

# **2015 Legislative Monitoring Report #4 Veto Session**



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**To get additional information on a bill please visit the following LIS and enter the appropriate bill number:**

**This link will allow you to read the bills full text (hint: always use the PDF version), see the bills history, and to see any amendments and/or changes as they are introduced.**

**HB 314 - Kory - Income tax, state; insurance premiums. (H) Committee on Finance (H) Left in Finance 12/04/14**

notes: Eliminates the requirements of at least \$20,000 in earned income and no more than \$30,000 in federal adjusted gross income in order for individuals age 66 or older to deduct prepaid funeral, medical, and dental insurance premiums in computing Virginia individual income taxes. The General Assembly enacted legislation in 2013 allowing individuals age 66 or older with at least \$20,000 in earned income and not more than \$30,000 in federal adjusted gross income to deduct such premiums. The bill is effective January 1, 2014.

**HB 729 - Lingamfelter - Tax restructuring; modifies individual income and retail sales and use taxes. (H) Committee on Finance (H) Left in Finance 12/04/14**

notes: Tax restructuring. Modifies the individual income & retail sales & use taxes by lowering the top 3 individual income marginal tax rates, increasing the individual income tax filing thresholds, repealing the retail sales & use tax on food, increasing the state retail sales & use tax from 4.3% to 5.0% except in counties and cities located in Hampton Roads and Northern Virginia Planning Districts, extending the retail sales and use tax to many personal services that are currently exempt from the tax, and eliminating the retail sales and use tax exemption for nonprofit entities with at least \$1 million in gross revenue. IMPOSES NEW SALES TAX ON NUMEROUS CATEGORIES... golf green fees, (association) membership fees, car repair (including labor) and car washes, haircuts, refrigerated storage, funeral and crematory and cemetery services, delivery and shipping, labor on equipment.

**HB 905 - Peace - Vital Records, State Registrar of; disclosure of death index information. (H) Committee on Health, Welfare and Institutions (H) Left in Health, Welfare and Institutions 12/04/14**

notes: Requires the State Registrar of Vital Records to disclose death index information in bulk format to entities that establish or confirm an individual's status as deceased for legitimate business and government purposes.

**HB 1131 - Cole - Health care providers; regulation, prohibited acts, Class 4 misdemeanor. (H) Committee for Courts of Justice (H) Left in Courts of Justice 12/04/14**

notes: Provides that any person who is licensed, registered, certified, or otherwise subject to the oversight of a health regulatory board who knowingly or intentionally makes any false statement or includes any false information in a patient's medical record is guilty of a Class 4 misdemeanor and that any individual who knowingly or intentionally makes a false statement or provides false information related to the subject of an investigation to investigative personnel of the Department of Health Professions engaged in the investigation of a complaint is guilty of a Class 4 misdemeanor.

**HB 1432 - Cole - Health care providers; regulation, prohibited acts, Class 1 misdemeanor. (H) Committee for Courts of Justice (H) Left in Courts of Justice 02/10/15**

notes: Provides that any person who is licensed, registered, certified, or otherwise subject to the oversight of a health regulatory board who knowingly or intentionally makes any false statement or includes any false information in a patient's medical record is guilty of a Class 1 misdemeanor and that any individual who knowingly or intentionally makes a false statement or provides false information related to the subject of an investigation to investigative personnel of the Department of Health Professions engaged in the investigation of a complaint is guilty of a Class 1 misdemeanor.

**HB 1435 - O'Bannon - Physician assistants and nurse practitioners; appointment as medical examiners. (H) Committee on Health, Welfare and Institutions (S) Committee on Education and Health (G) Acts of Assembly Chapter text (CHAP0107) 03/16/15**

notes: Adds licensed physician assistants and nurse practitioners to the list of individuals who may be appointed to serve as medical examiners.

**HB 1512 - Simon - Minimum wage; increases to \$15.15 per hour. (H) Committee on Commerce and Labor (H) Tabled in Commerce and Labor 01/27/15**

notes: Increases the minimum wage from its current federally mandated level of \$7.25 per hour to \$15.15 per hour effective July 1, 2015, unless a higher minimum wage is required by the federal Fair Labor Standards Act. The \$15.15 rate shall be adjusted annually thereafter to reflect increases in the consumer price index. The measure also eliminates provisions that address determinations of the wages of tipped employees.

**HB 1607 - Garrett - Medicolegal death investigators; Chief Medical Examiner may appoint. (H) Committee on Health, Welfare and Institutions (S) Committee on Education and Health (G) Acts of Assembly Chapter text (CHAP0053) 03/10/15**

notes: Per diem medicolegal death investigators. Authorizes the Chief Medical Examiner to appoint per diem medicolegal death investigators to assist the Office of the Chief Medical Examiner with medicolegal death investigations and provides that per diem medicolegal death investigators shall be agents of the Commonwealth.

