

26102501D

**SENATE BILL NO. 390**

Offered January 14, 2026

Prefiled January 13, 2026

A BILL to amend and reenact §§ 2.2-3705.6, 2.2-3711, as it is currently effective and as it shall become effective, 3.2-1100, 3.2-1104, 3.2-1105, 3.2-1106, 10.1-1458, and 15.2-2103.1 of the Code of Virginia and to repeal Chapter 12 (§§ 3.2-1200 through 3.2-1217) of Title 3.2 of the Code of Virginia, relating to Apple Board; repeal.

## Patron—French

Referred to Committee on Agriculture, Conservation and Natural Resources

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

1. That §§ 2.2-3705.6, 2.2-3711, as it is currently effective and as it shall become effective, 3.2-1100, 3.2-1104, 3.2-1105, 3.2-1106, 10.1-1458, and 15.2-2103.1 of the Code of Virginia are amended and reenacted as follows:

**§ 2.2-3705.6. Exclusions to application of chapter; proprietary records and trade secrets.**

The following information contained in a public record is excluded from the mandatory disclosure provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law. Redaction of information excluded under this section from a public record shall be conducted in accordance with § 2.2-3704.01.

1. Proprietary information gathered by or for the Virginia Port Authority as provided in § 62.1-132.4 or 62.1-134.1.

2. Financial statements not publicly available filed with applications for industrial development financings in accordance with Chapter 49 (§ 15.2-4900 et seq.) of Title 15.2.

3. Proprietary information, voluntarily provided by private business pursuant to a promise of confidentiality from a public body, used by the public body for business, trade, and tourism development or retention; and memoranda, working papers, or other information related to businesses that are considering locating or expanding in Virginia, prepared by a public body, where competition or bargaining is involved and where disclosure of such information would adversely affect the financial interest of the public body.

4. Information that was filed as confidential under the Toxic Substances Information Act (§ 32.1-239 et seq.), as such Act existed prior to July 1, 1992.

5. Fisheries data that would permit identification of any person or vessel, except when required by court order as specified in § 28.2-204.

6. Confidential financial statements, balance sheets, trade secrets, and revenue and cost projections provided to the Department of Rail and Public Transportation, provided such information is exempt under the federal Freedom of Information Act or the federal Interstate Commerce Act or other laws administered by the Surface Transportation Board or the Federal Railroad Administration with respect to data provided in confidence to the Surface Transportation Board and the Federal Railroad Administration.

7. Proprietary information related to inventory and sales, voluntarily provided by private energy suppliers to the Department of Energy, used by that Department for energy contingency planning purposes or for developing consolidated statistical information on energy supplies.

8. Confidential proprietary information furnished to the Board of Medical Assistance Services or the Medicaid Prior Authorization Advisory Committee pursuant to Article 4 (§ 32.1-331.12 et seq.) of Chapter 10 of Title 32.1.

9. Proprietary, commercial or financial information, balance sheets, trade secrets, and revenue and cost projections provided by a private transportation business to the Virginia Department of Transportation and the Department of Rail and Public Transportation for the purpose of conducting transportation studies needed to obtain grants or other financial assistance under the Transportation Equity Act for the 21st Century (P.L. 105-178) for transportation projects if disclosure of such information is exempt under the federal Freedom of Information Act or the federal Interstate Commerce Act or other laws administered by the Surface Transportation Board or the Federal Railroad Administration with respect to data provided in confidence to the Surface Transportation Board and the Federal Railroad Administration. However, the exclusion provided by this subdivision shall not apply to any wholly owned subsidiary of a public body.

10. Confidential information designated as provided in subsection F of § 2.2-4342 as trade secrets or proprietary information by any person in connection with a procurement transaction or by any person who has submitted to a public body an application for prequalification to bid on public construction projects in accordance with subsection B of § 2.2-4317.

11. a. Memoranda, staff evaluations, or other information prepared by the responsible public entity, its

59 staff, outside advisors, or consultants exclusively for the evaluation and negotiation of proposals filed under  
60 the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.) or the Public-Private Education Facilities  
61 and Infrastructure Act of 2002 (§ 56-575.1 et seq.) where (i) if such information was made public prior to or  
62 after the execution of an interim or a comprehensive agreement, § 33.2-1820 or 56-575.17 notwithstanding,  
63 the financial interest or bargaining position of the public entity would be adversely affected and (ii) the basis  
64 for the determination required in clause (i) is documented in writing by the responsible public entity; and

65 b. Information provided by a private entity to a responsible public entity, affected jurisdiction, or affected  
66 local jurisdiction pursuant to the provisions of the Public-Private Transportation Act of 1995 (§ 33.2-1800 et  
67 seq.) or the Public-Private Education Facilities and Infrastructure Act of 2002 (§ 56-575.1 et seq.) if  
68 disclosure of such information would reveal (i) trade secrets of the private entity; (ii) financial information of  
69 the private entity, including balance sheets and financial statements, that are not generally available to the  
70 public through regulatory disclosure or otherwise; or (iii) other information submitted by the private entity  
71 where if such information was made public prior to the execution of an interim agreement or a  
72 comprehensive agreement, the financial interest or bargaining position of the public or private entity would  
73 be adversely affected. In order for the information specified in clauses (i), (ii), and (iii) to be excluded from  
74 the provisions of this chapter, the private entity shall make a written request to the responsible public entity:

75 (1) Invoking such exclusion upon submission of the data or other materials for which protection from  
76 disclosure is sought;

77 (2) Identifying with specificity the data or other materials for which protection is sought; and

78 (3) Stating the reasons why protection is necessary.

79 The responsible public entity shall determine whether the requested exclusion from disclosure is  
80 necessary to protect the trade secrets or financial information of the private entity. To protect other  
81 information submitted by the private entity from disclosure, the responsible public entity shall determine  
82 whether public disclosure prior to the execution of an interim agreement or a comprehensive agreement  
83 would adversely affect the financial interest or bargaining position of the public or private entity. The  
84 responsible public entity shall make a written determination of the nature and scope of the protection to be  
85 afforded by the responsible public entity under this subdivision. Once a written determination is made by the  
86 responsible public entity, the information afforded protection under this subdivision shall continue to be  
87 protected from disclosure when in the possession of any affected jurisdiction or affected local jurisdiction.

88 Except as specifically provided in subdivision 11 a, nothing in this subdivision shall be construed to  
89 authorize the withholding of (a) procurement records as required by § 33.2-1820 or 56-575.17; (b) information concerning the terms and conditions of any interim or comprehensive agreement, service  
90 contract, lease, partnership, or any agreement of any kind entered into by the responsible public entity and the  
91 private entity; (c) information concerning the terms and conditions of any financing arrangement that  
92 involves the use of any public funds; or (d) information concerning the performance of any private entity  
93 developing or operating a qualifying transportation facility or a qualifying project.

94 For the purposes of this subdivision, the terms "affected jurisdiction," "affected local jurisdiction,"  
95 "comprehensive agreement," "interim agreement," "qualifying project," "qualifying transportation facility,"  
96 "responsible public entity," and "private entity" shall mean the same as those terms are defined in the  
97 Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.) or in the Public-Private Education Facilities  
98 and Infrastructure Act of 2002 (§ 56-575.1 et seq.).

99 12. Confidential proprietary information or trade secrets, not publicly available, provided by a private  
100 person or entity pursuant to a promise of confidentiality to the Virginia Resources Authority or to a fund  
101 administered in connection with financial assistance rendered or to be rendered by the Virginia Resources  
102 Authority where, if such information were made public, the financial interest of the private person or entity  
103 would be adversely affected.

