

22103794D

**SENATE BILL NO. 601**

Offered January 12, 2022

Prefiled January 12, 2022

A *BILL to amend and reenact §§ 2.2-2901.1, 2.2-3004, 15.2-1500.1, 15.2-1507, 15.2-1604, 22.1-271.2, 22.1-271.4, 22.1-289.031, 22.1-295.2, 22.1-306, 23.1-800, 32.1-43, 32.1-47, 32.1-47.1, 32.1-48, 44-146.17, as it is currently effective and as it shall become effective, 63.2-603, and 65.2-402.1 of the Code of Virginia and to amend the Code of Virginia by adding in Article 2 of Chapter 1 of Title 32.1 a section numbered 32.1-15.2, by adding in Article 3 of Chapter 2 of Title 32.1 a section numbered 32.1-48.002, by adding in Chapter 2 of Title 37.2 a section numbered 37.2-205, by adding sections numbered 40.1-27.5 and 38.2-3100.4, by adding in Article 4 of Chapter 3 of Title 46.2 a section numbered 46.2-333.2, by adding in Chapter 24 of Title 54.1 a section numbered 54.1-2409.6, and by adding in Article 2 of Chapter 2 of Title 63.2 a section numbered 63.2-221.1, relating to COVID-19 vaccination status; discrimination prohibited.*

---

 Patron—Chase
 

---



---

 Referred to Committee on Education and Health
 

---

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

1. That §§ 2.2-2901.1, 2.2-3004, 15.2-1500.1, 15.2-1507, 15.2-1604, 22.1-271.2, 22.1-271.4, 22.1-289.031, 22.1-295.2, 22.1-306, 23.1-800, 32.1-43, 32.1-47, 32.1-47.1, 32.1-48, 44-146.17, as it is currently effective and as it shall become effective, 63.2-603, and 65.2-402.1 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Article 2 of Chapter 1 of Title 32.1 a section numbered 32.1-15.2, by adding in Article 3 of Chapter 2 of Title 32.1 a section numbered 32.1-48.002, by adding in Chapter 2 of Title 37.2 a section numbered 37.2-205, by adding sections numbered 40.1-27.5 and 38.2-3100.4, by adding in Article 4 of Chapter 3 of Title 46.2 a section numbered 46.2-333.2, by adding in Chapter 24 of Title 54.1 a section numbered 54.1-2409.6, and by adding in Article 2 of Chapter 2 of Title 63.2 a section numbered 63.2-221.1 as follows:

**§ 2.2-2901.1. Employment discrimination prohibited.**

A. As used in this section:

"Age" means being an individual who is at least 40 years of age.

"Military status" means status as (i) a member of the uniformed forces, as defined in 10 U.S.C. § 101(a)(5), of the United States or a reserve component thereof named under 10 U.S.C. § 10101, (ii) a veteran as defined in 38 U.S.C. § 101(2), or (iii) a dependent as defined in 50 U.S.C. § 3911(4) except that the support provided by the service member to the individual shall have been provided 180 days immediately preceding an alleged action that if proven true would constitute unlawful discrimination under this section instead of 180 days immediately preceding an application for relief under 50 U.S.C. Chapter 50.

B. No state agency, institution, board, bureau, commission, council, or instrumentality of the Commonwealth shall discriminate in employment on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, disability, sexual orientation, gender identity, ~~or~~ military status, *or COVID-19 vaccination status*.

C. The provisions of this section shall not prohibit (i) discrimination in employment on the basis of (a) sex or age in those instances when sex or age is a bona fide occupational qualification for employment or (b) disability when using the alternative application process provided for in § 2.2-1213 or (ii) providing preference in employment to veterans.

**§ 2.2-3004. Grievances qualifying for a grievance hearing; grievance hearing generally.**

A. A grievance qualifying for a hearing shall involve a complaint or dispute by an employee relating to the following adverse employment actions in which the employee is personally involved, including (i) formal disciplinary actions, including suspensions, demotions, transfers and assignments, and dismissals resulting from formal discipline or unsatisfactory job performance; (ii) the application of all written personnel policies, procedures, rules and regulations where it can be shown that policy was misapplied or unfairly applied; (iii) discrimination on the basis of race, color, religion, political affiliation, age, disability, national origin, sex, pregnancy, childbirth or related medical conditions, marital status, sexual orientation, gender identity, ~~or~~ military status, *or COVID-19 vaccination status*; (iv) arbitrary or capricious performance evaluations; (v) acts of retaliation as the result of the use of or participation in the grievance procedure or because the employee has complied with any law of the United States or of the Commonwealth, has reported any violation of such law to a governmental authority, has sought any

INTRODUCED

SB601

59 change in law before the Congress of the United States or the General Assembly, or has reported an  
60 incidence of fraud, abuse, or gross mismanagement; and (vi) retaliation for exercising any right  
61 otherwise protected by law.

62 B. Management reserves the exclusive right to manage the affairs and operations of state government.  
63 Management shall exercise its powers with the highest degree of trust. In any employment matter that  
64 management precludes from proceeding to a grievance hearing, management's response, including any  
65 appropriate remedial actions, shall be prompt, complete, and fair.

66 C. Complaints relating solely to the following issues shall not proceed to a hearing: (i) establishment  
67 and revision of wages, salaries, position classifications, or general benefits; (ii) work activity accepted by  
68 the employee as a condition of employment or which may reasonably be expected to be a part of the  
69 job content; (iii) contents of ordinances, statutes or established personnel policies, procedures, and rules  
70 and regulations; (iv) methods, means, and personnel by which work activities are to be carried on; (v)  
71 termination, layoff, demotion, or suspension from duties because of lack of work, reduction in work  
72 force, or job abolition; (vi) hiring, promotion, transfer, assignment, and retention of employees within  
73 the agency; and (vii) relief of employees from duties of the agency in emergencies.

74 D. Except as provided in subsection A of § 2.2-3003, decisions regarding whether a grievance  
75 qualifies for a hearing shall be made in writing by the agency head or his designee within five workdays  
76 of the employee's request for a hearing. A copy of the decision shall be sent to the employee. The  
77 employee may appeal the denial of a hearing by the agency head to the Director of the Department of  
78 Human Resource Management (the Director). Upon receipt of an appeal, the agency shall transmit the  
79 entire grievance record to the Department of Human Resource Management within five workdays. The  
80 Director shall render a decision on whether the employee is entitled to a hearing upon the grievance  
81 record and other probative evidence.

82 E. The hearing pursuant to § 2.2-3005 shall be held in the locality in which the employee is  
83 employed or in any other locality agreed to by the employee, employer, and hearing officer. The  
84 employee and the agency may be represented by legal counsel or a lay advocate, the provisions of §  
85 54.1-3904 notwithstanding. The employee and the agency may call witnesses to present testimony and  
86 be cross-examined.

87 **§ 15.2-1500.1. Employment discrimination prohibited.**

88 A. As used in this article, unless the context requires a different meaning:

89 "Age" means being an individual who is at least 40 years of age.

90 "Military status" means status as (i) a member of the uniformed forces, as defined in 10 U.S.C.  
91 § 101(a)(5), of the United States or a reserve component thereof named under 10 U.S.C. § 10101, (ii) a  
92 veteran as defined in 38 U.S.C. § 101(2), or (iii) a dependent as defined in 50 U.S.C. § 3911(4) except  
93 that the support provided by the service member to the individual shall have been provided 180 days  
94 immediately preceding an alleged action that if proven true would constitute unlawful discrimination  
95 under this section instead of 180 days immediately preceding an application for relief under 50 U.S.C.  
96 Chapter 50.

97 B. No department, office, board, commission, agency, or instrumentality of local government shall  
98 discriminate in employment on the basis of race, color, religion, national origin, sex, pregnancy,  
99 childbirth or related medical conditions, age, marital status, disability, sexual orientation, gender identity,  
100 or military status, or *COVID-19 vaccination status*.

101 C. The provisions of this section shall not prohibit (i) discrimination in employment on the basis of  
102 sex or age in those instances when sex or age is a bona fide occupational qualification for employment  
103 or (ii) providing preference in employment to veterans.

104 **§ 15.2-1507. Provision of grievance procedure; training programs.**

105 A. If a local governing body fails to adopt a grievance procedure required by § 15.2-1506 or fails to  
106 certify it as provided in this section, the local governing body shall be deemed to have adopted a  
107 grievance procedure that is consistent with the provisions of Chapter 30 (§ 2.2-3000 et seq.) of Title 2.2  
108 and any regulations adopted pursuant thereto for so long as the locality remains in noncompliance. The  
109 locality shall provide its employees with copies of the applicable grievance procedure upon request. The  
110 term "grievance" as used herein shall not be interpreted to mean negotiations of wages, salaries, or  
111 fringe benefits.

112 Each grievance procedure, and each amendment thereto, in order to comply with this section, shall  
113 be certified in writing to be in compliance by the city, town, or county attorney, and the chief  
114 administrative officer of the locality, and such certification filed with the clerk of the circuit court  
115 having jurisdiction in the locality in which the procedure is to apply. Local government grievance  
116 procedures in effect as of July 1, 1991, shall remain in full force and effect for 90 days thereafter,  
117 unless certified and filed as provided above within a shorter time period.

118 Each grievance procedure shall include the following components and features:

119 1. Definition of grievance. A grievance shall be a complaint or dispute by an employee relating to  
120 his employment, including (i) disciplinary actions, including dismissals, disciplinary demotions, and

121 suspensions, provided that dismissals shall be grievable whenever resulting from formal discipline or  
 122 unsatisfactory job performance; (ii) the application of personnel policies, procedures, rules, and  
 123 regulations, including the application of policies involving matters referred to in clause (iii) of  
 124 subdivision 2; (iii) discrimination on the basis of race, color, creed, religion, political affiliation, age,  
 125 disability, national origin, sex, marital status, pregnancy, childbirth or related medical conditions, sexual  
 126 orientation, gender identity, ~~or~~ military status, *or COVID-19 vaccination status*; and (iv) acts of  
 127 retaliation as the result of the use of or participation in the grievance procedure or because the employee  
 128 has complied with any law of the United States or of the Commonwealth, has reported any violation of  
 129 such law to a governmental authority, has sought any change in law before the Congress of the United  
 130 States or the General Assembly, or has reported an incidence of fraud, abuse, or gross mismanagement.  
 131 For the purposes of clause (iv), there shall be a rebuttable presumption that increasing the penalty that is  
 132 the subject of the grievance at any level of the grievance shall be an act of retaliation.

