

SENATE BILL NO. 153

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on General Laws and Technology

on \_\_\_\_\_)

(Patron Prior to Substitute—Senator Locke)

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

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

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

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

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

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

1. Exercise their respective powers and duties in accordance with the general policy established by the Governor or by the Secretary acting on behalf of the Governor;

27 2. Provide such assistance to the Governor or the Secretary as may be required; and

28 3. Forward all reports to the Governor through the Secretary.

29 C. Unless the Governor expressly reserves such power to himself and except as provided in Article  
30 4 (§ 2.2-208 et seq.), each Secretary may:

31 1. Resolve administrative, jurisdictional, operational, program, or policy conflicts between  
32 agencies or officials assigned;

33 2. Direct the formulation of a comprehensive program budget for the functional area identified in  
34 § 2.2-1508 encompassing the services of agencies assigned for consideration by the Governor;

35 3. Hold agency heads accountable for their administrative, fiscal and program actions in the  
36 conduct of the respective powers and duties of the agencies;

37 4. Direct the development of goals, objectives, policies and plans that are necessary to the effective  
38 and efficient operation of government;

39 5. Sign documents on behalf of the Governor that originate with agencies assigned to the Secretary;  
40 and

41 6. Employ such personnel and to contract for such consulting services as may be required to  
42 perform the powers and duties conferred upon the Secretary by law or executive order.

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

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

51 **§ 2.2-205. Economic development policy for the Commonwealth.**

52 A. During the first year of each new gubernatorial administration, the Secretary, with the assistance  
53 of a cabinet-level committee appointed in accordance with subsection B, shall develop and implement a

54 written comprehensive economic development policy for the Commonwealth. In developing this policy,  
55 the Secretary and the committee shall review the economic development policy in effect at the  
56 commencement of the Governor's term of office. The Secretary shall make such revisions to the existing  
57 policy as the Secretary deems necessary to ensure that it is appropriate for the Commonwealth. Once the  
58 policy has been adopted by the Secretary and the committee and approved by the Governor, it shall be  
59 submitted to the General Assembly for its consideration.

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

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

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

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

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

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

85 B. The Secretary shall be responsible for:

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

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

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

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

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

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

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

99 **§ 2.2-602. Duties of agencies and their appointing authorities; establishment of personnel**  
100 **standards; diversity, equity, and inclusion strategic plans.**

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

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

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

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

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

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

120 The plan shall integrate the diversity, equity, and inclusion goals into the agency's mission,  
121 operations, programs, and infrastructure to enhance equitable opportunities for the populations served by  
122 the agency and to foster an increasingly diverse, equitable, and inclusive workplace environment.

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

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

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

133 **§ 2.2-2497. Membership; terms; compensation and expenses.**

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

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

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

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

152 D. Members of the Board shall receive no compensation for their services but shall be reimbursed  
153 for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§  
154 2.2-2813 and 2.2-2825.

155 **§ 2.2-2499.5. Cannabis Equity Reinvestment Board; purpose; membership; quorum;**  
156 **meetings.**

157 A. The Cannabis Equity Reinvestment Board (the Board) is established as a policy board in the  
158 executive branch of state government. The purpose of the Board is to directly address the impact of  
159 economic disinvestment, violence, and historical overuse of criminal justice responses to community and

160 individual needs by providing resources to support local design and control of community-based responses  
161 to such impacts.

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

181 The Secretaries of Diversity, Equity, and Inclusion, Education, Health and Human Resources, and  
182 Public Safety and Homeland Security, ~~the Director of Diversity, Equity, and Inclusion~~, the Chief  
183 Workforce Development Advisor, and the Attorney General or their designees shall serve ex officio with  
184 voting privileges. The Chief Executive Officer of the Virginia Cannabis Control Authority or his designee  
185 shall serve ex officio without voting privileges.

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

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

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

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

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

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

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

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

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

209 6. Submit an annual report to the Governor and the General Assembly for publication as a report  
210 document as provided in the procedures of the Division of Legislative Automated Systems for the  
211 processing of legislative documents and reports. The chairman shall submit to the Governor and the  
212 General Assembly an annual executive summary of the interim activity and work of the Council no later



213 than the first day of each regular session of the General Assembly. The executive summary shall be  
214 submitted as a report document as provided in the procedures of the Division of Legislative Automated  
215 Systems for the processing of legislative documents and reports and shall be posted on the General  
216 Assembly's website.