104 13. Trade secrets or confidential proprietary information that is not generally available to the public  
105 through regulatory disclosure or otherwise, provided by a (i) bidder or applicant for a franchise or (ii)  
106 franchisee under Chapter 21 (§ 15.2-2100 et seq.) of Title 15.2 to the applicable franchising authority  
107 pursuant to a promise of confidentiality from the franchising authority, to the extent the information relates to  
108 the bidder's, applicant's, or franchisee's financial capacity or provision of new services, adoption of new  
109 technologies or implementation of improvements, where such new services, technologies, or improvements  
110 have not been implemented by the franchisee on a nonexperimental scale in the franchise area, and where, if  
111 such information were made public, the competitive advantage or financial interests of the franchisee would  
112 be adversely affected.

113 In order for trade secrets or confidential proprietary information to be excluded from the provisions of this  
114 chapter, the bidder, applicant, or franchisee shall (a) invoke such exclusion upon submission of the data or  
115 other materials for which protection from disclosure is sought, (b) identify the data or other materials for  
116 which protection is sought, and (c) state the reason why protection is necessary.

117 No bidder, applicant, or franchisee may invoke the exclusion provided by this subdivision if the bidder,  
118 applicant, or franchisee is owned or controlled by a public body or if any representative of the applicable  
119 franchising authority serves on the management board or as an officer of the bidder, applicant, or franchisee.

121 14. Information of a proprietary or confidential nature furnished by a supplier or manufacturer of  
 122 charitable gaming supplies to the Department of Agriculture and Consumer Services (i) pursuant to  
 123 subsection E of § 18.2-340.34 and (ii) pursuant to regulations promulgated by the Commissioner of  
 124 Agriculture and Consumer Services related to approval of electronic and mechanical equipment.

125 15. ~~Information related to Virginia apple producer sales provided to the Virginia State Apple Board  
 126 pursuant to § 3.2-1215.~~

127 16. Trade secrets submitted by CMRS providers as defined in § 56-484.12 to the former Wireless Carrier  
 128 E-911 Cost Recovery Subcommittee created pursuant to former § 56-484.15, relating to the provision of  
 129 wireless E-911 service.

130 17. 16. Information relating to a grant or loan application, or accompanying a grant or loan application, to  
 131 the Commonwealth Health Research Board pursuant to Chapter 5.3 (§ 32.1-162.23 et seq.) of Title 32.1 if  
 132 disclosure of such information would (i) reveal proprietary business or research-related information produced  
 133 or collected by the applicant in the conduct of or as a result of study or research on medical, rehabilitative,  
 134 scientific, technical, technological, or scholarly issues, when such information has not been publicly released,  
 135 published, copyrighted, or patented, and (ii) be harmful to the competitive position of the applicant.

136 18. 17. Confidential proprietary information and trade secrets developed and held by a local public body  
 137 (i) providing telecommunication services pursuant to § 56-265.4:4 and (ii) providing cable television services  
 138 pursuant to Article 1.1 (§ 15.2-2108.2 et seq.) of Chapter 21 of Title 15.2 if disclosure of such information  
 139 would be harmful to the competitive position of the locality.

140 In order for confidential proprietary information or trade secrets to be excluded from the provisions of this  
 141 chapter, the locality in writing shall (a) invoke the protections of this subdivision, (b) identify with specificity  
 142 the information for which protection is sought, and (c) state the reasons why protection is necessary.  
 143 However, the exemption provided by this subdivision shall not apply to any authority created pursuant to the  
 144 BVU Authority Act (§ 15.2-7200 et seq.).

145 19. 18. Confidential proprietary information and trade secrets developed by or for a local authority created  
 146 in accordance with the Virginia Wireless Service Authorities Act (§ 15.2-5431.1 et seq.) to provide  
 147 qualifying communications services as authorized by Article 5.1 (§ 56-484.7:1 et seq.) of Chapter 15 of Title  
 148 56, where disclosure of such information would be harmful to the competitive position of the authority,  
 149 except that information required to be maintained in accordance with § 15.2-2160 shall be released.

150 20. 19. Trade secrets or financial information of a business, including balance sheets and financial  
 151 statements, that are not generally available to the public through regulatory disclosure or otherwise, provided  
 152 to the Department of Small Business and Supplier Diversity as part of an application for certification as a  
 153 small, women-owned, or minority-owned business in accordance with Chapter 16.1 (§ 2.2-1603 et seq.). In  
 154 order for such trade secrets or financial information to be excluded from the provisions of this chapter, the  
 155 business shall (i) invoke such exclusion upon submission of the data or other materials for which protection  
 156 from disclosure is sought, (ii) identify the data or other materials for which protection is sought, and (iii) state  
 157 the reasons why protection is necessary.

158 21. 20. Information of a proprietary or confidential nature disclosed by a carrier to the State Health  
 159 Commissioner pursuant to §§ 32.1-276.5:1 and 32.1-276.7:1.

160 22. 21. Trade secrets, including, but not limited to, financial information, including balance sheets and  
 161 financial statements, that are not generally available to the public through regulatory disclosure or otherwise,  
 162 and revenue and cost projections supplied by a private or nongovernmental entity to the State Inspector  
 163 General for the purpose of an audit, special investigation, or any study requested by the Office of the State  
 164 Inspector General in accordance with law.

165 In order for the information specified in this subdivision to be excluded from the provisions of this  
 166 chapter, the private or nongovernmental entity shall make a written request to the State Inspector General:

167 a. Invoking such exclusion upon submission of the data or other materials for which protection from  
 168 disclosure is sought;

169 b. Identifying with specificity the data or other materials for which protection is sought; and  
 170 c. Stating the reasons why protection is necessary.

171 The State Inspector General shall determine whether the requested exclusion from disclosure is necessary  
 172 to protect the trade secrets or financial information of the private entity. The State Inspector General shall  
 173 make a written determination of the nature and scope of the protection to be afforded by it under this  
 174 subdivision.

175 23. 22. Information relating to a grant application, or accompanying a grant application, submitted to the  
 176 Tobacco Region Revitalization Commission that would (i) reveal (a) trade secrets, (b) financial information  
 177 of a grant applicant that is not a public body, including balance sheets and financial statements, that are not  
 178 generally available to the public through regulatory disclosure or otherwise, or (c) research-related  
 179 information produced or collected by the applicant in the conduct of or as a result of study or research on  
 180 medical, rehabilitative, scientific, technical, technological, or scholarly issues, when such information has not  
 181 been publicly released, published, copyrighted, or patented, and (ii) be harmful to the competitive position of  
 182 the applicant; and memoranda, staff evaluations, or other information prepared by the Commission or its staff

183 exclusively for the evaluation of grant applications. The exclusion provided by this subdivision shall apply to  
184 grants that are consistent with the powers of and in furtherance of the performance of the duties of the  
185 Commission pursuant to § 3.2-3103.

186 In order for the information specified in this subdivision to be excluded from the provisions of this  
187 chapter, the applicant shall make a written request to the Commission:

188 a. Invoking such exclusion upon submission of the data or other materials for which protection from  
189 disclosure is sought;

190 b. Identifying with specificity the data, information or other materials for which protection is sought; and  
191 c. Stating the reasons why protection is necessary.

