and
473 programs of public information and education regarding emergency services and disaster preparedness
474 activities;

475 10. Consult with the Board of Education regarding the development and revision of a model school
476 crisis and emergency management plan for the purpose of assisting public schools in establishing,
477 operating, and maintaining emergency services and disaster preparedness activities;

478 11. Consult with the State Council of Higher Education in the development and revision of a model
479 institutional crisis and emergency management plan for the purpose of assisting public and private
480 two-year and four-year institutions of higher education in establishing, operating, and maintaining
481 emergency services and disaster preparedness activities and, as needed, in developing an institutional
482 crisis and emergency management plan pursuant to § 23.1-804;

483 12. Develop standards, provide guidance, and encourage the maintenance of local and state agency
484 emergency operations plans, which shall include the requirement for a provision that the Department of
485 Criminal Justice Services and the Virginia Criminal Injuries Compensation Fund be contacted
486 immediately to deploy assistance in the event of an emergency as defined in the emergency response
487 plan when there are victims as defined in § 19.2-11.01. The Department of Criminal Justice Services and
488 the Virginia Criminal Injuries Compensation Fund shall be the lead coordinating agencies for those
489 individuals determined to be victims, and the plan shall also contain current contact information for both
490 agencies;

13. Prepare, maintain, coordinate, or implement emergency resource management plans and programs with federal, state, and local government agencies and related groups, and make such surveys of industries, resources, and facilities within the Commonwealth, both public and private, as are necessary to carry out the purposes of this chapter;

14. Coordinate with the federal government and any public or private agency or entity in achieving any purpose of this chapter and in implementing programs for disaster prevention, mitigation, preparation, response, and recovery;

15. Establish guidelines pursuant to § 44-146.28, and administer payments to eligible applicants as authorized by the Governor;

16. Coordinate and be responsible for the receipt, evaluation, and dissemination of emergency services intelligence pertaining to all probable hazards affecting the Commonwealth;

17. Coordinate intelligence activities relating to terrorism with the Department of State Police;

18. Develop an emergency response plan to address the needs of individuals with household pets and service animals in the event of a disaster and assist and coordinate with local agencies in developing an emergency response plan for household pets and service animals; and

19. Establish and maintain an Emergency Management Equity Working Group (the Working Group) to ensure that emergency management programs and plans provide support to at-risk individuals and populations disproportionately impacted by disasters. The Working Group shall include experts from (i) the Governor's Office Secretary of Diversity, Equity, and Inclusion and other state agencies; (ii) the public at large; and (iii) the private sector who have expertise related to at-risk and vulnerable populations and the threats faced by such populations during a disaster.

The Department of Emergency Management shall ensure that all such plans, assessments, and programs required by this subsection include specific preparedness for, and response to, disasters resulting from electromagnetic pulses and geomagnetic disturbances.

C. The Department of Emergency Management shall during a period of impending emergency or declared emergency be responsible for:

1. The receipt, evaluation, and dissemination of intelligence pertaining to an impending or actual disaster;

2. Providing facilities from which state agencies and supporting organizations may conduct emergency operations;

3. Providing an adequate communications and warning system capable of notifying all political subdivisions in the Commonwealth of an impending disaster within a reasonable time;

4. Establishing and maintaining liaison with affected political subdivisions;

5. Determining requirements for disaster relief and recovery assistance;

6. Coordinating disaster response actions of federal, state and volunteer relief agencies; and

7. Coordinating and providing guidance and assistance to affected political subdivisions to ensure orderly and timely response to and recovery from disaster effects.

D. The Department of Emergency Management shall be provided the necessary facilities and equipment needed to perform its normal day-to-day activities and coordinate disaster-related activities of the various federal, state, and other agencies during a state of emergency declaration by the Governor or following a major disaster declaration by the President.

E. The Department of Emergency Management is authorized to enter into all contracts and agreements necessary or incidental to performance of any of its duties stated in this section or otherwise assigned to it by law, including contracts with the United States, other states, agencies and government subdivisions of the Commonwealth, and other appropriate public and private entities.

F. The Department of Emergency Management shall encourage private industries whose goods and services are deemed vital to the public good to provide annually updated preparedness assessments to the local coordinator of emergency management on or before April 1 of each year, to facilitate overall Commonwealth preparedness. For the purposes of this section, "private industry" means companies, private hospitals, and other businesses or organizations deemed by the State Coordinator of Emergency Management to be essential to the public safety and well-being of the citizens of the Commonwealth.

G. The Department of Emergency Management shall establish a Coordinator of Search and Rescue. Powers and duties of the Coordinator shall include:

1. Coordinating the search and rescue function of the Department of Emergency Management;

2. Coordinating with local, state, and federal agencies involved in search and rescue;

3. Coordinating the activities of search and rescue organizations involved in search and rescue;

4. Maintaining a register of search and rescue certifications, training, and responses;

5. Establishing a memorandum of understanding with the Virginia Search and Rescue Council and its respective member agencies regarding search and rescue efforts;

6. Providing on-scene search and rescue coordination when requested by an authorized person;

7. Providing specialized search and rescue training to police, fire-rescue, EMS, emergency managers,

552 volunteer search and rescue responders, and others who might have a duty to respond to a search and
553 rescue emergency;
554 8. Gathering and maintaining statistics on search and rescue in the Commonwealth;
555 9. Compiling, maintaining, and making available an inventory of search and rescue resources
556 available in the Commonwealth; and
557 10. Periodically reviewing search and rescue cases and developing best professional practices.
558 Nothing in this chapter shall be construed as authorizing the Department of Emergency Management
559 to take direct operational responsibilities from local, state, or federal law enforcement in the course of
560 search and rescue or missing person cases.
561 **2. That § 2.2-435.12 of the Code of Virginia is repealed.**