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

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

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

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

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

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

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

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

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

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

243 The Board shall have the following powers and duties:

244 1. Promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.)  
245 and § 4.1-606;

246 2. Control the possession, sale, transportation, and delivery of marijuana and marijuana products;

247 3. Grant, suspend, and revoke licenses for the cultivation, manufacture, distribution, sale, and  
248 testing of marijuana and marijuana products as provided by law;

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

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

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

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

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

260 9. Establish a Cannabis Business Equity and Diversity Support Team, which shall (i) develop  
261 requirements for the creation and submission of diversity, equity, and inclusion plans by persons who wish  
262 to possess a license in more than one license category pursuant to subsection C of § 4.1-805, which may  
263 include a requirement that the licensee participate in social equity apprenticeship plan, and an approval  
264 process and requirements for implementation of such plans; (ii) be responsible for conducting an analysis  
265 of potential barriers to entry for small, women-owned, and minority-owned businesses and veteran-owned

266 businesses interested in participating in the marijuana industry and recommending strategies to effectively  
267 mitigate such potential barriers; (iii) provide assistance with business planning for potential marijuana  
268 establishment licensees; (iv) spread awareness of business opportunities related to the marijuana  
269 marketplace in areas disproportionately impacted by marijuana prohibition and enforcement; (v) provide  
270 technical assistance in navigating the administrative process to potential marijuana establishment  
271 licensees; and (vi) conduct other outreach initiatives in areas disproportionately impacted by marijuana  
272 prohibition and enforcement as necessary;

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

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

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

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

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

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

289 16. Employ, at its discretion, consultants, researchers, architects, engineers, accountants, financial  
290 experts, investment bankers, superintendents, managers, and such other employees and special agents as  
291 may be necessary and fix their compensation to be payable from funds made available to the Authority.

292 Legal services for the Authority shall be provided by the Attorney General in accordance with Chapter 5  
293 (§ 2.2-500 et seq.) of Title 2.2;

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

303 18. Adopt, alter, and repeal bylaws, rules, and regulations governing the manner in which its  
304 business shall be transacted and the manner in which the powers of the Authority shall be exercised and  
305 its duties performed. The Board may delegate or assign any duty or task to be performed by the Authority  
306 to any officer or employee of the Authority. The Board shall remain responsible for the performance of  
307 any such duties or tasks. Any delegation pursuant to this subdivision shall, where appropriate, be  
308 accompanied by written guidelines for the exercise of the duties or tasks delegated. Where appropriate,  
309 the guidelines shall require that the Board receive summaries of actions taken. Such delegation or  
310 assignment shall not relieve the Board of the responsibility to ensure faithful performance of the duties  
311 and tasks;

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

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

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

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

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

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

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

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

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

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

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

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

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

362           32. Develop and make available on its website a resource that provides information regarding (i)  
363 responsible marijuana consumption; (ii) health risks and other dangers associated with marijuana  
364 consumption, including inability to operate a motor vehicle and other types of transportation and  
365 equipment; and (iii) ancillary effects of marijuana consumption, including ineligibility for certain  
366 employment opportunities. The Board shall require that the web address for such resource be included on  
367 the label of all retail marijuana and retail marijuana product as provided in § 4.1-1402; and

368           33. Do all acts necessary or advisable to carry out the purposes of this subtitle.

369           **§ 22.1-208.02. Culturally Relevant and Inclusive Education Practices Advisory Committee.**

370           A. The Department of Education, in consultation with the ~~Commonwealth's Director~~ Secretary of  
371 Diversity, Equity, and Inclusion, shall establish and appoint such members as deemed appropriate to the

372 Culturally Relevant and Inclusive Education Practices Advisory Committee (the Advisory Committee)  
373 for the purpose of strengthening culturally relevant education practices and supporting anti-bias education  
374 and response in the Commonwealth. The Advisory Committee shall include but not be limited to a  
375 geographically, ethnically, and religiously diverse representation of teachers, curriculum specialists,  
376 principals, superintendents, advocates, higher education institutions, parents, legislators, and community-  
377 based organizations. The Advisory Committee shall report its recommendations to the Board of Education,  
378 the Governor, and the Chairpersons of the House Committee on Education and the Senate Committee on  
379 Education and Health no later than July 1, 2021. The Committee shall issue interim reports as it deems  
380 necessary.

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

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

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

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

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

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

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

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

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

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

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

407 6. Updates to the Department of Education's teacher's manual, as required by action taken by the  
408 2009 Session of the General Assembly, that emphasizes the causes and ramifications of the Holocaust and  
409 genocide.

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

- 416 1. The policies and regulations governing teacher preparation programs; and
- 417 2. The policies and regulations governing teacher licensure and professional development  
418 requirements for licensure renewal.