192 The Commission shall determine whether the requested exclusion from disclosure is necessary to protect  
193 the trade secrets, financial information, or research-related information of the applicant. The Commission  
194 shall make a written determination of the nature and scope of the protection to be afforded by it under this  
195 subdivision.

196 24. 23. a. Information held by the Commercial Space Flight Authority relating to rate structures or charges  
197 for the use of projects of, the sale of products of, or services rendered by the Authority if disclosure of such  
198 information would adversely affect the financial interest or bargaining position of the Authority or a private  
199 entity providing the information to the Authority; or

200 b. Information provided by a private entity to the Commercial Space Flight Authority if disclosure of such  
201 information would (i) reveal (a) trade secrets of the private entity; (b) financial information of the private  
202 entity, including balance sheets and financial statements, that are not generally available to the public through  
203 regulatory disclosure or otherwise; or (c) other information submitted by the private entity and (ii) adversely  
204 affect the financial interest or bargaining position of the Authority or private entity.

205 In order for the information specified in clauses (a), (b), and (c) of subdivision 24 b to be excluded from  
206 the provisions of this chapter, the private entity shall make a written request to the Authority:

207 (1) Invoking such exclusion upon submission of the data or other materials for which protection from  
208 disclosure is sought;

209 (2) Identifying with specificity the data or other materials for which protection is sought; and  
210 (3) Stating the reasons why protection is necessary.

211 The Authority shall determine whether the requested exclusion from disclosure is necessary to protect the  
212 trade secrets or financial information of the private entity. To protect other information submitted by the  
213 private entity from disclosure, the Authority shall determine whether public disclosure would adversely affect  
214 the financial interest or bargaining position of the Authority or private entity. The Authority shall make a  
215 written determination of the nature and scope of the protection to be afforded by it under this subdivision.

216 25. 24. Information of a proprietary nature furnished by an agricultural landowner or operator to the  
217 Department of Conservation and Recreation, the Department of Environmental Quality, the Department of  
218 Agriculture and Consumer Services, or any political subdivision, agency, or board of the Commonwealth  
219 pursuant to §§ 10.1-104.7, 10.1-104.8, and 10.1-104.9, other than when required as part of a state or federal  
220 regulatory enforcement action.

221 26. 25. Trade secrets provided to the Department of Environmental Quality pursuant to the provisions of  
222 § 10.1-1458. In order for such trade secrets to be excluded from the provisions of this chapter, the submitting  
223 party shall (i) invoke this exclusion upon submission of the data or materials for which protection from  
224 disclosure is sought, (ii) identify the data or materials for which protection is sought, and (iii) state the  
225 reasons why protection is necessary.

226 27. 26. Information of a proprietary nature furnished by a licensed public-use airport to the Department of  
227 Aviation for funding from programs administered by the Department of Aviation or the Virginia Aviation  
228 Board, where if such information was made public, the financial interest of the public-use airport would be  
229 adversely affected.

230 In order for the information specified in this subdivision to be excluded from the provisions of this  
231 chapter, the public-use airport shall make a written request to the Department of Aviation:

232 a. Invoking such exclusion upon submission of the data or other materials for which protection from  
233 disclosure is sought;

234 b. Identifying with specificity the data or other materials for which protection is sought; and  
235 c. Stating the reasons why protection is necessary.

236 28. 27. Information relating to a grant, loan, or investment application, or accompanying a grant, loan, or  
237 investment application, submitted to the Commonwealth of Virginia Innovation Partnership Authority (the  
238 Authority) established pursuant to Article 11 (§ 2.2-2351 et seq.) of Chapter 22, an advisory committee of the  
239 Authority, or any other entity designated by the Authority to review such applications, to the extent that such  
240 records would (i) reveal (a) trade secrets; (b) financial information of a party to a grant, loan, or investment  
241 application that is not a public body, including balance sheets and financial statements, that are not generally  
242 available to the public through regulatory disclosure or otherwise; or (c) research-related information  
243 produced or collected by a party to the application in the conduct of or as a result of study or research on  
244 medical, rehabilitative, scientific, technical, technological, or scholarly issues, when such information has not

245 been publicly released, published, copyrighted, or patented, and (ii) be harmful to the competitive position of  
 246 a party to a grant, loan, or investment application; and memoranda, staff evaluations, or other information  
 247 prepared by the Authority or its staff, or a reviewing entity designated by the Authority, exclusively for the  
 248 evaluation of grant, loan, or investment applications, including any scoring or prioritization documents  
 249 prepared for and forwarded to the Authority.

250 29. 28. Proprietary information, voluntarily provided by a private business pursuant to a promise of  
 251 confidentiality from a public body, used by the public body for a solar services or carbon sequestration  
 252 agreement, where disclosure of such information would (i) reveal (a) trade secrets of the private business; (b)  
 253 financial information of the private business, including balance sheets and financial statements, that are not  
 254 generally available to the public through regulatory disclosure or otherwise; or (c) other information  
 255 submitted by the private business and (ii) adversely affect the financial interest or bargaining position of the  
 256 public body or private business.

257 In order for the information specified in clauses (i)(a), (b), and (c) to be excluded from the provisions of  
 258 this chapter, the private business shall make a written request to the public body:

259 a. Invoking such exclusion upon submission of the data or other materials for which protection from  
 260 disclosure is sought;

261 b. Identifying with specificity the data or other materials for which protection is sought; and  
 262 c. Stating the reasons why protection is necessary.

263 30. 29. Information contained in engineering and construction drawings and plans submitted for the sole  
 264 purpose of complying with the Building Code in obtaining a building permit if disclosure of such information  
 265 would identify specific trade secrets or other information that would be harmful to the competitive position of  
 266 the owner or lessee. However, such information shall be exempt only until the building is completed.  
 267 Information relating to the safety or environmental soundness of any building shall not be exempt from  
 268 disclosure.

269 31. 30. Trade secrets, including, but not limited to, financial information, including balance sheets and  
 270 financial statements that are not generally available to the public through regulatory disclosure or otherwise,  
 271 and revenue and cost projections supplied by a private or nongovernmental entity to the Virginia Department  
 272 of Transportation for the purpose of an audit, special investigation, or any study requested by the Virginia  
 273 Department of Transportation in accordance with law.

274 In order for the records specified in this subdivision to be excluded from the provisions of this chapter, the  
 275 private or nongovernmental entity shall make a written request to the Department:

276 a. Invoking such exclusion upon submission of the data or other materials for which protection from  
 277 disclosure is sought;

278 b. Identifying with specificity the data or other materials for which protection is sought; and  
 279 c. Stating the reasons why protection is necessary.

280 The Virginia Department of Transportation shall determine whether the requested exclusion from  
 281 disclosure is necessary to protect trade secrets or financial records of the private entity. The Virginia  
 282 Department of Transportation shall make a written determination of the nature and scope of the protection to  
 283 be afforded by it under this subdivision.

284 32. 31. Information related to a grant application, or accompanying a grant application, submitted to the  
 285 Department of Housing and Community Development that would (i) reveal (a) trade secrets, (b) financial  
 286 information of a grant applicant that is not a public body, including balance sheets and financial statements,  
 287 that are not generally available to the public through regulatory disclosure or otherwise, or (c)  
 288 research-related information produced or collected by the applicant in the conduct of or as a result of study or  
 289 research on medical, rehabilitative, scientific, technical, technological, or scholarly issues, when such  
 290 information has not been publicly released, published, copyrighted, or patented, and (ii) be harmful to the  
 291 competitive position of the applicant. The exclusion provided by this subdivision shall only apply to grants  
 292 administered by the Department, the Director of the Department, or pursuant to § 36-139, Article 26  
 293 (§ 2.2-2484 et seq.) of Chapter 24, or the Virginia Telecommunication Initiative as authorized by the  
 294 appropriations act.

