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SENATE BILL NO. 719

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on General Laws and Technology
on February 9, 2022)

(Patron Prior to Substitute—Senator Cosgrove)

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

Be it enacted by the General Assembly of Virginia:

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

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

A. As used in this section:

"Department" means the Department of Military Affairs.

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

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

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

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

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

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

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

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