419 **§ 22.1-365. Membership; terms; quorum; meetings.**

420 A. The Board shall have a total membership of 16 members that shall consist of 10 nonlegislative  
421 citizen members and six ex officio members. Nonlegislative citizen members to be appointed by the  
422 Governor shall represent or have STEM experience with the public and private sector, industry partners,  
423 environmental organizations, and both formal and informal STEM educational organizations. The  
424 Director of the Science Museum of Virginia, the Superintendent of Public Instruction, and the Director of  
425 the State Council of Higher Education for Virginia, or their designees, shall serve ex officio with full



426 voting privileges. The Secretary of Education; the ~~Director~~ Secretary of Diversity, Equity, and Inclusion  
427 ~~for the Commonwealth~~; and the Chief Workforce Development Officer for the Commonwealth, or their  
428 designees, shall serve ex officio without voting privileges. Nonlegislative citizen members of the Board  
429 shall be citizens of the Commonwealth.

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

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

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

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

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

- 452           1. In coordination with political subdivisions and state agencies, ensure that the Commonwealth  
453 has up-to-date assessments and preparedness plans to prevent, respond to, and recover from all disasters  
454 including acts of terrorism;
- 455           2. Conduct a statewide emergency management assessment in cooperation with political  
456 subdivisions, private industry, and other public and private entities deemed vital to preparedness, public  
457 safety, and security. The assessment shall include a review of emergency response plans, which include  
458 the variety of hazards, natural and man-made. The assessment shall be updated annually;
- 459           3. Promulgate plans and programs that are conducive to adequate disaster mitigation preparedness,  
460 response, and recovery programs;
- 461           4. Prepare and maintain a State Emergency Operations Plan for disaster response and recovery  
462 operations that assigns primary and support responsibilities for basic emergency services functions to state  
463 agencies, organizations, and personnel as appropriate;
- 464           5. Coordinate and administer disaster mitigation, preparedness, response, and recovery plans and  
465 programs with the proponent federal, state, and local government agencies and related groups;
- 466           6. Provide guidance and assistance to state agencies and units of local government in developing  
467 and maintaining emergency management and continuity of operations (COOP) programs, plans, and  
468 systems;
- 469           7. Make necessary recommendations to agencies of the federal, state, or local governments on  
470 preventive and preparedness measures designed to eliminate or reduce disasters and their impact;
- 471           8. Determine requirements of the Commonwealth and its political subdivisions for those  
472 necessities needed in the event of a declared emergency which are not otherwise readily available;
- 473           9. Assist state agencies and political subdivisions in establishing and operating training programs  
474 and programs of public information and education regarding emergency services and disaster  
475 preparedness activities;
- 476           10. Consult with the Board of Education regarding the development and revision of a model school  
477 crisis and emergency management plan for the purpose of assisting public schools in establishing,  
478 operating, and maintaining emergency services and disaster preparedness activities;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

524 4. Establishing and maintaining liaison with affected political subdivisions;

525 5. Determining requirements for disaster relief and recovery assistance;

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

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

529 D. The Department of Emergency Management shall be provided the necessary facilities and  
530 equipment needed to perform its normal day-to-day activities and coordinate disaster-related activities of

531 the various federal, state, and other agencies during a state of emergency declaration by the Governor or  
532 following a major disaster declaration by the President.

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

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

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

- 545 1. Coordinating the search and rescue function of the Department of Emergency Management;
- 546 2. Coordinating with local, state, and federal agencies involved in search and rescue;
- 547 3. Coordinating the activities of search and rescue organizations involved in search and rescue;
- 548 4. Maintaining a register of search and rescue certifications, training, and responses;
- 549 5. Establishing a memorandum of understanding with the Virginia Search and Rescue Council and  
550 its respective member agencies regarding search and rescue efforts;
- 551 6. Providing on-scene search and rescue coordination when requested by an authorized person;
- 552 7. Providing specialized search and rescue training to police, fire-rescue, EMS, emergency  
553 managers, volunteer search and rescue responders, and others who might have a duty to respond to a  
554 search and rescue emergency;
- 555 8. Gathering and maintaining statistics on search and rescue in the Commonwealth;
- 556 9. Compiling, maintaining, and making available an inventory of search and rescue resources  
557 available in the Commonwealth; and

558 10. Periodically reviewing search and rescue cases and developing best professional practices.  
559 Nothing in this chapter shall be construed as authorizing the Department of Emergency  
560 Management to take direct operational responsibilities from local, state, or federal law enforcement in the  
561 course of search and rescue or missing person cases.

562 **2. That § 2.2-435.12 of the Code of Virginia is repealed.**

563 #