295 In order for the information submitted by the applicant and specified in this subdivision to be excluded  
 296 from the provisions of this chapter, the applicant shall make a written request to the Department:

297 a. Invoking such exclusion upon submission of the data or other materials for which protection from  
 298 disclosure is sought;

299 b. Identifying with specificity the data, information, or other materials for which protection is sought; and  
 300 c. Stating the reasons why protection is necessary.

301 The Department shall determine whether the requested exclusion from disclosure is necessary to protect  
 302 the trade secrets or confidential proprietary information of the applicant. The Department shall make a  
 303 written determination of the nature and scope of the protection to be afforded by it under this subdivision.

304 33. 32. Financial and proprietary records submitted with a loan application to a locality for the  
 305 preservation or construction of affordable housing that is related to a competitive application to be submitted  
 306 to either the U.S. Department of Housing and Urban Development (HUD) or the Virginia Housing

307 Development Authority (VHDA), when the release of such records would adversely affect the bargaining or  
308 competitive position of the applicant. Such records shall not be withheld after they have been made public by  
309 HUD or VHDA.

310 33. Information of a proprietary or confidential nature disclosed by a health carrier or pharmacy  
311 benefits manager pursuant to § 38.2-3407.15:6, a wholesale distributor pursuant to § 54.1-3436.1, or a  
312 manufacturer pursuant to § 54.1-3442.02.

313 34. Trade secrets, proprietary information, or financial information, including balance sheets and  
314 financial statements, that are not generally available to the public through regulatory disclosure or otherwise,  
315 supplied by an individual or a private or nongovernmental entity to the Fort Monroe Authority for the  
316 purpose of complying with the obligations of any lease, easement, license, permit, or other agreement,  
317 whether of a commercial or residential real estate nature, pertaining to the use or occupancy of any portion of  
318 Fort Monroe.

319 In order for the records specified in this subdivision to be excluded from the provisions of this chapter, the  
320 individual or private or nongovernmental entity shall make a written request to the Fort Monroe Authority:

321 a. Invoking such exclusion upon submission of the data or other materials for which protection from  
322 disclosure is sought;

323 b. Identifying with specificity the data, information, or other materials for which protection is sought; and  
324 c. Stating the reasons why protection is necessary.

325 35. Information of a proprietary or confidential nature, including trade secrets, employee  
326 compensation information, balance sheets and financial statements that are not available to the public through  
327 regulatory disclosure or otherwise, and revenue and cost projections supplied by a private or  
328 nongovernmental entity to the Department of Workforce Development and Advancement (the Department)  
329 for the purpose of sponsoring, implementing, and operating (i) an apprenticeship program approved by the  
330 Department or (ii) a similar lawful workforce development or public-private partnership approved by the  
331 Department that assists the Department in fulfilling its mission and objectives and whose workforce  
332 development initiative could not advance without such exemption, as determined by the Commissioner of the  
333 Department and the Secretary of Labor. However, nothing in this subdivision shall be construed to allow the  
334 withholding of the name and contact information of a private or nongovernmental entity sponsoring,  
335 implementing, or operating the apprenticeship program, the location of the program, the occupations offered  
336 by the program, or the terms and conditions of a contract or agreement entered into by such private or  
337 nongovernmental entity.

**338 § 2.2-3711. (Effective until July 1, 2026) Closed meetings authorized for certain limited purposes.**

339 A. Public bodies may hold closed meetings only for the following purposes:

340 1. Discussion, consideration, or interviews of prospective candidates for employment; assignment,  
341 appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public  
342 officers, appointees, or employees of any public body; and evaluation of performance of departments or  
343 schools of public institutions of higher education where such evaluation will necessarily involve discussion of  
344 the performance of specific individuals. Any teacher shall be permitted to be present during a closed meeting  
345 in which there is a discussion or consideration of a disciplinary matter that involves the teacher and some  
346 student and the student involved in the matter is present, provided that the teacher makes a written request to  
347 be present to the presiding officer of the appropriate board. Nothing in this subdivision, however, shall be  
348 construed to authorize a closed meeting by a local governing body or an elected school board to discuss  
349 compensation matters that affect the membership of such body or board collectively.

350 2. Discussion or consideration of admission or disciplinary matters or any other matters that would  
351 involve the disclosure of information contained in a scholastic record concerning any student of any public  
352 institution of higher education in the Commonwealth or any state school system. However, any such student,  
353 legal counsel and, if the student is a minor, the student's parents or legal guardians shall be permitted to be  
354 present during the taking of testimony or presentation of evidence at a closed meeting, if such student,  
355 parents, or guardians so request in writing and such request is submitted to the presiding officer of the  
356 appropriate board.

357 3. Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition  
358 of publicly held real property, where discussion in an open meeting would adversely affect the bargaining  
359 position or negotiating strategy of the public body.

360 4. The protection of the privacy of individuals in personal matters not related to public business.

361 5. Discussion concerning a prospective business or industry or the expansion of an existing business or  
362 industry where no previous announcement has been made of the business' or industry's interest in locating or  
363 expanding its facilities in the community.

364 6. Discussion or consideration of the investment of public funds where competition or bargaining is  
365 involved, where, if made public initially, the financial interest of the governmental unit would be adversely  
366 affected.

367 7. Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or  
368 probable litigation, where such consultation or briefing in open meeting would adversely affect the

369 negotiating or litigating posture of the public body. For the purposes of this subdivision, "probable litigation" means litigation that has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

370 8. Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

371 9. Discussion or consideration by governing boards of public institutions of higher education of matters relating to gifts, bequests and fund-raising activities, and of grants and contracts for services or work to be performed by such institution. However, the terms and conditions of any such gifts, bequests, grants, and contracts made by a foreign government, a foreign legal entity, or a foreign person and accepted by a public institution of higher education in the Commonwealth shall be subject to public disclosure upon written request to the appropriate board of visitors. For the purpose of this subdivision, (i) "foreign government" means any government other than the United States government or the government of a state or a political subdivision thereof, (ii) "foreign legal entity" means any legal entity (a) created under the laws of the United States or of any state thereof if a majority of the ownership of the stock of such legal entity is owned by foreign governments or foreign persons or if a majority of the membership of any such entity is composed of foreign persons or foreign legal entities or (b) created under the laws of a foreign government, and (iii) "foreign person" means any individual who is not a citizen or national of the United States or a trust territory or protectorate thereof.

372 10. Discussion or consideration by the boards of trustees of the Virginia Museum of Fine Arts, the Virginia Museum of Natural History, the Jamestown-Yorktown Foundation, the Fort Monroe Authority, and The Science Museum of Virginia of matters relating to specific gifts, bequests, and grants from private sources.

373 11. Discussion or consideration of honorary degrees or special awards.

374 12. Discussion or consideration of tests, examinations, or other information used, administered, or prepared by a public body and subject to the exclusion in subdivision 4 of § 2.2-3705.1.

375 13. Discussion, consideration, or review by the appropriate House or Senate committees of possible disciplinary action against a member arising out of the possible inadequacy of the disclosure statement filed by the member, provided that the member may request in writing that the committee meeting not be conducted in a closed meeting.