**HB 1654 - Plum - Minimum wage; increases from its current federally mandated level to \$8.00 per hour. (H) Committee on Commerce and Labor (H) Tabled in Commerce and Labor 01/27/15**

notes: increases the minimum wage from its current federally mandated level of \$7.25 per hour to \$8.00 per hour effective July 1, 2015, to \$9.00 per hour effective July 1, 2016, and to \$10.00 per hour effective July 1, 2017, unless a higher minimum wage is required by the federal Fair Labor Standards Act (FLSA).

**HB 1695 - Yost - Health regulatory boards; powers and duties, health care practitioners with mental illness. (H) Committee on Health, Welfare and Institutions (H) Left in Health, Welfare and Institutions 02/11/15**

notes: Prohibits health regulatory boards from revoking, suspending, restricting, or refusing to issue or renew a registration, certificate, license, or multistate licensure privilege or otherwise discipline a health care practitioner, including a holder of a multistate licensure privileged to practice nursing, solely on the grounds that the health care practitioner has mental illness absent evidence indicating that the health care practitioner's mental illness renders the health care practitioner unable to practice with reasonable skill and safety to patients.

**HB 1738 - Hodges - Hospices; notice to dispenser of patient's death within 48 hours. (H) Committee on Health, Welfare and Institutions (S) Committee on Education and Health (G) Acts of Assembly Chapter text (CHAP0668) 03/27/15**

notes: Requires every hospice licensed by the Department of Health or exempt from licensure to notify every pharmacy that dispensed drugs to a hospice patient for the purpose of pain management of the patient's death within 24 hours.

**HB 1802 - Villanueva - Certification of death; signing medical form, if not in timely manner Class 1 misdemeanor. (H) Committee for Courts of Justice (H) Left in Courts of Justice 02/10/15**

notes: Provides that willfully failing, refusing, or neglecting to complete and sign a medical certification of death in a timely manner constitutes a Class 1 misdemeanor.

**HB 1803 - Villanueva - Surface transportation and removal service; registration, manager of record. (H) Committee on Health, Welfare and Institutions (S) Committee on Education and Health (G) Acts of Assembly Chapter text (CHAP0110) 03/16/15**

notes: Requires any applicant for registration as a surface transportation and removal service to include the name of a manager of record on its application for registration and to notify the Board of Funeral Directors and Embalmers within 30 days of any change in the manager of record.

**HB 2123 - Head - Funeral services; practice does not include sale of caskets. (H) Committee on Health, Welfare and Institutions (H) Left in Health, Welfare and Institutions 02/11/15**

notes: Provides that the sale of caskets by a wholesale distributor that operates a retail establishment for the purpose of selling caskets directly to the public does not constitute the practice of funeral services.

**HB 2361 - Simon - Employees; person who is summoned to serve jury duty. (H) Committee on Commerce and Labor (H) Tabled in Commerce and Labor 02/05/15**

notes: Requires employers, including the Commonwealth and localities, to provide to employees summoned to serve on jury duty the protections set forth in § 18.2-465.1. With certain exceptions, the employee is entitled to his usual compensation for periods he is excused, though the employer may deduct from such compensation any payments the employee receives for the jury service. The measure creates a private cause of action for an employee who is discharged, demoted, or suspended in violation of these provisions.

**SB 619 - Martin - Income tax, corporate; eliminates tax for taxable years beginning on or after January 1, 2015. (S) Committee on Finance (S) Left in Finance 12/04/14**

notes: Eliminates the corporate income tax for taxable years beginning on or after January 1, 2015, by setting the rate of the tax at zero percent.

**SB 681 - Marsden - Minimum wage; increases from its current federally mandated level to \$8.00 per hour. (S) Committee on Commerce and Labor (S) Passed by indefinitely in Commerce and Labor (11-Y 3-N) 01/19/15**

notes: Increases the minimum wage from its current federally mandated level of \$7.25 per hour to \$8.00 per hour effective July 1, 2015, to \$9.00 per hour effective July 1, 2016, and to \$10.10 per hour effective July 1, 2017, unless a higher minimum wage is required by the federal Fair Labor Standards Act (FLSA).

**SB 706 - Puller - Minimum wage; increases from its current federally mandated level to \$8.00 per hour. (S) Committee on Commerce and Labor (S) Stricken at request of Patron in Commerce and Labor (14-Y 0-N) 01/19/15**

notes: Increases the minimum wage from its current federally mandated level of \$7.25 per hour to \$8.00 per hour effective July 1, 2015, unless a higher minimum wage is required by the federal Fair Labor Standards Act. The measure also provides that the cash wage paid to a tipped employee shall not be less than 50 percent of the minimum wage, and that the tip credit shall equal the difference between the cash wage required to be paid to a tipped employee and the minimum wage.