133 2. Local government responsibilities. Local governments shall retain the exclusive right to manage  
 134 the affairs and operations of government. Accordingly, the following complaints are nongrievable: (i)  
 135 establishment and revision of wages or salaries, position classification, or general benefits; (ii) work  
 136 activity accepted by the employee as a condition of employment or work activity that may reasonably be  
 137 expected to be a part of the job content; (iii) the contents of ordinances, statutes, or established  
 138 personnel policies, procedures, rules, and regulations; (iv) failure to promote except where the employee  
 139 can show that established promotional policies or procedures were not followed or applied fairly; (v) the  
 140 methods, means, and personnel by which work activities are to be carried on; (vi) except where such  
 141 action affects an employee who has been reinstated within the previous six months as the result of the  
 142 final determination of a grievance, termination, layoff, demotion, or suspension from duties because of  
 143 lack of work, reduction in work force, or job abolition; (vii) the hiring, promotion, transfer, assignment,  
 144 and retention of employees within the local government; and (viii) the relief of employees from duties  
 145 of the local government in emergencies. In any grievance brought under the exception to clause (vi), the  
 146 action shall be upheld upon a showing by the local government that (a) there was a valid business  
 147 reason for the action and (b) the employee was notified of the reason in writing prior to the effective  
 148 date of the action.

149 3. Coverage of personnel.

150 a. Unless otherwise provided by law, all nonprobationary local government permanent full-time and  
 151 part-time employees are eligible to file grievances with the following exceptions:

152 (1) Appointees of elected groups or individuals;

153 (2) Officials and employees who by charter or other law serve at the will or pleasure of an  
 154 appointing authority;

155 (3) Deputies and executive assistants to the chief administrative officer of a locality;

156 (4) Agency heads or chief executive officers of government operations;

157 (5) Employees whose terms of employment are limited by law;

158 (6) Temporary, limited term, and seasonal employees;

159 (7) Law-enforcement officers as defined in Chapter 5 (§ 9.1-500 et seq.) of Title 9.1 whose  
 160 grievance is subject to the provisions of Chapter 5 (§ 9.1-500 et seq.) of Title 9.1 and who have elected  
 161 to proceed pursuant to those provisions in the resolution of their grievance, or any other employee  
 162 electing to proceed pursuant to any other existing procedure in the resolution of his grievance; and

163 (8) Law-enforcement officers as defined in § 9.1-601 whose grievance is subject to the provisions of  
 164 § 9.1-601 and relates to a binding disciplinary determination made by a law-enforcement civilian  
 165 oversight body, except as permitted by subsection F of § 9.1-601.

166 b. Notwithstanding the exceptions set forth in subdivision a, local governments, at their sole  
 167 discretion, may voluntarily include employees in any of the excepted categories within the coverage of  
 168 their grievance procedures.

169 c. The chief administrative officer of each local government, or his designee, shall determine the  
 170 officers and employees excluded from the grievance procedure, and shall be responsible for maintaining  
 171 an up-to-date list of the affected positions.

172 4. Grievance procedure availability and coverage for employees of community services boards,  
 173 redevelopment and housing authorities, and regional housing authorities. Employees of community  
 174 services boards, redevelopment and housing authorities created pursuant to § 36-4, and regional housing  
 175 authorities created pursuant to § 36-40 shall be included in (i) a local governing body's grievance  
 176 procedure or personnel system, if agreed to by the department, board, or authority and the locality or (ii)  
 177 a grievance procedure established and administered by the department, board, or authority that is  
 178 consistent with the provisions of Chapter 30 (§ 2.2-3000 et seq.) of Title 2.2 and any regulations  
 179 promulgated pursuant thereto. If a department, board, or authority fails to establish a grievance  
 180 procedure pursuant to clause (i) or (ii), it shall be deemed to have adopted a grievance procedure that is  
 181 consistent with the provisions of Chapter 30 (§ 2.2-3000 et seq.) of Title 2.2 and any regulations

182 adopted pursuant thereto for so long as it remains in noncompliance.

183 5. General requirements for procedures.

184 a. Each grievance procedure shall include not more than four steps for airing complaints at  
185 successively higher levels of local government management, and a final step providing for a panel  
186 hearing or a hearing before an administrative hearing officer upon the agreement of both parties.

187 b. Grievance procedures shall prescribe reasonable and specific time limitations for the grievant to  
188 submit an initial complaint and to appeal each decision through the steps of the grievance procedure.

189 c. Nothing contained in this section shall prohibit a local government from granting its employees  
190 rights greater than those contained herein, provided that such grant does not exceed or violate the  
191 general law or public policy of the Commonwealth.

192 6. Time periods.

193 a. It is intended that speedy attention to employee grievances be promoted, consistent with the ability  
194 of the parties to prepare for a fair consideration of the issues of concern.

195 b. The time for submitting an initial complaint shall not be less than 20 calendar days after the event  
196 giving rise to the grievance, but local governments may, at their option, allow a longer time period.

197 c. Limits for steps after initial presentation of grievance shall be the same or greater for the grievant  
198 than the time that is allowed for local government response in each comparable situation.

199 d. Time frames may be extended by mutual agreement of the local government and the grievant.

200 7. Compliance.

201 a. After the initial filing of a written grievance, failure of either party to comply with all substantial  
202 procedural requirements of the grievance procedure, including the panel or administrative hearing,  
203 without just cause shall result in a decision in favor of the other party on any grievable issue, provided  
204 the party not in compliance fails to correct the noncompliance within five workdays of receipt of written  
205 notification by the other party of the compliance violation. Such written notification by the grievant shall  
206 be made to the chief administrative officer, or his designee.

207 b. The chief administrative officer, or his designee, at his option, may require a clear written  
208 explanation of the basis for just cause extensions or exceptions. The chief administrative officer, or his  
209 designee, shall determine compliance issues. Compliance determinations made by the chief  
210 administrative officer shall be subject to judicial review by filing petition with the circuit court within  
211 30 days of the compliance determination.

212 8. Management steps.

213 a. The first step shall provide for an informal, initial processing of employee complaints by the  
214 immediate supervisor through a nonwritten, discussion format.

215 b. Management steps shall provide for a review with higher levels of local government authority  
216 following the employee's reduction to writing of the grievance and the relief requested on forms  
217 supplied by the local government. Personal face-to-face meetings are required at all of these steps.

218 c. With the exception of the final management step, the only persons who may normally be present  
219 in the management step meetings are the grievant, the appropriate local government official at the level  
220 at which the grievance is being heard, and appropriate witnesses for each side. Witnesses shall be  
221 present only while actually providing testimony. At the final management step, the grievant, at his  
222 option, may have present a representative of his choice. If the grievant is represented by legal counsel,  
223 local government likewise has the option of being represented by counsel.

224 9. Qualification for panel or administrative hearing.

225 a. Decisions regarding grievability and access to the procedure shall be made by the chief  
226 administrative officer of the local government, or his designee, at any time prior to the panel hearing, at  
227 the request of the local government or grievant, within 10 calendar days of the request. No city, town,  
228 or county attorney, or attorney for the Commonwealth, shall be authorized to decide the question of  
229 grievability. A copy of the ruling shall be sent to the grievant. Decisions of the chief administrative  
230 officer of the local government, or his designee, may be appealed to the circuit court having jurisdiction  
231 in the locality in which the grievant is employed for a hearing on the issue of whether the grievance  
232 qualifies for a panel hearing. Proceedings for review of the decision of the chief administrative officer or  
233 his designee shall be instituted by the grievant by filing a notice of appeal with the chief administrative  
234 officer within 10 calendar days from the date of receipt of the decision and giving a copy thereof to all  
235 other parties. Within 10 calendar days thereafter, the chief administrative officer or his designee shall  
236 transmit to the clerk of the court to which the appeal is taken: a copy of the decision of the chief  
237 administrative officer, a copy of the notice of appeal, and the exhibits. A list of the evidence furnished  
238 to the court shall also be furnished to the grievant. The failure of the chief administrative officer or his  
239 designee to transmit the record shall not prejudice the rights of the grievant. The court, on motion of the  
240 grievant, may issue a writ of certiorari requiring the chief administrative officer to transmit the record on  
241 or before a certain date.

242 b. Within 30 days of receipt of such records by the clerk, the court, sitting without a jury, shall hear  
243 the appeal on the record transmitted by the chief administrative officer or his designee and such

244 additional evidence as may be necessary to resolve any controversy as to the correctness of the record.  
 245 The court, in its discretion, may receive such other evidence as the ends of justice require. The court  
 246 may affirm the decision of the chief administrative officer or his designee, or may reverse or modify the  
 247 decision. The decision of the court shall be rendered no later than the fifteenth day from the date of the  
 248 conclusion of the hearing. The decision of the court is final and is not appealable.

249 10. Final hearings.

250 a. Qualifying grievances shall advance to either a panel hearing or a hearing before an administrative  
 251 hearing officer, as set forth in the locality's grievance procedure, as described below:

252 (1) If the grievance procedure adopted by the local governing body provides that the final step shall  
 253 be an impartial panel hearing, the panel may, with the exception of those local governments covered by  
 254 subdivision a (2), consist of one member appointed by the grievant, one member appointed by the  
 255 agency head and a third member selected by the first two. In the event that agreement cannot be reached  
 256 as to the final panel member, the chief judge of the circuit court of the jurisdiction wherein the dispute  
 257 arose shall select the third panel member. The panel shall not be composed of any persons having direct  
 258 involvement with the grievance being heard by the panel, or with the complaint or dispute giving rise to  
 259 the grievance. Managers who are in a direct line of supervision of a grievant, persons residing in the  
 260 same household as the grievant and the following relatives of a participant in the grievance process or a  
 261 participant's spouse are prohibited from serving as panel members: spouse, parent, child, descendants of  
 262 a child, sibling, niece, nephew and first cousin. No attorney having direct involvement with the subject  
 263 matter of the grievance, nor a partner, associate, employee or co-employee of the attorney shall serve as  
 264 a panel member.