376 14. Discussion of strategy with respect to the negotiation of a hazardous waste siting agreement or to consider the terms, conditions, and provisions of a hazardous waste siting agreement if the governing body in open meeting finds that an open meeting will have an adverse effect upon the negotiating position of the governing body or the establishment of the terms, conditions and provisions of the siting agreement, or both. All discussions with the applicant or its representatives may be conducted in a closed meeting.

377 15. Discussion by the Governor and any economic advisory board reviewing forecasts of economic activity and estimating general and nongeneral fund revenues.

378 16. Discussion or consideration of medical and mental health records subject to the exclusion in subdivision 1 of § 2.2-3705.5.

379 17. Deliberations of the Virginia Lottery Board in a licensing appeal action conducted pursuant to subsection D of § 58.1-4007 regarding the denial or revocation of a license of a lottery sales agent; and discussion, consideration or review of Virginia Lottery matters related to proprietary lottery game information and studies or investigations excluded from disclosure under subdivision 6 of § 2.2-3705.3 and subdivision 11 of § 2.2-3705.7.

380 18. Those portions of meetings in which the State Board of Local and Regional Jails discusses or discloses the identity of, or information tending to identify, any prisoner who (i) provides information about crimes or criminal activities, (ii) renders assistance in preventing the escape of another prisoner or in the apprehension of an escaped prisoner, or (iii) voluntarily or at the instance of a prison official renders other extraordinary services, the disclosure of which is likely to jeopardize the prisoner's life or safety.

381 19. Discussion of plans to protect public safety as it relates to terrorist activity or specific cybersecurity threats or vulnerabilities and briefings by staff members, legal counsel, or law-enforcement or emergency service officials concerning actions taken to respond to such matters or a related threat to public safety; discussion of information subject to the exclusion in subdivision 2 or 14 of § 2.2-3705.2, where discussion in an open meeting would jeopardize the safety of any person or the security of any facility, building, structure, information technology system, or software program; or discussion of reports or plans related to the security of any governmental facility, building or structure, or the safety of persons using such facility, building or structure.

382 20. Discussion by the Board of the Virginia Retirement System, acting pursuant to § 51.1-124.30, or of any local retirement system, acting pursuant to § 51.1-803, or by a local finance board or board of trustees of

431 a trust established by one or more local public bodies to invest funds for postemployment benefits other than  
432 pensions, acting pursuant to Article 8 (§ 15.2-1544 et seq.) of Chapter 15 of Title 15.2, or by the board of  
433 visitors of the University of Virginia, acting pursuant to § 23.1-2210, or by the Board of the Commonwealth  
434 Savers Plan, acting pursuant to § 23.1-706, regarding the acquisition, holding or disposition of a security or  
435 other ownership interest in an entity, where such security or ownership interest is not traded on a  
436 governmentally regulated securities exchange, to the extent that such discussion (i) concerns confidential  
437 analyses prepared for the board of visitors of the University of Virginia, prepared by the retirement system, or  
438 a local finance board or board of trustees, or the Commonwealth Savers Plan or provided to the retirement  
439 system, a local finance board or board of trustees, or the Commonwealth Savers Plan under a promise of  
440 confidentiality, of the future value of such ownership interest or the future financial performance of the  
441 entity, and (ii) would have an adverse effect on the value of the investment to be acquired, held, or disposed  
442 of by the retirement system, a local finance board or board of trustees, the board of visitors of the University  
443 of Virginia, or the Commonwealth Savers Plan. Nothing in this subdivision shall be construed to prevent the  
444 disclosure of information relating to the identity of any investment held, the amount invested or the present  
445 value of such investment.

446 21. Those portions of meetings in which individual child death cases are discussed by the State Child  
447 Fatality Review Team established pursuant to § 32.1-283.1, those portions of meetings in which individual  
448 child death cases are discussed by a regional or local child fatality review team established pursuant to  
449 § 32.1-283.2, those portions of meetings in which individual death cases are discussed by family violence  
450 fatality review teams established pursuant to § 32.1-283.3, those portions of meetings in which individual  
451 adult death cases are discussed by the state Adult Fatality Review Team established pursuant to § 32.1-283.5,  
452 those portions of meetings in which individual adult death cases are discussed by a local or regional adult  
453 fatality review team established pursuant to § 32.1-283.6, those portions of meetings in which individual  
454 death cases are discussed by overdose fatality review teams established pursuant to § 32.1-283.7, those  
455 portions of meetings in which individual maternal death cases are discussed by the Maternal Mortality  
456 Review Team pursuant to § 32.1-283.8, and those portions of meetings in which individual death cases of  
457 persons with developmental disabilities are discussed by the Developmental Disabilities Mortality Review  
458 Committee established pursuant to § 37.2-314.1.

459 22. Those portions of meetings of the board of visitors of the University of Virginia or Old Dominion  
460 University, as the case may be, and those portions of meetings of any persons to whom management  
461 responsibilities for the University of Virginia Medical Center or the Eastern Virginia Health Sciences Center  
462 at Old Dominion University, as the case may be, have been delegated, in which there is discussed proprietary,  
463 business-related information pertaining to the operations of the University of Virginia Medical Center or the  
464 Eastern Virginia Health Sciences Center at Old Dominion University, as the case may be, including business  
465 development or marketing strategies and activities with existing or future joint venturers, partners, or other  
466 parties with whom the University of Virginia Medical Center or the Eastern Virginia Health Sciences Center  
467 at Old Dominion University, as the case may be, has formed, or forms, any arrangement for the delivery of  
468 health care, if disclosure of such information would adversely affect the competitive position of the  
469 University of Virginia Medical Center or the Eastern Virginia Health Sciences Center at Old Dominion  
470 University, as the case may be.

471 23. Discussion or consideration by the Virginia Commonwealth University Health System Authority or  
472 the board of visitors of Virginia Commonwealth University of any of the following: the acquisition or  
473 disposition by the Authority of real property, equipment, or technology software or hardware and related  
474 goods or services, where disclosure would adversely affect the bargaining position or negotiating strategy of  
475 the Authority; matters relating to gifts or bequests to, and fund-raising activities of, the Authority; grants and  
476 contracts for services or work to be performed by the Authority; marketing or operational strategies plans of  
477 the Authority where disclosure of such strategies or plans would adversely affect the competitive position of  
478 the Authority; and members of the Authority's medical and teaching staffs and qualifications for  
479 appointments thereto.

480 24. Those portions of the meetings of the Health Practitioners' Monitoring Program Committee within the  
481 Department of Health Professions to the extent such discussions identify any practitioner who may be, or who  
482 actually is, impaired pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1.

483 25. Meetings or portions of meetings of the Board of the Commonwealth Savers Plan wherein personal  
484 information, as defined in § 2.2-3801, which has been provided to the Board or its employees by or on behalf  
485 of individuals who have requested information about, applied for, or entered into prepaid tuition contracts or  
486 savings trust account agreements pursuant to Chapter 7 (§ 23.1-700 et seq.) of Title 23.1 is discussed.

487 26. Discussion or consideration, by the former Wireless Carrier E-911 Cost Recovery Subcommittee  
488 created pursuant to former § 56-484.15, of trade secrets submitted by CMRS providers, as defined in  
489 § 56-484.12, related to the provision of wireless E-911 service.

