

25104198D

SENATE BILL NO. 972

Offered January 8, 2025

Prefiled January 6, 2025

A BILL to amend the Code of Virginia by adding in Title 9.1 a chapter numbered 16, consisting of a section numbered 9.1-1600, relating to Emergency Response Exposure Grant Fund and Program.

Patron—Rouse

Referred to Committee on General Laws and Technology

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 9.1 a chapter numbered 16, consisting of a section numbered 9.1-1600, as follows:

CHAPTER 16.

EMERGENCY RESPONSE EXPOSURE GRANT FUND AND PROGRAM.

§ 9.1-1600. Emergency Response Exposure Grant Fund and Program.

A. As used in this chapter:

"Eligible emergency responder" means (i) a firefighter, a law-enforcement officer, an emergency medical services responder, or hazardous materials personnel that is either employed by a locality or performing such services as a bona fide volunteer for a locality and responds to a qualifying emergency; (ii) any other local government employee responding to a qualifying emergency, including public works and animal control personnel; and (iii) an employee of the Virginia State Police, Virginia Department of Emergency Management, Virginia Department of Transportation, or Virginia Department of Fire Programs that responds to a qualifying emergency.

"Event of unusual risk" means an emergency incident (i) that significantly impacts the life and safety of responders, the general public, or critical infrastructure in the Commonwealth; (ii) for which incident site practices are implemented to manage overall risk, including establishing incident exclusion zones and directives to utilize protective equipment provided by the jurisdictional authority; (iii) where tactical operations and needs in the incident exclusion zone must be identified and assigned to responders; and (iv) that may involve situations of (a) large amounts of toxic materials requiring emergency planning, such as an emergency action plan required by the U.S. Occupational Safety and Health Administration (29 C.F.R. § 1910.38) or the planning requirements of the Emergency Planning and Community Right-to-Know Act (40 C.F.R. Part 355, Subpart B), (b) certain dangerous materials regulated by the U.S. Department of Transportation's Pipeline and Hazardous Materials Safety Administration, (c) any Group 1 materials or chemicals identified by the International Agency for Research on Cancer as carcinogenic to humans, or (d) any unusual or highly specialized chemicals used in research, high-tech, or military applications that are toxic.

"Qualifying emergency" means an emergency incident where eligible emergency responders are exposed to an event of unusual risk.

B. That there is hereby created in the state treasury a special nonreverting fund to be known as the Emergency Response Exposure Grant Fund, referred to in this section as "the Fund." The Fund shall be established on the books of the Comptroller. All funds appropriated for such purpose and any gifts, donations, grants, bequests, and other funds received on its behalf shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes of (i) awarding grants to localities for eligible emergency responders through the Emergency Response Exposure Grant Program and (ii) implementing and administering such grant program as provided in subsection C. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Executive Director of the Department of Fire Programs.

C. 1. The Emergency Response Exposure Grant Program (the Program) is hereby established for the purpose of awarding grants from such funds as may be available from the Fund to localities for providing support to eligible emergency responders to qualifying emergencies. The Program shall be administered by the Department of Fire Programs. In administering the Program, the Department of Fire Programs shall establish and publish guidelines and criteria for grant awards subject to appropriation, including guidelines and criteria that determine grant eligibility based on types of qualifying emergencies and application requirements for eligible emergency responders.

2. Grant awards shall, at a minimum, be used for annual cancer screenings for eligible emergency

59 responders and to provide financial support for health care expenses in the event such responders develop  
60 cancer from toxic material exposure in a qualifying emergency. Grant awards may be used to provide  
61 financial support for out-of-pocket medical expenses incurred by an eligible emergency responder due to a  
62 qualifying emergency after deducting any workers' compensation, insurance, and any other local, state, or  
63 federal benefits received by an eligible emergency responder. The Department of Fire Programs shall  
64 oversee each grant awarded through the Program and ensure thorough reporting on each such grant.

65 **2. That for purposes of the Emergency Response Exposure Grant Fund and Program established**  
66 **pursuant to § 9.1-1600 of the Code of Virginia, as created by this act, the 2012 incident in which a**  
67 **United States Navy jet crashed into a Virginia Beach apartment complex shall be a qualifying**  
68 **emergency as defined in § 9.1-1600 of the Code of Virginia, as created by this act, for which grant**  
69 **funding may be available.**

70 **3. That for purposes of the Emergency Response Exposure Grant Fund and Program established**  
71 **pursuant to § 9.1-1600 of the Code of Virginia, as created by this act, and except as provided in the**  
72 **second enactment of this act, localities shall have six months from the date applications for such**  
73 **Program are made available by the Virginia Department of Fire Programs to apply for grant funding**  
74 **for a qualifying emergency as defined in § 9.1-1600 of the Code of Virginia, as created by this act, that**  
75 **occurred before July 1, 2025.**