265 (2) If the grievance procedure adopted by the local governing body provides for the final step to be  
 266 an impartial panel hearing, local governments may retain the panel composition method previously  
 267 approved by the Department of Human Resource Management and in effect as of the enactment of this  
 268 statute. Modifications to the panel composition method shall be permitted with regard to the size of the  
 269 panel and the terms of office for panel members, so long as the basic integrity and independence of  
 270 panels are maintained. As used in this section, the term "panel" shall include all bodies designated and  
 271 authorized to make final and binding decisions.

272 (3) When a local government elects to use an administrative hearing officer rather than a  
 273 three-person panel for the final step in the grievance procedure, the administrative hearing officer shall  
 274 be appointed by the Executive Secretary of the Supreme Court of Virginia. The appointment shall be  
 275 made from the list of administrative hearing officers maintained by the Executive Secretary pursuant to  
 276 § 2.2-4024 and shall be made from the appropriate geographical region on a rotating basis. In the  
 277 alternative, the local government may request the appointment of an administrative hearing officer from  
 278 the Department of Human Resource Management. If a local government elects to use an administrative  
 279 hearing officer, it shall bear the expense of such officer's services.

280 (4) When the local government uses a panel in the final step of the procedure, there shall be a  
 281 chairperson of the panel and, when panels are composed of three persons (one each selected by the  
 282 respective parties and the third from an impartial source), the third member shall be the chairperson.

283 (5) Both the grievant and the respondent may call upon appropriate witnesses and be represented by  
 284 legal counsel or other representatives at the hearing. Such representatives may examine, cross-examine,  
 285 question and present evidence on behalf of the grievant or respondent before the panel or hearing officer  
 286 without being in violation of the provisions of § 54.1-3904.

287 (6) The decision of the panel or hearing officer shall be final and binding and shall be consistent  
 288 with provisions of law and written policy.

289 (7) The question of whether the relief granted by a panel or hearing officer is consistent with written  
 290 policy shall be determined by the chief administrative officer of the local government, or his designee,  
 291 unless such person has a direct personal involvement with the event or events giving rise to the  
 292 grievance, in which case the decision shall be made by the attorney for the Commonwealth of the  
 293 jurisdiction in which the grievance is pending.

294 b. Rules for panel and administrative hearings.

295 Unless otherwise provided by law, local governments shall adopt rules for the conduct of panel or  
 296 administrative hearings as a part of their grievance procedures, or shall adopt separate rules for such  
 297 hearings. Rules that are promulgated shall include the following provisions:

298 (1) That neither the panels nor the hearing officer have authority to formulate policies or procedures  
 299 or to alter existing policies or procedures;

300 (2) That panels and the hearing officer have the discretion to determine the propriety of attendance at  
 301 the hearing of persons not having a direct interest in the hearing, and, at the request of either party, the  
 302 hearing shall be private;

303 (3) That the local government provide the panel or hearing officer with copies of the grievance  
 304 record prior to the hearing, and provide the grievant with a list of the documents furnished to the panel

305 or hearing officer, and the grievant and his attorney, at least 10 days prior to the scheduled hearing,  
306 shall be allowed access to and copies of all relevant files intended to be used in the grievance  
307 proceeding;

308 (4) That panels and hearing officers have the authority to determine the admissibility of evidence  
309 without regard to the burden of proof, or the order of presentation of evidence, so long as a full and  
310 equal opportunity is afforded to all parties for the presentation of their evidence;

311 (5) That all evidence be presented in the presence of the panel or hearing officer and the parties,  
312 except by mutual consent of the parties;

313 (6) That documents, exhibits and lists of witnesses be exchanged between the parties or hearing  
314 officer in advance of the hearing;

315 (7) That the majority decision of the panel or the decision of the hearing officer, acting within the  
316 scope of its or his authority, be final, subject to existing policies, procedures and law;

317 (8) That the panel or hearing officer's decision be provided within a specified time to all parties; and

318 (9) Such other provisions as may facilitate fair and expeditious hearings, with the understanding that  
319 the hearings are not intended to be conducted like proceedings in courts, and that rules of evidence do  
320 not necessarily apply.

321 11. Implementation of final hearing decisions.

322 Either party may petition the circuit court having jurisdiction in the locality in which the grievant is  
323 employed for an order requiring implementation of the hearing decision.

324 B. Notwithstanding the contrary provisions of this section, a final hearing decision rendered under  
325 the provisions of this section that would result in the reinstatement of any employee of a sheriff's office  
326 who has been terminated for cause may be reviewed by the circuit court for the locality upon the  
327 petition of the locality. The review of the circuit court shall be limited to the question of whether the  
328 decision of the panel or hearing officer was consistent with provisions of law and written policy.

329 **§ 15.2-1604. Appointment of deputies and employment of employees; discriminatory practices**  
330 **by certain officers; civil penalty.**

331 A. It shall be an unlawful employment practice for a constitutional officer:

332 1. To fail or refuse to appoint or hire or to discharge any individual, or otherwise to discriminate  
333 against any individual with respect to his compensation, terms, conditions, or privileges of appointment  
334 or employment, because of such individual's race, color, religion, sex, age, marital status, pregnancy,  
335 childbirth or related medical conditions, sexual orientation, gender identity, national origin, or military  
336 status, or *COVID-19 vaccination status*; or

337 2. To limit, segregate, or classify his appointees, employees, or applicants for appointment or  
338 employment in any way that would deprive or tend to deprive any individual of employment  
339 opportunities or otherwise adversely affect his status as an employee, because of the individual's race,  
340 color, religion, sex, age, marital status, pregnancy, childbirth or related medical conditions, sexual  
341 orientation, gender identity, national origin, or military status, or *COVID-19 vaccination status*.

342 B. Nothing in this section shall be construed to make it an unlawful employment practice for a  
343 constitutional officer to hire or appoint an individual on the basis of his sex or age in those instances  
344 where sex or age is a bona fide occupational qualification reasonably necessary to the normal operation  
345 of that particular office. The provisions of this section shall not apply to policy-making positions,  
346 confidential or personal staff positions, or undercover positions.

347 C. With regard to notices and advertisements:

348 1. Every constitutional officer shall, prior to hiring any employee, advertise such employment  
349 position in a newspaper having general circulation or a state or local government job placement service  
350 in such constitutional officer's locality except where the vacancy is to be used (i) as a placement  
351 opportunity for appointees or employees affected by layoff, (ii) as a transfer opportunity or demotion for  
352 an incumbent, (iii) to fill positions that have been advertised within the past 120 days, (iv) to fill  
353 positions to be filled by appointees or employees returning from leave with or without pay, (v) to fill  
354 temporary positions, temporary employees being those employees hired to work on special projects that  
355 have durations of three months or less, or (vi) to fill policy-making positions, confidential or personal  
356 staff positions, or special, sensitive law-enforcement positions normally regarded as undercover work.

357 2. No constitutional officer shall print or publish or cause to be printed or published any notice or  
358 advertisement relating to employment by such constitutional officer indicating any preference, limitation,  
359 specification, or discrimination, based on sex or national origin, except that such notice or advertisement  
360 may indicate a preference, limitation, specification, or discrimination based on sex or age when sex or  
361 age is a bona fide occupational qualification for employment.

362 D. Complaints regarding violations of subsection A may be made to the Office of Civil Rights of the  
363 Department of Law. The Office shall have the authority to exercise its powers as provided in Article 4  
364 (§ 2.2-520 et seq.) of Chapter 5 of Title 2.2.

365 E. Any constitutional officer who willfully violates the provisions of subsection C shall be subject to  
366 a civil penalty not to exceed \$2,000.

367 F. As used in this section, "military status" means status as (i) a member of the uniformed forces, as  
 368 defined in 10 U.S.C. § 101(a)(5), of the United States or a reserve component thereof named under 10  
 369 U.S.C. § 10101, (ii) a veteran as defined in 38 U.S.C. § 101(2), or (iii) a dependent as defined in 50  
 370 U.S.C. § 3911(4) except that the support provided by the service member to the individual shall have  
 371 been provided 180 days immediately preceding an alleged action that if proven true would constitute  
 372 unlawful discrimination under this section instead of 180 days immediately preceding an application for  
 373 relief under 50 U.S.C. Chapter 50.

374 **§ 22.1-271.2. Immunization requirements.**

375 A. No student shall be admitted by a school unless at the time of admission the student or his parent  
 376 submits documentary proof of immunization to the admitting official of the school or unless the student  
 377 is exempted from immunization pursuant to subsection C or is a homeless child or youth as defined in  
 378 subdivision A 7 of § 22.1-3. If a student does not have documentary proof of immunization, the school  
 379 shall notify the student or his parent (i) that it has no documentary proof of immunization for the  
 380 student; (ii) that it may not admit the student without proof unless the student is exempted pursuant to  
 381 subsection C, including any homeless child or youth as defined in subdivision A 7 of § 22.1-3; (iii) that  
 382 the student may be immunized and receive certification by a licensed physician, licensed nurse  
 383 practitioner, registered nurse or an employee of a local health department; and (iv) how to contact the  
 384 local health department to learn where and when it performs these services. Neither this Commonwealth  
 385 nor any school or admitting official shall be liable in damages to any person for complying with this  
 386 section.

387 Any physician, nurse practitioner, registered nurse or local health department employee performing  
 388 immunizations shall provide to any person who has been immunized or to his parent, upon request,  
 389 documentary proof of immunizations conforming with the requirements of this section.

390 B. Any student whose immunizations are incomplete may be admitted conditionally if that student  
 391 provides documentary proof at the time of enrollment of having received at least one dose of the  
 392 required immunizations accompanied by a schedule for completion of the required doses within 90  
 393 calendar days. If the student requires more than two doses of hepatitis B vaccine, the conditional  
 394 enrollment period shall be 180 calendar days.