490 27. Those portions of disciplinary proceedings by any regulatory board within the Department of  
491 Professional and Occupational Regulation, Department of Health Professions, or the Board of Accountancy  
492 conducted pursuant to § 2.2-4019 or 2.2-4020 during which the board deliberates to reach a decision or

493 meetings of health regulatory boards or conference committees of such boards to consider settlement  
 494 proposals in pending disciplinary actions or modifications to previously issued board orders as requested by  
 495 either of the parties.

496 28. Discussion or consideration of information subject to the exclusion in subdivision 11 of § 2.2-3705.6  
 497 by a responsible public entity or an affected locality or public entity, as those terms are defined in  
 498 § 33.2-1800, or any independent review panel appointed to review information and advise the responsible  
 499 public entity concerning such records.

500 29. Discussion of the award of a public contract involving the expenditure of public funds, including  
 501 interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in  
 502 an open session would adversely affect the bargaining position or negotiating strategy of the public body.

503 30. Discussion or consideration of grant or loan application information subject to the exclusion in  
 504 subdivision 17 16 of § 2.2-3705.6 by the Commonwealth Health Research Board.

505 31. Discussion or consideration by the Commitment Review Committee of information subject to the  
 506 exclusion in subdivision 5 of § 2.2-3705.2 relating to individuals subject to commitment as sexually violent  
 507 predators under Chapter 9 (§ 37.2-900 et seq.) of Title 37.2.

508 32. Discussion or consideration of confidential proprietary information and trade secrets developed and  
 509 held by a local public body providing certain telecommunication services or cable television services and  
 510 subject to the exclusion in subdivision 18 17 of § 2.2-3705.6. However, the exemption provided by this  
 511 subdivision shall not apply to any authority created pursuant to the BVU Authority Act (§ 15.2-7200 et seq.).

512 33. Discussion or consideration by a local authority created in accordance with the Virginia Wireless  
 513 Service Authorities Act (§ 15.2-5431.1 et seq.) of confidential proprietary information and trade secrets  
 514 subject to the exclusion in subdivision 19 18 of § 2.2-3705.6.

515 34. Discussion or consideration by the State Board of Elections or local electoral boards of voting security  
 516 matters made confidential pursuant to § 24.2-410.2 or 24.2-625.1.

517 35. Discussion or consideration by the Forensic Science Board or the Scientific Advisory Committee  
 518 created pursuant to Article 2 (§ 9.1-1109 et seq.) of Chapter 11 of Title 9.1 of criminal investigative files.

519 36. Discussion or consideration by the Brown v. Board of Education Scholarship Committee of  
 520 information or confidential matters subject to the exclusion in subdivision A 3 of § 2.2-3705.4, and meetings  
 521 of the Committee to deliberate concerning the annual maximum scholarship award, review and consider  
 522 scholarship applications and requests for scholarship award renewal, and cancel, rescind, or recover  
 523 scholarship awards.

524 37. Discussion or consideration by the Virginia Port Authority of information subject to the exclusion in  
 525 subdivision 1 of § 2.2-3705.6 related to certain proprietary information gathered by or for the Virginia Port  
 526 Authority.

527 38. Discussion or consideration by the Board of Trustees of the Virginia Retirement System acting  
 528 pursuant to § 51.1-124.30, by the Investment Advisory Committee appointed pursuant to § 51.1-124.26, by  
 529 any local retirement system, acting pursuant to § 51.1-803, by the Board of the Commonwealth Savers Plan  
 530 acting pursuant to § 23.1-706, or by the Commonwealth Savers Plan's Investment Advisory Committee  
 531 appointed pursuant to § 23.1-702 of information subject to the exclusion in subdivision 24 of § 2.2-3705.7.

532 39. Discussion or consideration of information subject to the exclusion in subdivision 3 of § 2.2-3705.6  
 533 related to economic development.

534 40. Discussion or consideration by the Board of Education of information relating to the denial,  
 535 suspension, or revocation of teacher licenses subject to the exclusion in subdivision 11 of § 2.2-3705.3.

536 41. Those portions of meetings of the Virginia Military Advisory Council or any commission created by  
 537 executive order for the purpose of studying and making recommendations regarding preventing closure or  
 538 realignment of federal military and national security installations and facilities located in Virginia and  
 539 relocation of such facilities to Virginia, or a local or regional military affairs organization appointed by a  
 540 local governing body, during which there is discussion of information subject to the exclusion in subdivision  
 541 8 of § 2.2-3705.2.

542 42. Discussion or consideration by the Board of Trustees of the Veterans Services Foundation of  
 543 information subject to the exclusion in subdivision 28 of § 2.2-3705.7 related to personally identifiable  
 544 information of donors.

545 43. Discussion or consideration by the Virginia Tobacco Region Revitalization Commission of  
 546 information subject to the exclusion in subdivision 23 22 of § 2.2-3705.6 related to certain information  
 547 contained in grant applications.

548 44. Discussion or consideration by the board of directors of the Commercial Space Flight Authority of  
 549 information subject to the exclusion in subdivision 24 23 of § 2.2-3705.6 related to rate structures or charges  
 550 for the use of projects of, the sale of products of, or services rendered by the Authority and certain proprietary  
 551 information of a private entity provided to the Authority.

552 45. Discussion or consideration of personal and proprietary information related to the resource  
 553 management plan program and subject to the exclusion in (i) subdivision 25 24 of § 2.2-3705.6 or (ii)  
 554 subsection E of § 10.1-104.7. This exclusion shall not apply to the discussion or consideration of records that

555 contain information that has been certified for release by the person who is the subject of the information or  
556 transformed into a statistical or aggregate form that does not allow identification of the person who supplied,  
557 or is the subject of, the information.

558 46. Discussion or consideration by the Board of Directors of the Virginia Alcoholic Beverage Control  
559 Authority of information subject to the exclusion in subdivision 1 of § 2.2-3705.3 related to investigations of  
560 applicants for licenses and permits and of licensees and permittees.

561 47. Discussion or consideration of grant, loan, or investment application records subject to the exclusion  
562 in subdivision 28 27 of § 2.2-3705.6 for a grant, loan, or investment pursuant to Article 11 (§ 2.2-2351 et  
563 seq.) of Chapter 22.

564 48. Discussion or development of grant proposals by a regional council established pursuant to Article 26  
565 (§ 2.2-2484 et seq.) of Chapter 24 to be submitted for consideration to the Virginia Growth and Opportunity  
566 Board.

567 49. Discussion or consideration of (i) individual sexual assault cases by a sexual assault response team  
568 established pursuant to § 15.2-1627.4, (ii) individual child abuse or neglect cases or sex offenses involving a  
569 child by a child sexual abuse response team established pursuant to § 15.2-1627.5, (iii) individual cases  
570 involving abuse, neglect, or exploitation of adults as defined in § 63.2-1603 pursuant to §§ 15.2-1627.5 and  
571 63.2-1605, or (iv) individual human trafficking cases by any human trafficking response team established  
572 pursuant to § 15.2-1627.6.

573 50. Discussion or consideration by the Board of the Virginia Economic Development Partnership  
574 Authority, the Joint Legislative Audit and Review Commission, or any subcommittees thereof, of the portions  
575 of the strategic plan, marketing plan, or operational plan exempt from disclosure pursuant to subdivision 33  
576 of § 2.2-3705.7.

577 51. Those portions of meetings of the subcommittee of the Board of the Virginia Economic Development  
578 Partnership Authority established pursuant to subsection F of § 2.2-2237.3 to review and discuss information  
579 received from the Virginia Employment Commission pursuant to subdivision C 2 of § 60.2-114 and the  
580 Department of Workforce Development and Advancement pursuant to subsection B of § 2.2-2040.