**SB 864 - Chafin - Cemeteries; access when located on private property. (S) Committee on General Laws and Technology (S) Stricken at request of Patron in General Laws and Technology (15-Y 0-N) 01/26/15**

notes: Adds to a lessee of private property on which a cemetery is located the duty to provide access. Currently, the duty is on only the owner of such property. The bill also provides that if a locked gate controls entry to a cemetery located on private property, the owner or lessee shall either provide the persons permitted access with a key or ensure that the gate is unlocked as needed to permit such access as required by law.

**SB 895 - Alexander - Funeral Directors and Embalmers, Board of; clarifies definition of embalming. (H) Committee on Health, Welfare and Institutions (S) Committee on Education and Health (G) Acts of Assembly Chapter text (CHAP0534) 03/23/15**

notes: Clarifies the definition of "embalming" to include details on the process and its purpose; eliminates the requirement that the Board of Funeral Directors and Embalmers offer examinations for licensure at least quarterly; adds mental or physical incapacity to practice his profession with safety to the public to the list of causes for which the Board may refuse to admit a candidate to an examination or may suspend, revoke, or refuse to issue a license; eliminates the requirement that all licenses be signed by the president and secretary of the Board and stamped with the seal of the Board; and makes other technical changes to provisions related to the Board.

**SB 944 - Favola - Home health and hospice organizations; reporting requirements concerning health professionals. (H) Committee on Health, Welfare and Institutions (S) Committee on Education and Health (G) Acts of Assembly Chapter text (CHAP0119) 03/16/15**

notes: Adds the director of a licensed home health organization, the director of a licensed hospice organization and the director of an accredited home health organization exempt from licensure to the list of those persons required to report to the Director of the Department of Health Professions disciplinary actions against and certain disorders of health professionals. Current law requires the chief executive officer and chief of staff of a hospital or other health care institution and the administrator of an assisted living facility to make such reports. The bill contains technical amendments.

**SB 951 - Alexander - Dead bodies; disposition of remains or burial of decedent. (H) Committee on Health, Welfare and Institutions (S) Committee on Education and Health (G) Acts of Assembly Chapter text (CHAP0670) 03/27/15**

notes: Clarifies the role of a person other than a decedent's next of kin, a person designated to make arrangements for the decedent's burial or the disposition of his remains, an agent named in an advance directive, or a court-appointed guardian to make decisions regarding the disposition of a decedent's remains. The bill defines "disposition" as the burial, interment, entombment, cremation, or other authorized disposition of a dead body.

**SB 1106 - Alexander - Veterans; unclaimed cremains. (H) Committee on Health, Welfare and Institutions (S) Committee on General Laws and Technology (G) Acts of Assembly Chapter text (CHAP0138) 03/16/15**

notes: Authorizes a funeral director to notify a veterans service organization as an alternative to notifying the Department of Veterans Services (Department) when cremains remain unclaimed. The bill also requires the Department or a veterans service organization, in addition to determining if unclaimed cremains are those of a veteran as provided under current law, to determine if unclaimed cremains are those of a veteran's eligible dependent. The bill also authorizes a funeral director to transfer the cremains of an eligible veteran or his eligible dependent to a veterans service organization or the Department for the purpose of disposition of such cremains and provides that absent bad faith or malicious intent no funeral director or veterans service organization is liable for civil negligence for actions permitted under the law. The bill also changes from 30 days to 45 days the time in which the Department or veterans service organization is required to notify the funeral director if the cremains are those of a veteran or eligible dependent. The bill makes technical changes.

**SB 1197 - Norment - Hospitals; establishing policies to follow when a stillbirth occurs, reporting. (H) Committee on Health, Welfare and Institutions (S) Committee on Education and Health (G) Acts of Assembly Chapter text (CHAP0661) 03/26/15**

notes: Requires the State Board of Health to adopt regulations that require any hospital that provides obstetrical services to establish policies to follow when a stillbirth occurs. The policies include certain procedures to follow when informing the mother, certain information to provide to the mother and family, and other procedures recognizing the sensitivity of the situation.

**SB 1434 - Hanger - Dead bodies; disposition, identification of decedent. (H) Committee on Health, Welfare and Institutions (S) Committee on Education and Health (G) Acts of Assembly Chapter text (CHAP0658) 03/26/15**

notes: Provides that in cases in which the identity of a decedent and the county or city in which the decedent resided at the time of death are known, the person or institution having initial custody of the dead body shall notify the primary law-enforcement agency for the county or city in which the decedent resided of the decedent's death, and such law-enforcement agency shall make good faith efforts to identify and notify the next of kin of the decedent. Currently, the primary law-enforcement agency for the county or city in which the person or institution having initial custody of the dead body is located is responsible for making good faith efforts to identify the decedent and notify the decedent's next of kin.