395 The immunization record of each student admitted conditionally shall be reviewed periodically until  
 396 the required immunizations have been received.

397 Any student admitted conditionally and who fails to comply with his schedule for completion of the  
 398 required immunizations shall be excluded from school until his immunizations are resumed.

399 C. No certificate of immunization shall be required for the admission to school of any student if (i)  
 400 the student or his parent submits an affidavit to the admitting official stating that the administration of  
 401 immunizing agents conflicts with the student's religious tenets or practices; or (ii) the school has written  
 402 certification from a licensed physician, licensed nurse practitioner, or local health department that one or  
 403 more of the required immunizations may be detrimental to the student's health, indicating the specific  
 404 nature and probable duration of the medical condition or circumstance that contraindicates immunization.

405 However, if a student is a homeless child or youth as defined in subdivision A 7 of § 22.1-3 and (a)  
 406 does not have documentary proof of necessary immunizations or has incomplete immunizations and (b)  
 407 is not exempted from immunization pursuant to ~~clauses~~ clause (i) or (ii) of this subsection, the school  
 408 division shall immediately admit such student and shall immediately refer the student to the local school  
 409 division liaison, as described in the federal McKinney-Vento Homeless Education Assistance  
 410 Improvements Act of 2001, as amended (42 U.S.C. § 11431 et seq.) (the Act), who shall assist in  
 411 obtaining the documentary proof of, or completing, immunization and other services required by such  
 412 Act.

413 D. The admitting official of a school shall exclude from the school any student for whom he does  
 414 not have documentary proof of immunization or notice of exemption pursuant to subsection C, including  
 415 notice that such student is a homeless child or youth as defined in subdivision A 7 of § 22.1-3.

416 E. Every school shall record each student's immunizations on the school immunization record. The  
 417 school immunization record shall be a standardized form provided by the State Department of Health,  
 418 which shall be a part of the mandatory permanent student record. Such record shall be open to  
 419 inspection by officials of the State Department of Health and the local health departments.

420 The school immunization record shall be transferred by the school whenever the school transfers any  
 421 student's permanent academic or scholastic records.

422 Within 30 calendar days after the beginning of each school year or entrance of a student, each  
 423 admitting official shall file a report with the local health department. The report shall be filed on forms  
 424 prepared by the State Department of Health and shall state the number of students admitted to school  
 425 with documentary proof of immunization, the number of students who have been admitted with a  
 426 medical or religious exemption and the number of students who have been conditionally admitted,  
 427 including those students who are homeless children or youths as defined in subdivision A 7 of § 22.1-3.

428 F. The requirement for Haemophilus Influenzae Type b immunization as provided in § 32.1-46 shall  
 429 not apply to any child admitted to any grade level, kindergarten through grade 12.

430 G. *Notwithstanding any other provision of law, no student shall be required to receive any*  
 431 *COVID-19 vaccination.*

432 H. The Board of Health shall promulgate rules and regulations for the implementation of this section  
 433 in congruence with rules and regulations of the Board of Health promulgated under § 32.1-46 and in  
 434 cooperation with the Board of Education.

435 **§ 22.1-271.4. Health requirements for home-instructed, exempted, and excused children.**

436 In addition to compliance with the requirements of subsection B, D, or I of § 22.1-254 or  
 437 § 22.1-254.1, any parent, guardian or other person having control or charge of a child being home  
 438 instructed, exempted or excused from school attendance shall comply with the immunization  
 439 requirements provided in § 32.1-46 in the same manner and to the same extent as if the child has been  
 440 enrolled in and is attending school.

441 Upon request by the division superintendent, the parent shall submit to such division superintendent  
 442 documentary proof of immunization in compliance with § 32.1-46.

443 No proof of immunization shall be required of any child upon submission of (i) an affidavit to the  
 444 division superintendent stating that the administration of immunizing agents conflicts with the parent's or  
 445 guardian's religious tenets or practices or (ii) a written certification from a licensed physician, licensed  
 446 nurse practitioner, or local health department that one or more of the required immunizations may be  
 447 detrimental to the child's health, indicating the specific nature of the medical condition or circumstance  
 448 that contraindicates immunization.

449 *Notwithstanding any other provision of law, no student shall be required to receive any COVID-19*  
 450 *vaccination.*

451 **§ 22.1-289.031. Child day center operated by religious institution exempt from licensure; annual**  
 452 **statement and documentary evidence required; enforcement; injunctive relief.**

453 A. Notwithstanding any other provisions of this chapter, a child day center, including a child day  
 454 center operated or conducted under the auspices of a religious institution, shall be exempt from the  
 455 licensure requirements of this chapter, but shall comply with the provisions of this section unless it  
 456 chooses to be licensed. If such religious institution chooses not to be licensed, it shall file with the  
 457 Superintendent, prior to beginning operation of a child day center and thereafter annually, a statement of  
 458 intent to operate a child day center, certification that the child day center has disclosed in writing to the  
 459 parents or guardians of the children in the center the fact that it is exempt from licensure and has posted  
 460 the fact that it is exempt from licensure in a visible location on the premises, the qualifications of the  
 461 personnel employed therein, and documentary evidence that:

462 1. Such religious institution has tax exempt status as a nonprofit religious institution in accordance  
 463 with § 501(c) of the Internal Revenue Code of 1954, as amended, or that the real property owned and  
 464 exclusively occupied by the religious institution is exempt from local taxation.

465 2. Within the prior 90 days for the initial exemption and within the prior 180 days for exemptions  
 466 thereafter, the local health department and local fire marshal or Office of the State Fire Marshal,  
 467 whichever is appropriate, have inspected the physical facilities of the child day center and have  
 468 determined that the center is in compliance with applicable laws and regulations with regard to food  
 469 service activities, health and sanitation, water supply, building codes, and the Statewide Fire Prevention  
 470 Code or the Uniform Statewide Building Code.

471 3. The child day center employs supervisory personnel according to the following ratio of staff to  
 472 children:

- 473 a. One staff member to four children from ages zero to 16 months.
- 474 b. One staff member to five children from ages 16 months to 24 months.
- 475 c. One staff member to eight children from ages 24 months to 36 months.
- 476 d. One staff member to 10 children from ages 36 months to five years.
- 477 e. One staff member to 20 children from ages five years to nine years.
- 478 f. One staff member to 25 children from ages nine years to 12 years.

479 Staff shall be counted in the required staff-to-children ratios only when they are directly supervising  
 480 children. When a group of children receiving care includes children from different age brackets, the age  
 481 of the youngest child in the group shall be used to determine the staff-to-children ratio that applies to  
 482 that group. For each group of children receiving care, at least one adult staff member shall be regularly  
 483 present. However, during designated daily rest periods and designated sleep periods of evening and  
 484 overnight care programs, for children ages 16 months to six years, only one staff member shall be  
 485 required to be present with the children under supervision. In such cases, at least one staff member shall  
 486 be physically present in the same space as the children under supervision at all times. Other staff  
 487 members counted for purposes of the staff-to-child ratio need not be physically present in the same  
 488 space as the resting or sleeping children, but shall be present on the same floor as the resting or  
 489 sleeping children and shall have no barrier to their immediate access to the resting or sleeping children.



490 The staff member who is physically present in the same space as the sleeping children shall be able to  
 491 summon additional staff counted in the staff-to-child ratio without leaving the space in which the resting  
 492 or sleeping children are located.

493 Staff members shall be at least 16 years of age. Staff members under 18 years of age shall be under  
 494 the supervision of an adult staff member. Adult staff members shall supervise no more than two staff  
 495 members under 18 years of age at any given time.

496 4. Each person in a supervisory position has been certified by a practicing physician or physician  
 497 assistant to be free from any disability which would prevent him from caring for children under his  
 498 supervision.

499 5. The center is in compliance with the requirements of:

500 a. This section.

501 b. Section 22.1-289.039 relating to background checks.

502 c. Section 63.2-1509 relating to the reporting of suspected cases of child abuse and neglect.

503 d. Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 regarding a valid Virginia driver's license or  
 504 commercial driver's license; Article 21 (§ 46.2-1157 et seq.) of Chapter 10 of Title 46.2, regarding  
 505 vehicle inspections; ensuring that any vehicle used to transport children is an insured motor vehicle as  
 506 defined in § 46.2-705; and Article 13 (§ 46.2-1095 et seq.) of Chapter 10 of Title 46.2, regarding child  
 507 restraint devices.

508 6. The following aspects of the child day center's operations are described in a written statement  
 509 provided to the parents or guardians of the children in the center and made available to the general  
 510 public: physical facilities, enrollment capacity, food services, health requirements for the staff, and  
 511 public liability insurance.

512 7. The individual seeking to operate the child day center is not currently ineligible to operate another  
 513 child day program due to a suspension or revocation of his license or license exemption for reasons  
 514 involving child safety or any criminal conviction, including fraud, related to such child day program.

515 8. A person trained and certified in first aid and cardiopulmonary resuscitation (CPR) will be present  
 516 at the child day center whenever children are present or at any other location in which children  
 517 attending the child day center are present.

518 9. The child day center is in compliance with all safe sleep guidelines recommended by the  
 519 American Academy of Pediatrics.

520 B. The center shall establish and implement procedures for:

521 1. Hand washing by staff and children before eating and after toileting and diapering.

522 2. Appropriate supervision of all children in care, including daily intake and dismissal procedures to  
 523 ensure safety of children.

524 3. A daily simple health screening and exclusion of sick children by a person trained to perform such  
 525 screenings.

526 4. Ensuring that all children in the center are in compliance with the provisions of § 32.1-46  
 527 regarding the immunization of children against certain diseases, *except that no child shall be required to*  
 528 *receive any COVID-19 vaccination.*

529 5. Ensuring that all areas of the premises accessible to children are free of obvious injury hazards,  
 530 including providing and maintaining sand or other cushioning material under playground equipment.

531 6. Ensuring that all staff are able to recognize the signs of child abuse and neglect.