581 52. Discussion or consideration by the Commonwealth of Virginia Innovation Partnership Authority (the  
582 Authority), an advisory committee of the Authority, or any other entity designated by the Authority, of  
583 information subject to the exclusion in subdivision 35 of § 2.2-3705.7.

584 53. Deliberations of the Virginia Lottery Board conducted pursuant to § 58.1-4105 regarding the denial or  
585 revocation of a license of a casino gaming operator, or the refusal to issue, suspension of, or revocation of  
586 any license or permit related to casino gaming, and discussion, consideration, or review of matters related to  
587 investigations excluded from mandatory disclosure under subdivision 1 of § 2.2-3705.3.

588 54. Deliberations of the Virginia Lottery Board in an appeal conducted pursuant to § 58.1-4007 regarding  
589 the denial of, revocation of, suspension of, or refusal to renew any license or permit related to sports betting  
590 and any discussion, consideration, or review of matters related to investigations excluded from mandatory  
591 disclosure under subdivision 1 of § 2.2-3705.3.

592 55. Meetings or portions of meetings of the Board of Criminal Justice Services or the Department of  
593 Criminal Justice Services concerning the decertification of an identifiable law-enforcement or jail officer.

594 B. No resolution, ordinance, rule, contract, regulation or motion adopted, passed or agreed to in a closed  
595 meeting shall become effective unless the public body, following the meeting, reconvenes in open meeting  
596 and takes a vote of the membership on such resolution, ordinance, rule, contract, regulation, or motion that  
597 shall have its substance reasonably identified in the open meeting.

598 C. Public officers improperly selected due to the failure of the public body to comply with the other  
599 provisions of this section shall be de facto officers and, as such, their official actions are valid until they  
600 obtain notice of the legal defect in their election.

601 D. Nothing in this section shall be construed to prevent the holding of conferences between two or more  
602 public bodies, or their representatives, but these conferences shall be subject to the same procedures for  
603 holding closed meetings as are applicable to any other public body.

604 E. This section shall not be construed to (i) require the disclosure of any contract between the Department  
605 of Health Professions and an impaired practitioner entered into pursuant to Chapter 25.1 (§ 54.1-2515 et seq.)  
606 of Title 54.1 or (ii) require the board of directors of any authority created pursuant to the Industrial  
607 Development and Revenue Bond Act (§ 15.2-4900 et seq.), or any public body empowered to issue industrial  
608 revenue bonds by general or special law, to identify a business or industry to which subdivision A 5 applies.  
609 However, such business or industry shall be identified as a matter of public record at least 30 days prior to the  
610 actual date of the board's authorization of the sale or issuance of such bonds.

611 **§ 2.2-3711. (Effective July 1, 2026) Closed meetings authorized for certain limited purposes.**

612 A. Public bodies may hold closed meetings only for the following purposes:

613 1. Discussion, consideration, or interviews of prospective candidates for employment; assignment,  
614 appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public  
615 officers, appointees, or employees of any public body; and evaluation of performance of departments or  
616 schools of public institutions of higher education where such evaluation will necessarily involve discussion of

617 the performance of specific individuals. Any teacher shall be permitted to be present during a closed meeting  
 618 in which there is a discussion or consideration of a disciplinary matter that involves the teacher and some  
 619 student and the student involved in the matter is present, provided that the teacher makes a written request to  
 620 be present to the presiding officer of the appropriate board. Nothing in this subdivision, however, shall be  
 621 construed to authorize a closed meeting by a local governing body or an elected school board to discuss  
 622 compensation matters that affect the membership of such body or board collectively.

623 2. Discussion or consideration of admission or disciplinary matters or any other matters that would  
 624 involve the disclosure of information contained in a scholastic record concerning any student of any public  
 625 institution of higher education in the Commonwealth or any state school system. However, any such student,  
 626 legal counsel and, if the student is a minor, the student's parents or legal guardians shall be permitted to be  
 627 present during the taking of testimony or presentation of evidence at a closed meeting, if such student,  
 628 parents, or guardians so request in writing and such request is submitted to the presiding officer of the  
 629 appropriate board.

630 3. Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition  
 631 of publicly held real property, where discussion in an open meeting would adversely affect the bargaining  
 632 position or negotiating strategy of the public body.

633 4. The protection of the privacy of individuals in personal matters not related to public business.

634 5. Discussion concerning a prospective business or industry or the expansion of an existing business or  
 635 industry where no previous announcement has been made of the business' or industry's interest in locating or  
 636 expanding its facilities in the community.

637 6. Discussion or consideration of the investment of public funds where competition or bargaining is  
 638 involved, where, if made public initially, the financial interest of the governmental unit would be adversely  
 639 affected.

640 7. Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or  
 641 probable litigation, where such consultation or briefing in open meeting would adversely affect the  
 642 negotiating or litigating posture of the public body. For the purposes of this subdivision, "probable litigation"  
 643 means litigation that has been specifically threatened or on which the public body or its legal counsel has a  
 644 reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall  
 645 be construed to permit the closure of a meeting merely because an attorney representing the public body is in  
 646 attendance or is consulted on a matter.

647 8. Consultation with legal counsel employed or retained by a public body regarding specific legal matters  
 648 requiring the provision of legal advice by such counsel. Nothing in this subdivision shall be construed to  
 649 permit the closure of a meeting merely because an attorney representing the public body is in attendance or is  
 650 consulted on a matter.

651 9. Discussion or consideration by governing boards of public institutions of higher education of matters  
 652 relating to gifts, bequests and fund-raising activities, and of grants and contracts for services or work to be  
 653 performed by such institution. However, the terms and conditions of any such gifts, bequests, grants, and  
 654 contracts made by a foreign government, a foreign legal entity, or a foreign person and accepted by a public  
 655 institution of higher education in the Commonwealth shall be subject to public disclosure upon written  
 656 request to the appropriate board of visitors. For the purpose of this subdivision, (i) "foreign government"  
 657 means any government other than the United States government or the government of a state or a political  
 658 subdivision thereof, (ii) "foreign legal entity" means any legal entity (a) created under the laws of the United  
 659 States or of any state thereof if a majority of the ownership of the stock of such legal entity is owned by  
 660 foreign governments or foreign persons or if a majority of the membership of any such entity is composed of  
 661 foreign persons or foreign legal entities or (b) created under the laws of a foreign government, and (iii)  
 662 "foreign person" means any individual who is not a citizen or national of the United States or a trust territory  
 663 or protectorate thereof.

664 10. Discussion or consideration by the boards of trustees of the Virginia Museum of Fine Arts, the  
 665 Virginia Museum of Natural History, the Jamestown-Yorktown Foundation, the Fort Monroe Authority, and  
 666 The Science Museum of Virginia of matters relating to specific gifts, bequests, and grants from private  
 667 sources.

668 11. Discussion or consideration of honorary degrees or special awards.

669 12. Discussion or consideration of tests, examinations, or other information used, administered, or  
 670 prepared by a public body and subject to the exclusion in subdivision 4 of § 2.2-3705.1.

671 13. Discussion, consideration, or review by the appropriate House or Senate committees of possible  
 672 disciplinary action against a member arising out of the possible inadequacy of the disclosure statement filed  
 673 by the member, provided that the member may request in writing that the committee meeting not be  
 674 conducted in a closed meeting.

