

The 2019 Virginia General Assembly Legislative Session lasted 46 days this year and brought over 3,000 bills and resolutions with nearly 1,900 going to Governor Northam for action.

Fire Programs pursued three bills and tracked a total of 18 bills and resolutions that affect Virginia's Fire Service. Here is a list of the 11 bills and one resolution that go into effect on Monday, July 1.

*\*Note:* The bill otherwise known as the "cancer bill" among Virginia's Fire Service will be revisited during the 2020 Legislative Session and is under review by the Joint Legislative Audit and Review Commission (JLARC).

- **\*HB 1804 – Hugo – Workers' compensation; presumption of compensability for certain diseases, review of program.** Adds cancers of the colon, brain, or testes to the list of cancers that are presumed to be an occupational disease covered by the Virginia Workers' Compensation Act when firefighters and certain employees develop the cancer. The measure will become effective if reenacted by the 2020 Session of the General Assembly. The measure also directs the 2020 Session of the General Assembly, in considering and enacting any legislation relating to workers' compensation and the presumption of compensability for certain cancers, to consider any research, findings, and recommendations from the Joint Legislative Audit and Review Commission's review of the Virginia Workers' Compensation program. The provisions of this bill do not become effective unless reenacted by the 2020 Session of the General Assembly.

*Resolution:*

- **HJ 646 – Mullin – First Responders Day.** Designates September 11, in 2019 and in each succeeding year, as First Responders Day in Virginia.

*VDFP Bills:*

- **HB 2093 – Guzman – Virginia Fire Services Board; changes membership.** Changes the membership of the Virginia Fire Services Board by removing a member of the Virginia Society of Fire Service Instructors and the State Fire Marshal and adding a certified Virginia fire service instructor and a local fire marshal.
- **SB 1411- Mason – Burn buildings; change in terminology.** Changes the term "burn buildings" in the Code of Virginia to "live fire training structures" to conform to the terminology used by the National Fire Protection Association and the Virginia Department of Fire Programs.
- **SB 1625 – McPike – Statewide Fire Prevention Code; changes definition of permissible fireworks.** "Permissible fireworks" means any fountains that do not emit sparks or other burning effects to a distance greater than five meters (16.4 feet); wheels that do not emit a flame radius greater than one meter (39 inches); crackling devices and flashers or strobes that do not emit sparks or other burning effects to a distance greater than two meters (78.74 inches); and sparkling devices or other fireworks devices that (i) do not explode or produce a report, (ii) do not travel horizontally or vertically under their own power, (iii) do not emit or function as a projectile, (iv) do not produce a continuous flame longer than 20 inches, (v) are not capable of

being reloaded, and (vi) if designed to be ignited by a fuse, have a fuse that is protected to resist side ignition and a burning time of not less than four seconds and not more than eight seconds.

*Additional Virginia Fire Service Bills:*

- **HB 1725 – Knight – Public school building security enhancements;** compliance with Uniform Statewide Building Code, etc. Each school board shall, in consultation with the local building official and the state or local fire marshal, develop a procurement plan to ensure that all security enhancements to public school buildings are in compliance with the Uniform Statewide Building Code (§ 36-97 et seq.) and Statewide Fire Prevention Code (§ 27-94 et seq.).
- **HB 1911 – Peace – Duties of drivers approaching stationary vehicles displaying certain warning lights; penalty.** Makes a driver’s failure to move into a nonadjacent lane on a highway with at least four lanes when approaching a stationary vehicle displaying flashing, blinking, or alternating blue, red, or amber lights, or, if changing lanes would be unreasonable or unsafe, to proceed with due caution and maintain a safe speed, reckless driving, which is punishable as a Class 1 misdemeanor. Under current law, a first such offense is a traffic infraction punishable by a fine of not more than \$250, and a second such offense is punishable as a Class 1 misdemeanor.
- **HB 1966 – Yancey – Uniform Statewide Building Code; issuance of building permits.** Requires any fees that are levied by a local governing body in order to defray the cost of Building Code enforcement and appeals, with the exception of the levy imposed for the support of training programs of the Building Code Academy, be used only to support the functions of the local building department. The bill also requires local building departments, when denying an application for the issuance of a building permit, to provide to the applicant a written explanation detailing the reasons for which the application was denied. The bill provides that the applicant may submit a revised application addressing the reasons for which the application was previously denied and that, if the applicant does so, the local building department shall be encouraged, but not required, to limit its review of the revised application to only those portions of the application that were previously deemed inadequate and that the applicant has revised.
- **HB 2263 – Krizek – Firefighters and Emergency Medical Technicians Procedural Guarantee Act;** breach of procedures, etc. Provides that any Evidence gathered through the conduct of an interrogation that violates the provisions of this chapter shall not be admissible in any administrative hearing against a firefighter or “emergency medical services personnel
- **HB 2762 – Bulova – Firefighting foam management; use of foam that contains PFAS chemicals.** Firefighting foam management. Prohibits, beginning July 1, 2021, the use for training purposes or for testing, with some exceptions, of a class B firefighting foam that contains intentionally added PFAS chemicals, as defined in the bill.
- **SB 1494 – Edwards – Firefighters and Emergency Medical Technicians Procedural Guarantee Act;** Prohibits evidence gathered through the conduct of an interrogation that violates the provisions of the Firefighters and Emergency Medical Technicians Procedural Guarantee Act from being admissible in any case against a firefighter or emergency medical services personnel.
- **SB 1755 – Hanger – Changes to Codes for safety measures for schools.** Directs the Department of Housing and Community Development to convene stakeholders representing entities that enforce the Uniform Statewide Building Code and the Statewide Fire Prevention Code and other law-enforcement organizations to develop proposals for changes to each such code for submission to the Board of Housing and Community Development. Such proposals shall have the goal of assisting in the provision of safety and security measures for the

Commonwealth's public or private elementary and secondary schools and public or private institutions of higher education for active shooter or hostile threats. The review conducted by the stakeholders shall include the examination of (i) locking devices, (ii) barricade devices, and (iii) other safety measures that may be utilized in an active shooter or hostile threat situation that occurs in any classroom or other area where students are located for a finite period of time.

- **SB 1774 – Edwards – Automatic fire sprinkler inspectors; requirement for licensure, certification.** Creates the classification of fire sprinkler contractor for the purpose of licensure by the Board for Contractors (the Board). The bill also creates a certification for automatic fire sprinkler inspectors and prohibits any person from conducting inspections of automatic fire sprinkler systems unless he maintains or is accompanied by a person who maintains a Level II or higher NICET certification. The bill requires the Board to promulgate regulations requiring continuing education and knowledge of the Statewide Fire Prevention Code as prerequisites for certification renewal as an automatic fire sprinkler inspector. The provisions of the bill mandating NICET certification have a delayed effective date of July 1, 2021.