532 7. Ensuring that all incidents involving serious physical injury to or death of children attending the  
 533 child day center are reported to the Superintendent. Reports of serious physical injuries, which shall  
 534 include any physical injuries that require an emergency referral to an offsite health care professional or  
 535 treatment in a hospital, shall be submitted annually. Reports of deaths shall be submitted no later than  
 536 one business day after the death occurred.

537 C. The Superintendent may perform on-site inspections of religious institutions to confirm  
 538 compliance with the provisions of this section and to investigate complaints that the religious institution  
 539 is not in compliance with the provisions of this section. The Superintendent may revoke the exemption  
 540 for any child day center in serious or persistent violation of the requirements of this section. If a  
 541 religious institution operates a child day center and does not file the statement and documentary  
 542 evidence required by this section, the Superintendent shall give reasonable notice to such religious  
 543 institution of the nature of its noncompliance and may thereafter take such action as he determines  
 544 appropriate, including a suit to enjoin the operation of the child day center.

545 D. Any person who has reason to believe that a child day center falling within the provisions of this  
 546 section is not in compliance with the requirements of this section may report the same to the  
 547 Department, the local health department, or the local fire marshal, each of which may inspect the child  
 548 day center for noncompliance, give reasonable notice to the religious institution, and thereafter may take  
 549 appropriate action as provided by law, including a suit to enjoin the operation of the child day center.

550 E. Nothing in this section shall prohibit a child day center operated by or conducted under the

551 auspices of a religious institution from obtaining a license pursuant to this chapter.

552 **§ 22.1-295.2. Employment discrimination prohibited.**

553 A. As used in this section:

554 "Age" means being an individual who is at least 40 years of age.

555 "Military status" means status as (i) a member of the uniformed forces, as defined in 10 U.S.C.  
556 § 101(a)(5), of the United States or a reserve component thereof named under 10 U.S.C. § 10101, (ii) a  
557 veteran as defined in 38 U.S.C. § 101(2), or (iii) a dependent as defined in 50 U.S.C. § 3911(4) except  
558 that the support provided by the service member to the individual shall have been provided 180 days  
559 immediately preceding an alleged action that if proven true would constitute unlawful discrimination  
560 under this section instead of 180 days immediately preceding an application for relief under 50 U.S.C.  
561 Chapter 50.

562 B. No school board or any agent or employee thereof shall discriminate in employment on the basis  
563 of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age,  
564 marital status, disability, sexual orientation, gender identity, ~~or~~ military status, *or COVID-19 vaccination*  
565 *status*.

566 C. The provisions of this section shall not prohibit (i) discrimination in employment on the basis of  
567 sex or age in those instances when sex or age is a bona fide occupational qualification for employment  
568 or (ii) providing preference in employment to veterans.

569 **§ 22.1-306. Definitions.**

570 As used in this article, unless the context requires a different meaning:

571 "Business day" means any day that the relevant school board office is open.

572 "Day" means calendar days unless a different meaning is clearly expressed in this article. Whenever  
573 the last day for performing an act required by this article falls on a Saturday, Sunday, or legal holiday,  
574 the act may be performed on the next day that is not a Saturday, Sunday, or legal holiday.

575 "Dismissal" means the dismissal of any teacher during the term of such teacher's contract.

576 "Grievance" means a complaint or dispute by a teacher relating to his employment, including (i)  
577 disciplinary action including dismissal; (ii) the application or interpretation of (a) personnel policies, (b)  
578 procedures, (c) rules and regulations, (d) ordinances, and (e) statutes; (iii) acts of reprisal against a  
579 teacher for filing or processing a grievance, participating as a witness in any step, meeting, or hearing  
580 relating to a grievance, or serving as a member of a fact-finding panel; and (iv) complaints of  
581 discrimination on the basis of race, color, creed, religion, political affiliation, disability, age, national  
582 origin, sex, pregnancy, childbirth or related medical conditions, marital status, sexual orientation, gender  
583 identity, ~~or~~ military status, *or COVID-19 vaccination status*. Each school board shall have the exclusive  
584 right to manage the affairs and operations of the school division. Accordingly, the term "grievance" shall  
585 not include a complaint or dispute by a teacher relating to (a) establishment and revision of wages or  
586 salaries, position classifications, or general benefits; (b) suspension of a teacher or nonrenewal of the  
587 contract of a teacher who has not achieved continuing contract status; (c) the establishment or contents  
588 of ordinances, statutes, or personnel policies, procedures, rules, and regulations; (d) failure to promote;  
589 (e) discharge, layoff, or suspension from duties because of decrease in enrollment, decrease in  
590 enrollment or abolition of a particular subject, or insufficient funding; (f) hiring, transfer, assignment,  
591 and retention of teachers within the school division; (g) suspension from duties in emergencies; (h) the  
592 methods, means, and personnel by which the school division's operations are to be carried on; or (i)  
593 coaching or extracurricular activity sponsorship.

594 While these management rights are reserved to the school board, failure to apply, where applicable,  
595 the rules, regulations, policies, or procedures as written or established by the school board is grievable.

596 "Military status" means status as (i) a member of the uniformed forces, as defined in 10 U.S.C.  
597 § 101(a)(5), of the United States or a reserve component thereof named under 10 U.S.C. § 10101, (ii) a  
598 veteran as defined in 38 U.S.C. § 101(2), or (iii) a dependent as defined in 50 U.S.C. § 3911(4) except  
599 that the support provided by the service member to the individual shall have been provided 180 days  
600 immediately preceding an alleged action that if proven true would constitute unlawful discrimination  
601 under this section instead of 180 days immediately preceding an application for relief under 50 U.S.C.  
602 Chapter 50.

603 **§ 23.1-800. Health histories and immunizations required; exemptions.**

604 A. No full-time student who enrolls for the first time in any baccalaureate public institution of higher  
605 education is eligible to register for his second semester or quarter unless he (i) has furnished, before the  
606 beginning of the second semester or quarter of enrollment, a health history consistent with guidelines  
607 adopted by each institution's board of visitors that includes documented evidence, provided by a licensed  
608 health professional or health facility, of the diseases for which the student has been immunized, the  
609 numbers of doses given, the date on which the immunization was administered, and any further  
610 immunizations indicated or (ii) objects to such health history requirement on religious grounds, in which  
611 case he is exempt from such requirement.

612 B. Prior to enrollment for the first time in any baccalaureate public institution of higher education,

613 each student shall be immunized by vaccine against diphtheria, tetanus, poliomyelitis, measles (rubeola),  
614 German measles (rubella), and mumps according to the guidelines of the American College Health  
615 Association.

616 C. Prior to enrollment for the first time in any baccalaureate public institution of higher education,  
617 each full-time student shall be vaccinated against meningococcal disease and hepatitis B unless the  
618 student or, if the student is a minor, the student's parent or legal guardian signs a written waiver stating  
619 that he has received and reviewed detailed information on the risks associated with meningococcal  
620 disease and hepatitis B and the availability and effectiveness of any vaccine and has chosen not to be or  
621 not to have the student vaccinated.

622 D. Any student is exempt from the immunization requirements set forth in subsections B and C who  
623 (i) objects on the grounds that administration of immunizing agents conflicts with his religious tenets or  
624 practices; ~~unless the Board of Health has declared an emergency or epidemic of disease~~, or (ii) presents  
625 a statement from a licensed physician that states that his physical condition is such that administration of  
626 one or more of the required immunizing agents would be detrimental to his health.

627 E. The Board and Commissioner of Health shall cooperate with any board of visitors seeking  
628 assistance in the implementation of this section.

629 F. The Council shall, in cooperation with the Board and Commissioner of Health, encourage private  
630 institutions of higher education to develop a procedure for providing information about the risks  
631 associated with meningococcal disease and hepatitis B and the availability and effectiveness of any  
632 vaccine against meningococcal disease and hepatitis B.

633 **§ 32.1-15.2. Board not authorized to require COVID-19 vaccination.**

634 *Notwithstanding any other provision of law, the Board shall not require any person, including any*  
635 *child, to receive any COVID-19 vaccination.*

636 **§ 32.1-43. Authority of State Health Commissioner to require quarantine, etc.**

637 The State Health Commissioner shall have the authority to require quarantine, isolation,  
638 immunization, decontamination, or treatment of any individual or group of individuals when he  
639 determines any such measure to be necessary to control the spread of any disease of public health  
640 importance and the authority to issue orders of isolation pursuant to Article 3.01 (§ 32.1-48.01 et seq.)  
641 ~~of this chapter~~ and orders of quarantine and orders of isolation under exceptional circumstances  
642 involving any communicable disease of public health threat pursuant to Article 3.02 (§ 32.1-48.05 et  
643 seq.) ~~of this chapter~~, *except that the Commissioner shall not have the authority to require immunization*  
644 *of any person, including any child, against COVID-19.*

645 **§ 32.1-47. Exclusion from school of children not immunized.**

646 Upon the identification of an outbreak, potential epidemic or epidemic of a vaccine-preventable  
647 disease in a public or private school, the Commissioner shall have the authority to require the exclusion  
648 from such school of all children who are not immunized against that disease, *except that the*  
649 *Commissioner shall not have the authority to exclude from such school children who are not immunized*  
650 *against COVID-19.*

651 **§ 32.1-47.1. Vaccination of children; plan enhancements.**

652 A. The Department shall include in its vaccination plans procedures to ensure the prompt vaccination  
653 of all persons of school age in the Commonwealth, without preference regarding the manner of  
654 compliance with the compulsory school attendance law set forth in § 22.1-254, upon declaration of a  
655 public health emergency involving a vaccine-preventable disease and consent of the parent or guardian  
656 of the person of school age if such person is a minor or, if the person of school age is not a minor, of  
657 the person. Vaccination plans developed pursuant to this section shall be consistent with applicable  
658 guidelines developed by the Centers for Disease Control and Prevention, and shall be subject to the  
659 same review and update requirements, process, and schedule as the State Emergency Operations Plan  
660 developed by the Department of Emergency Management pursuant to § 44-146.18.

661 *B. Notwithstanding the provisions of subsection A or any other provision of law, no person or child*  
662 *shall be required to receive any COVID-19 vaccination.*

663 **§ 32.1-48. Powers of Commissioner in epidemic.**

664 A. Nothing in this article shall preclude the Commissioner from requiring immediate immunization of  
665 all persons in case of an epidemic of any disease of public health importance for which a vaccine exists  
666 other than a person to whose health the administration of a vaccine would be detrimental as certified in  
667 writing by a physician licensed to practice medicine in this Commonwealth.

668 ~~B. In addition, the~~ The State Health Commissioner shall hold the powers conferred pursuant to  
669 Article 3.02 (§ 32.1-48.05 et seq.) ~~of this chapter~~ to issue orders of quarantine or prepare orders of  
670 isolation for a communicable disease of public health threat.

671 *B. Notwithstanding any other provision of law, the Commissioner shall not hold the power to require*  
672 *any person or child to receive any immunization against COVID-19.*

673 **§ 32.1-48.002. Immunizations not required.**

674 *Notwithstanding any other provision of law, no person or child shall be required to receive any*  
675 *immunization against COVID-19 and no person or child shall be (i) discriminated against with regard*  
676 *to the provision of any disposition, service, financial benefit, eligibility, admission, enrollment,*  
677 *participation, membership, or other benefit, (ii) subjected to segregation or separate treatment, or (iii)*  
678 *restricted in any way in the enjoyment of any advantage or privilege enjoyed by any other person*  
679 *receiving any disposition, service, financial benefit, eligibility, admission, enrollment, participation,*  
680 *membership, or other benefit because of his vaccination status.*

681 **§ 37.2-205. Board not authorized to require vaccinations.**

682 *A. Notwithstanding any other provision of law, the Board shall not require any person or child to be*  
683 *immunized against COVID-19.*

684 *B. No person licensed by the Department shall deny any person or child services solely because such*  
685 *person has not been immunized against COVID-19.*

686 **§ 38.2-3100.4. Prohibited discrimination based on vaccination status.**

687 *No insurer issuing an individual or group life insurance policy in the Commonwealth shall refuse to*  
688 *insure an applicant or limit the amount, extent, or kind of coverage for an applicant solely on the basis*  
689 *of the applicant's COVID-19 vaccination status.*

690 **§ 40.1-27.5. Discrimination based on COVID-19 vaccination status prohibited.**

691 *A. Notwithstanding any other provision of law, no employer shall require an employee to receive any*  
692 *immunization against COVID-19.*

693 *B. Any employer who knowingly violates the provisions of subsection G or fails to cure a violation of*  
694 *this section pursuant to subsection F shall be subject to a civil penalty not to exceed \$10,000 for each*  
695 *violation by an employer with fewer than 100 employees or \$50,000 for each violation by an employer*  
696 *with 100 or more employees. The Commissioner shall notify any employer that the Commissioner alleges*  
697 *has violated any provision of this section by certified mail. Such notice shall contain a description of the*  
698 *alleged violation. Within 15 days of receipt of notice of the alleged violation, the employer may request*  
699 *an informal conference regarding such violation with the Commissioner. In determining the amount of*  
700 *any penalty to be imposed, the Commissioner shall consider the size of the business of the employer*  
701 *charged and the gravity of the violation. The decision of the Commissioner shall be final. Civil penalties*  
702 *owed under this section shall be paid to the Commissioner for deposit into the general fund of the State*  
703 *Treasurer. The Commissioner shall prescribe procedures for the payment of proposed assessments of*  
704 *penalties that are not contested by employers. Such procedures shall include provisions for an employer*  
705 *to consent to abatement of the alleged violation and pay a proposed penalty or a negotiated sum in lieu*  
706 *of such penalty without admission of any civil liability arising from such alleged violation.*

707 **§ 44-146.17. (Effective until July 1, 2023) Powers and duties of Governor.**

708 *The Governor shall be Director of Emergency Management. He shall take such action from time to*  
709 *time as is necessary for the adequate promotion and coordination of state and local emergency services*  
710 *activities relating to the safety and welfare of the Commonwealth in time of disasters.*

711 *The Governor shall have, in addition to his powers hereinafter or elsewhere prescribed by law, the*  
712 *following powers and duties:*

713 *(1) To proclaim and publish such rules and regulations and to issue such orders as may, in his*  
714 *judgment, be necessary to accomplish the purposes of this chapter including, but not limited to such*  
715 *measures as are in his judgment required to control, restrict, allocate or regulate the use, sale, production*  
716 *and distribution of food, fuel, clothing and other commodities, materials, goods, services and resources*  
717 *under any state or federal emergency services programs.*

718 *He may adopt and implement the Commonwealth of Virginia Emergency Operations Plan, which*  
719 *provides for state-level emergency operations in response to any type of disaster or large-scale*  
720 *emergency affecting Virginia and that provides the needed framework within which more detailed*  
721 *emergency plans and procedures can be developed and maintained by state agencies, local governments*  
722 *and other organizations.*

723 *He may direct and compel evacuation of all or part of the populace from any stricken or threatened*  
724 *area if this action is deemed necessary for the preservation of life, implement emergency mitigation,*  
725 *preparedness, response or recovery actions; prescribe routes, modes of transportation and destination in*  
726 *connection with evacuation; and control ingress and egress at an emergency area, including the*  
727 *movement of persons within the area and the occupancy of premises therein.*

728 *Executive orders, to include those declaring a state of emergency and directing evacuation, shall have*  
729 *the force and effect of law and the violation thereof shall be punishable as a civil penalty of not more*  
730 *than \$500 or as a Class 1 misdemeanor in every case where the executive order declares that its*  
731 *violation shall have such force and effect. Where an executive order declares a violation shall be*  
732 *punishable as a civil penalty, such violation shall be charged by summons and may be executed by a*  
733 *law-enforcement officer when such violation is observed by the officer. The summons used by a*  
734 *law-enforcement officer pursuant to this section shall be, in form, the same as the uniform summons for*  
735 *motor vehicle law violations as prescribed pursuant to § 46.2-388. The proceeds of such civil penalties*

736 collected pursuant to this section shall be paid and collected only in lawful money of the United States  
737 and paid into the state treasury to the credit of the Literary Fund.

738 Such executive orders declaring a state of emergency may address exceptional circumstances that  
739 exist relating to an order of quarantine or an order of isolation concerning a communicable disease of  
740 public health threat that is issued by the State Health Commissioner for an affected area of the  
741 Commonwealth pursuant to Article 3.02 (§ 32.1-48.05 et seq.) of Chapter 2 of Title 32.1.

742 Except as to emergency plans issued to prescribe actions to be taken in the event of disasters and  
743 emergencies, no rule, regulation, or order issued under this section shall have any effect beyond June 30  
744 next following the next adjournment of the regular session of the General Assembly but the same or a  
745 similar rule, regulation, or order may thereafter be issued again if not contrary to law.

746 *No rule, regulation, or order issued under this subdivision shall require any person, including any*  
747 *child, to receive any immunization against COVID-19;*

748 (2) To appoint a State Coordinator of Emergency Management and authorize the appointment or  
749 employment of other personnel as is necessary to carry out the provisions of this chapter, and to  
750 remove, in his discretion, any and all persons serving hereunder;

751 (3) To procure supplies and equipment, to institute training and public information programs relative  
752 to emergency management and to take other preparatory steps including the partial or full mobilization  
753 of emergency management organizations in advance of actual disaster, to insure the furnishing of  
754 adequately trained and equipped forces in time of need;

755 (4) To make such studies and surveys of industries, resources, and facilities in the Commonwealth as  
756 may be necessary to ascertain the capabilities of the Commonwealth and to plan for the most efficient  
757 emergency use thereof;

758 (5) On behalf of the Commonwealth to enter into mutual aid arrangements with other states and to  
759 coordinate mutual aid plans between political subdivisions of the Commonwealth. After a state of  
760 emergency is declared in another state and the Governor receives a written request for assistance from  
761 the executive authority of that state, the Governor may authorize the use in the other state of personnel,  
762 equipment, supplies, and materials of the Commonwealth, or of a political subdivision, with the consent  
763 of the chief executive officer or governing body of the political subdivision;

764 (6) To delegate any administrative authority vested in him under this chapter, and to provide for the  
765 further delegation of any such authority, as needed;

766 (7) Whenever, in the opinion of the Governor, the safety and welfare of the people of the  
767 Commonwealth require the exercise of emergency measures due to a threatened or actual disaster, to  
768 declare a state of emergency to exist;

769 (8) To request a major disaster declaration from the President, thereby certifying the need for federal  
770 disaster assistance and ensuring the expenditure of a reasonable amount of funds of the Commonwealth,  
771 its local governments, or other agencies for alleviating the damage, loss, hardship, or suffering resulting  
772 from the disaster;

773 (9) To provide incident command system guidelines for state agencies and local emergency response  
774 organizations;

775 (10) Whenever, in the opinion of the Governor or his designee, an employee of a state or local  
776 public safety agency responding to a disaster has suffered an extreme personal or family hardship in the  
777 affected area, such as the destruction of a personal residence or the existence of living conditions that  
778 imperil the health and safety of an immediate family member of the employee, to direct the Comptroller  
779 of the Commonwealth to issue warrants not to exceed \$2,500 per month, for up to three calendar  
780 months, to the employee to assist the employee with the hardship; and

781 (11) During a disaster caused by a communicable disease of public health threat for which a state of  
782 emergency has been declared pursuant to subdivision (7), to establish a program through which the  
783 Governor may purchase PPE for private, nongovernmental entities and distribute the PPE to such  
784 private, nongovernmental entities. If federal funding is available to establish and fund the program, the  
785 Governor, if necessary to comply with any conditions attached to such federal funding, shall be entitled  
786 to seek reimbursement for such purchases from the private, nongovernmental entities and may establish  
787 and charge fees to recover the cost of administering the program, including the cost of procuring and  
788 distributing the PPE. However, if federal funding is not available to establish and fund the program, the  
789 Governor shall, prior to making such purchases, receive a contract for payment for purchase from the  
790 private nongovernmental entities for the full cost of procuring and distributing the PPE, which shall  
791 include any amortized costs of administering the program. Any purchase made by the Governor pursuant  
792 to this subdivision shall be exempt from the provisions of the Virginia Public Procurement Act (§  
793 2.2-4300 et seq.), except the Governor shall be encouraged to comply with the provisions of § 2.2-4310  
794 when possible. The Governor shall also provide for competition where practicable and include a written  
795 statement regarding the basis for awarding any contract. Prior to implementing such a program, the  
796 Department of Emergency Management shall consult with and survey private, nongovernmental entities

797 in order to assess demand for participation in the program as well as the quantity and types of personal  
798 protective equipment such entities would like to procure.

799 As used in this subdivision, "personal protective equipment" or "PPE" means equipment or supplies  
800 worn or employed to minimize exposure to hazards that cause serious workplace injuries and illnesses  
801 and may include items such as gloves, safety glasses and shoes, earplugs or muffs, hard hats, respirators,  
802 coveralls, vests, full body suits, hand sanitizer, plastic shields, or testing for the communicable disease  
803 of public health threat.

804 **§ 44-146.17. (Effective July 1, 2023) Powers and duties of Governor.**

805 The Governor shall be Director of Emergency Management. He shall take such action from time to  
806 time as is necessary for the adequate promotion and coordination of state and local emergency services  
807 activities relating to the safety and welfare of the Commonwealth in time of disasters.

808 The Governor shall have, in addition to his powers hereinafter or elsewhere prescribed by law, the  
809 following powers and duties:

810 (1) To proclaim and publish such rules and regulations and to issue such orders as may, in his  
811 judgment, be necessary to accomplish the purposes of this chapter including, but not limited to such  
812 measures as are in his judgment required to control, restrict, allocate or regulate the use, sale, production  
813 and distribution of food, fuel, clothing and other commodities, materials, goods, services and resources  
814 under any state or federal emergency services programs.

815 He may adopt and implement the Commonwealth of Virginia Emergency Operations Plan, which  
816 provides for state-level emergency operations in response to any type of disaster or large-scale  
817 emergency affecting Virginia and that provides the needed framework within which more detailed  
818 emergency plans and procedures can be developed and maintained by state agencies, local governments  
819 and other organizations.

820 He may direct and compel evacuation of all or part of the populace from any stricken or threatened  
821 area if this action is deemed necessary for the preservation of life, implement emergency mitigation,  
822 preparedness, response or recovery actions; prescribe routes, modes of transportation and destination in  
823 connection with evacuation; and control ingress and egress at an emergency area, including the  
824 movement of persons within the area and the occupancy of premises therein.

825 Executive orders, to include those declaring a state of emergency and directing evacuation, shall have  
826 the force and effect of law and the violation thereof shall be punishable as a Class 1 misdemeanor in  
827 every case where the executive order declares that its violation shall have such force and effect.

828 Such executive orders declaring a state of emergency may address exceptional circumstances that  
829 exist relating to an order of quarantine or an order of isolation concerning a communicable disease of  
830 public health threat that is issued by the State Health Commissioner for an affected area of the  
831 Commonwealth pursuant to Article 3.02 (§ 32.1-48.05 et seq.) of Chapter 2 of Title 32.1.

832 Except as to emergency plans issued to prescribe actions to be taken in the event of disasters and  
833 emergencies, no rule, regulation, or order issued under this section shall have any effect beyond June 30  
834 next following the next adjournment of the regular session of the General Assembly but the same or a  
835 similar rule, regulation, or order may thereafter be issued again if not contrary to law.

836 *No rule, regulation, or order issued under this subdivision shall require any person, including any  
837 child, to receive any immunization against COVID-19;*

838 (2) To appoint a State Coordinator of Emergency Management and authorize the appointment or  
839 employment of other personnel as is necessary to carry out the provisions of this chapter, and to  
840 remove, in his discretion, any and all persons serving hereunder;

841 (3) To procure supplies and equipment, to institute training and public information programs relative  
842 to emergency management and to take other preparatory steps including the partial or full mobilization  
843 of emergency management organizations in advance of actual disaster, to insure the furnishing of  
844 adequately trained and equipped forces in time of need;

845 (4) To make such studies and surveys of industries, resources, and facilities in the Commonwealth as  
846 may be necessary to ascertain the capabilities of the Commonwealth and to plan for the most efficient  
847 emergency use thereof;

848 (5) On behalf of the Commonwealth to enter into mutual aid arrangements with other states and to  
849 coordinate mutual aid plans between political subdivisions of the Commonwealth. After a state of  
850 emergency is declared in another state and the Governor receives a written request for assistance from  
851 the executive authority of that state, the Governor may authorize the use in the other state of personnel,  
852 equipment, supplies, and materials of the Commonwealth, or of a political subdivision, with the consent  
853 of the chief executive officer or governing body of the political subdivision;

854 (6) To delegate any administrative authority vested in him under this chapter, and to provide for the  
855 further delegation of any such authority, as needed;

856 (7) Whenever, in the opinion of the Governor, the safety and welfare of the people of the  
857 Commonwealth require the exercise of emergency measures due to a threatened or actual disaster, to  
858 declare a state of emergency to exist;

859 (8) To request a major disaster declaration from the President, thereby certifying the need for federal  
860 disaster assistance and ensuring the expenditure of a reasonable amount of funds of the Commonwealth,  
861 its local governments, or other agencies for alleviating the damage, loss, hardship, or suffering resulting  
862 from the disaster;

863 (9) To provide incident command system guidelines for state agencies and local emergency response  
864 organizations;

865 (10) Whenever, in the opinion of the Governor or his designee, an employee of a state or local  
866 public safety agency responding to a disaster has suffered an extreme personal or family hardship in the  
867 affected area, such as the destruction of a personal residence or the existence of living conditions that  
868 imperil the health and safety of an immediate family member of the employee, to direct the Comptroller  
869 of the Commonwealth to issue warrants not to exceed \$2,500 per month, for up to three calendar  
870 months, to the employee to assist the employee with the hardship; and

871 (11) During a disaster caused by a communicable disease of public health threat for which a state of  
872 emergency has been declared pursuant to subdivision (7), to establish a program through which the  
873 Governor may purchase PPE for private, nongovernmental entities and distribute the PPE to such  
874 private, nongovernmental entities. If federal funding is available to establish and fund the program, the  
875 Governor, if necessary to comply with any conditions attached to such federal funding, shall be entitled  
876 to seek reimbursement for such purchases from the private, nongovernmental entities and may establish  
877 and charge fees to recover the cost of administering the program, including the cost of procuring and  
878 distributing the PPE. However, if federal funding is not available to establish and fund the program, the  
879 Governor shall, prior to making such purchases, receive a contract for payment for purchase from the  
880 private nongovernmental entities for the full cost of procuring and distributing the PPE, which shall  
881 include any amortized costs of administering the program. Any purchase made by the Governor pursuant  
882 to this subdivision shall be exempt from the provisions of the Virginia Public Procurement Act (§  
883 2.2-4300 et seq.), except the Governor shall be encouraged to comply with the provisions of § 2.2-4310  
884 when possible. The Governor shall also provide for competition where practicable and include a written  
885 statement regarding the basis for awarding any contract. Prior to implementing such a program, the  
886 Department of Emergency Management shall consult with and survey private, nongovernmental entities  
887 in order to assess demand for participation in the program as well as the quantity and types of personal  
888 protective equipment such entities would like to procure.

889 As used in this subdivision, "personal protective equipment" or "PPE" means equipment or supplies  
890 worn or employed to minimize exposure to hazards that cause serious workplace injuries and illnesses  
891 and may include items such as gloves, safety glasses and shoes, earplugs or muffs, hard hats, respirators,  
892 coveralls, vests, full body suits, hand sanitizer, plastic shields, or testing for the communicable disease  
893 of public health threat.

894 **§ 46.2-333.2. Discrimination based on COVID-19 status prohibited.**

895 A. The Department shall not deny the issuance of a driver's license or other document issued under  
896 this chapter to any individual solely because of such individual's COVID-19 vaccination status.

897 B. The provisions of this section shall not apply to the issuance of a commercial driver's license by  
898 the Department.

899 **§ 54.1-2409.6. Boards not authorized to require vaccinations.**

900 A. Notwithstanding any other provision of law, neither the Board nor any health regulatory board  
901 included in the Department shall require any person to be immunized against COVID-19.

902 B. No person shall be denied a license, registration, certification, multisite licensure privilege, or  
903 other privilege solely because of his COVID-19 vaccination status.

904 C. No person licensed by any health regulatory board included in the Department shall deny any  
905 person services solely because of his COVID-19 vaccination status.

906 **§ 63.2-221.1. Board not authorized to require vaccination.**

907 A. Notwithstanding any other provision of law, the Board shall not require any person, including any  
908 child, to be immunized against COVID-19.

909 B. No person licensed by the Department shall deny any person services solely because of his  
910 COVID-19 vaccination status.

911 **§ 63.2-603. Eligibility for TANF; childhood immunizations.**

912 An applicant for TANF shall provide verification that all eligible children not enrolled in school, a  
913 licensed family day home as defined in § 22.1-289.02, or a licensed child day center as defined in  
914 § 22.1-289.02, have received immunizations in accordance with § 32.1-46, *except that no child shall be*  
915 *required to have received any COVID-19 immunization.* However, if an eligible child has not received  
916 immunizations in accordance with § 32.1-46, verification shall be provided at the next scheduled  
917 redetermination of eligibility for TANF after initial eligibility is granted that the child has received at  
918 least one dose of each of the immunizations required by § 32.1-46 as appropriate for the child's age and  
919 that the child's physician or the local health department has developed a plan for completing the

920 immunizations. Verification of compliance with the plan for completing the immunizations shall be  
921 presented at subsequent redeterminations of eligibility for TANF.

922 If necessary, the local department shall provide assistance to the TANF recipient in obtaining  
923 verification from immunization providers. No sanction may be imposed until the reason for the failure to  
924 comply with the immunization requirement has been identified and any barriers to accessing  
925 immunizations have been removed.

926 Failure by the recipient to provide the required verification of immunizations shall result in a  
927 reduction in the amount of monthly assistance received from the TANF program until the required  
928 verification is provided. The reduction shall be \$50 for the first child and \$25 for each additional child  
929 for whom verification is not provided.

930 Any person who becomes ineligible for TANF payments as a result of this provision shall  
931 nonetheless be considered a TANF recipient for all other purposes.

932 **§ 65.2-402.1. Presumption as to death or disability from infectious disease.**

933 A. Hepatitis, meningococcal meningitis, tuberculosis or HIV causing the death of, or any health  
934 condition or impairment resulting in total or partial disability of, any (i) salaried or volunteer firefighter,  
935 or salaried or volunteer emergency medical services personnel; (ii) member of the State Police Officers'  
936 Retirement System; (iii) member of county, city, or town police departments; (iv) sheriff or deputy  
937 sheriff; (v) Department of Emergency Management hazardous materials officer; (vi) city sergeant or  
938 deputy city sergeant of the City of Richmond; (vii) Virginia Marine Police officer; (viii) conservation  
939 police officer who is a full-time sworn member of the enforcement division of the Department of  
940 Wildlife Resources; (ix) Capitol Police officer; (x) special agent of the Virginia Alcoholic Beverage  
941 Control Authority appointed under the provisions of Chapter 1 (§ 4.1-100 et seq.) of Title 4.1; (xi) for  
942 such period that the Metropolitan Washington Airports Authority voluntarily subjects itself to the  
943 provisions of this chapter as provided in § 65.2-305, officer of the police force established and  
944 maintained by the Metropolitan Washington Airports Authority; (xii) officer of the police force  
945 established and maintained by the Norfolk Airport Authority; (xiii) conservation officer of the  
946 Department of Conservation and Recreation commissioned pursuant to § 10.1-115; (xiv) sworn officer of  
947 the police force established and maintained by the Virginia Port Authority; (xv) campus police officer  
948 appointed under Article 3 (§ 23.1-809 et seq.) of Chapter 8 of Title 23.1 and employed by any public  
949 institution of higher education; (xvi) correctional officer as defined in § 53.1-1; or (xvii) full-time sworn  
950 member of the enforcement division of the Department of Motor Vehicles who has a documented  
951 occupational exposure to blood or body fluids shall be presumed to be occupational diseases, suffered in  
952 the line of government duty, that are covered by this title unless such presumption is overcome by a  
953 preponderance of competent evidence to the contrary. For purposes of this subsection, an occupational  
954 exposure occurring on or after July 1, 2002, shall be deemed "documented" if the person covered under  
955 this subsection gave notice, written or otherwise, of the occupational exposure to his employer, and an  
956 occupational exposure occurring prior to July 1, 2002, shall be deemed "documented" without regard to  
957 whether the person gave notice, written or otherwise, of the occupational exposure to his employer. For  
958 any correctional officer as defined in § 53.1-1 or full-time sworn member of the enforcement division of  
959 the Department of Motor Vehicles, the presumption shall not apply if such individual was diagnosed  
960 with hepatitis, meningococcal meningitis, or HIV before July 1, 2020.

961 B. 1. COVID-19 causing the death of, or any health condition or impairment resulting in total or  
962 partial disability of, any health care provider, as defined in § 8.01-581.1, who as part of the provider's  
963 employment is directly involved in diagnosing or treating persons known or suspected to have  
964 COVID-19, shall be presumed to be an occupational disease that is covered by this title unless such  
965 presumptions are overcome by a preponderance of competent evidence to the contrary. For the purposes  
966 of this section, the COVID-19 virus shall be established by a positive diagnostic test for COVID-19 and  
967 signs and symptoms of COVID-19 that require medical treatment, as described in subdivision F E 2.

968 2. COVID-19 causing the death of, or any health condition or impairment resulting in total or partial  
969 disability of, any (i) firefighter, as defined in § 65.2-102; (ii) law-enforcement officer, as defined in  
970 § 9.1-101; (iii) correctional officer, as defined in § 53.1-1; or (iv) regional jail officer shall be presumed  
971 to be an occupational disease, suffered in the line of duty, as applicable, that is covered by this title  
972 unless such presumption is overcome by a preponderance of competent evidence to the contrary. For the  
973 purposes of this section, the COVID-19 virus shall be established by a positive diagnostic test for  
974 COVID-19, an incubation period consistent with COVID-19, and signs and symptoms of COVID-19 that  
975 require medical treatment.

976 C. As used in this section:

977 "Blood or body fluids" means blood and body fluids containing visible blood and other body fluids  
978 to which universal precautions for prevention of occupational transmission of blood-borne pathogens, as  
979 established by the Centers for Disease Control, apply. For purposes of potential transmission of hepatitis,  
980 meningococcal meningitis, tuberculosis, or HIV the term "blood or body fluids" includes respiratory,  
981 salivary, and sinus fluids, including droplets, sputum, saliva, mucous, and any other fluid through which



982 infectious airborne or blood-borne organisms can be transmitted between persons.  
 983 "Hepatitis" means hepatitis A, hepatitis B, hepatitis non-A, hepatitis non-B, hepatitis C, or any other  
 984 strain of hepatitis generally recognized by the medical community.  
 985 "HIV" means the medically recognized retrovirus known as human immunodeficiency virus, type I or  
 986 type II, causing immunodeficiency syndrome.  
 987 "Occupational exposure," in the case of hepatitis, meningococcal meningitis, tuberculosis or HIV,  
 988 means an exposure that occurs during the performance of job duties that places a covered employee at  
 989 risk of infection.

990 D. Persons covered under this section who test positive for exposure to the enumerated occupational  
 991 diseases, but have not yet incurred the requisite total or partial disability, shall otherwise be entitled to  
 992 make a claim for medical benefits pursuant to § 65.2-603, including entitlement to an annual medical  
 993 examination to measure the progress of the condition, if any, and any other medical treatment,  
 994 prophylactic or otherwise.

995 E. 1. Whenever any standard, medically recognized vaccine or other form of immunization or  
 996 prophylaxis exists for the prevention of a communicable disease for which a presumption is established  
 997 under this section, if medically indicated by the given circumstances pursuant to immunization policies  
 998 established by the Advisory Committee on Immunization Practices of the United States Public Health  
 999 Service, a person subject to the provisions of this section may be required by such person's employer to  
 1000 undergo the immunization or prophylaxis unless the person's physician determines in writing that the  
 1001 immunization or prophylaxis would pose a significant risk to the person's health. Absent such written  
 1002 declaration, failure or refusal by a person subject to the provisions of this section to undergo such  
 1003 immunization or prophylaxis shall disqualify the person from any presumption established by this  
 1004 section.

1005 2. The presumptions described in subdivision B 1 shall not apply to any person offered by such  
 1006 person's employer a vaccine for the prevention of COVID-19 with an Emergency Use Authorization  
 1007 issued by the U.S. Food and Drug Administration, unless the person is immunized or the person's  
 1008 physician determines in writing that the immunization would pose a significant risk to the person's  
 1009 health. Absent such written declaration, failure or refusal by a person subject to the provisions of this  
 1010 section to undergo such immunization shall disqualify the person from the presumptions described in  
 1011 subdivision B 1.

1012 E. 1. The presumptions described in subsection A shall only apply if persons entitled to invoke them  
 1013 have, if requested by the appointing authority or governing body employing them, undergone  
 1014 preemployment physical examinations that (i) were conducted prior to the making of any claims under  
 1015 this title that rely on such presumptions; (ii) were performed by physicians whose qualifications are as  
 1016 prescribed by the appointing authority or governing body employing such persons; (iii) included such  
 1017 appropriate laboratory and other diagnostic studies as the appointing authorities or governing bodies may  
 1018 have prescribed; and (iv) found such persons free of hepatitis, meningococcal meningitis, tuberculosis or  
 1019 HIV at the time of such examinations. The presumptions described in subsection A shall not be effective  
 1020 until six months following such examinations, unless such persons entitled to invoke such presumption  
 1021 can demonstrate a documented exposure during the six-month period.

1022 2. The presumptions described in subdivision B 1 shall apply to any person entitled to invoke them  
 1023 for any death or disability occurring on or after March 12, 2020, caused by infection from the  
 1024 COVID-19 virus, provided that for any such death or disability that occurred on or after March 12,  
 1025 2020, and prior to December 31, 2021, and;

1026 a. Prior to July 1, 2020, the claimant received a positive diagnosis of COVID-19 from a licensed  
 1027 physician, nurse practitioner, or physician assistant after either (i) a presumptive positive test or a  
 1028 laboratory-confirmed test for COVID-19 and presenting with signs and symptoms of COVID-19 that  
 1029 required medical treatment, or (ii) presenting with signs and symptoms of COVID-19 that required  
 1030 medical treatment absent a presumptive positive test or a laboratory-confirmed test for COVID-19; or

1031 b. On or after July 1, 2020, and prior to December 31, 2021, the claimant received a positive  
 1032 diagnosis of COVID-19 from a licensed physician, nurse practitioner, or physician assistant after a  
 1033 presumptive positive test or a laboratory-confirmed test for COVID-19 and presented with signs and  
 1034 symptoms of COVID-19 that required medical treatment.

1035 3. The presumptions described in subdivision B 2 shall apply to any person entitled to invoke them  
 1036 for any death or disability occurring on or after July 1, 2020, caused by infection from the COVID-19  
 1037 virus, provided that for any such death or disability that occurred on or after July 1, 2020, and prior to  
 1038 December 31, 2021, the claimant received a diagnosis of COVID-19 from a licensed physician, after  
 1039 either a presumptive positive test or a laboratory confirmed test for COVID-19, and presented with signs  
 1040 and symptoms of COVID-19 that required medical treatment.

1041 G. F. Persons making claims under this title who rely on such presumption shall, upon the request of  
 1042 appointing authorities or governing bodies employing such persons, submit to physical examinations (i)

**1043** conducted by physicians selected by such appointing authorities or governing bodies or their  
**1044** representatives and (ii) consisting of such tests and studies as may reasonably be required by such  
**1045** physicians. However, a qualified physician, selected and compensated by the claimant, may, at the  
**1046** election of such claimant, be present at such examination.