675 14. Discussion of strategy with respect to the negotiation of a hazardous waste siting agreement or to  
 676 consider the terms, conditions, and provisions of a hazardous waste siting agreement if the governing body in  
 677 open meeting finds that an open meeting will have an adverse effect upon the negotiating position of the

678 governing body or the establishment of the terms, conditions and provisions of the siting agreement, or both.  
679 All discussions with the applicant or its representatives may be conducted in a closed meeting.

680 15. Discussion by the Governor and any economic advisory board reviewing forecasts of economic  
681 activity and estimating general and nongeneral fund revenues.

682 16. Discussion or consideration of medical and mental health records subject to the exclusion in  
683 subdivision 1 of § 2.2-3705.5.

684 17. Deliberations of the Virginia Lottery Board in a licensing appeal action conducted pursuant to  
685 subsection D of § 58.1-4007 regarding the denial or revocation of a license of a lottery sales agent; and  
686 discussion, consideration or review of Virginia Lottery matters related to proprietary lottery game  
687 information and studies or investigations excluded from disclosure under subdivision 6 of § 2.2-3705.3 and  
688 subdivision 11 of § 2.2-3705.7.

689 18. Those portions of meetings in which the State Board of Local and Regional Jails discusses or discloses  
690 the identity of, or information tending to identify, any prisoner who (i) provides information about crimes or  
691 criminal activities, (ii) renders assistance in preventing the escape of another prisoner or in the apprehension  
692 of an escaped prisoner, or (iii) voluntarily or at the instance of a prison official renders other extraordinary  
693 services, the disclosure of which is likely to jeopardize the prisoner's life or safety.

694 19. Discussion of plans to protect public safety as it relates to terrorist activity or specific cybersecurity  
695 threats or vulnerabilities and briefings by staff members, legal counsel, or law-enforcement or emergency  
696 service officials concerning actions taken to respond to such matters or a related threat to public safety;  
697 discussion of information subject to the exclusion in subdivision 2 or 14 of § 2.2-3705.2, where discussion in  
698 an open meeting would jeopardize the safety of any person or the security of any facility, building, structure,  
699 information technology system, or software program; or discussion of reports or plans related to the security  
700 of any governmental facility, building or structure, or the safety of persons using such facility, building or  
701 structure.

702 20. Discussion by the Board of the Virginia Retirement System, acting pursuant to § 51.1-124.30, or of  
703 any local retirement system, acting pursuant to § 51.1-803, or by a local finance board or board of trustees of  
704 a trust established by one or more local public bodies to invest funds for postemployment benefits other than  
705 pensions, acting pursuant to Article 8 (§ 15.2-1544 et seq.) of Chapter 15 of Title 15.2, or by the board of  
706 visitors of the University of Virginia, acting pursuant to § 23.1-2210, or by the Board of the Commonwealth  
707 Savers Plan, acting pursuant to § 23.1-706, regarding the acquisition, holding or disposition of a security or  
708 other ownership interest in an entity, where such security or ownership interest is not traded on a  
709 governmentally regulated securities exchange, to the extent that such discussion (i) concerns confidential  
710 analyses prepared for the board of visitors of the University of Virginia, prepared by the retirement system, or  
711 a local finance board or board of trustees, or the Commonwealth Savers Plan or provided to the retirement  
712 system, a local finance board or board of trustees, or the Commonwealth Savers Plan under a promise of  
713 confidentiality, of the future value of such ownership interest or the future financial performance of the  
714 entity, and (ii) would have an adverse effect on the value of the investment to be acquired, held, or disposed  
715 of by the retirement system, a local finance board or board of trustees, the board of visitors of the University  
716 of Virginia, or the Commonwealth Savers Plan. Nothing in this subdivision shall be construed to prevent the  
717 disclosure of information relating to the identity of any investment held, the amount invested or the present  
718 value of such investment.

719 21. Those portions of meetings in which individual child death cases are discussed by the State Child  
720 Fatality Review Team established pursuant to § 32.1-283.1, those portions of meetings in which individual  
721 child death cases are discussed by a regional or local child fatality review team established pursuant to  
722 § 32.1-283.2, those portions of meetings in which individual death cases are discussed by family violence  
723 fatality review teams established pursuant to § 32.1-283.3, those portions of meetings in which individual  
724 adult death cases are discussed by the state Adult Fatality Review Team established pursuant to § 32.1-283.5,  
725 those portions of meetings in which individual adult death cases are discussed by a local or regional adult  
726 fatality review team established pursuant to § 32.1-283.6, those portions of meetings in which individual  
727 death cases are discussed by overdose fatality review teams established pursuant to § 32.1-283.7, those  
728 portions of meetings in which individual maternal death cases are discussed by the Maternal Mortality  
729 Review Team pursuant to § 32.1-283.8, and those portions of meetings in which individual death cases of  
730 persons with developmental disabilities are discussed by the Developmental Disabilities Mortality Review  
731 Committee established pursuant to § 37.2-314.1.

732 22. Those portions of meetings of the board of visitors of the University of Virginia or Old Dominion  
733 University, as the case may be, and those portions of meetings of any persons to whom management  
734 responsibilities for the University of Virginia Medical Center or the Eastern Virginia Health Sciences Center  
735 at Old Dominion University, as the case may be, have been delegated, in which there is discussed proprietary,  
736 business-related information pertaining to the operations of the University of Virginia Medical Center or the  
737 Eastern Virginia Health Sciences Center at Old Dominion University, as the case may be, including business  
738 development or marketing strategies and activities with existing or future joint venturers, partners, or other  
739 parties with whom the University of Virginia Medical Center or the Eastern Virginia Health Sciences Center

740 at Old Dominion University, as the case may be, has formed, or forms, any arrangement for the delivery of  
 741 health care, if disclosure of such information would adversely affect the competitive position of the  
 742 University of Virginia Medical Center or the Eastern Virginia Health Sciences Center at Old Dominion  
 743 University, as the case may be.

744 23. Discussion or consideration by the Virginia Commonwealth University Health System Authority or  
 745 the board of visitors of Virginia Commonwealth University of any of the following: the acquisition or  
 746 disposition by the Authority of real property, equipment, or technology software or hardware and related  
 747 goods or services, where disclosure would adversely affect the bargaining position or negotiating strategy of  
 748 the Authority; matters relating to gifts or bequests to, and fund-raising activities of, the Authority; grants and  
 749 contracts for services or work to be performed by the Authority; marketing or operational strategies plans of  
 750 the Authority where disclosure of such strategies or plans would adversely affect the competitive position of  
 751 the Authority; and members of the Authority's medical and teaching staffs and qualifications for  
 752 appointments thereto.

753 24. Those portions of the meetings of the Health Practitioners' Monitoring Program Committee within the  
 754 Department of Health Professions to the extent such discussions identify any practitioner who may be, or who  
 755 actually is, impaired pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1.

756 25. Meetings or portions of meetings of the Board of the Commonwealth Savers Plan wherein personal  
 757 information, as defined in § 2.2-3801, which has been provided to the Board or its employees by or on behalf  
 758 of individuals who have requested information about, applied for, or entered into prepaid tuition contracts or  
 759 savings trust account agreements pursuant to Chapter 7 (§ 23.1-700 et seq.) of Title 23.1 is discussed.

760 26. Discussion or consideration, by the former Wireless Carrier E-911 Cost Recovery Subcommittee  
 761 created pursuant to former § 56-484.15, of trade secrets submitted by CMRS providers, as defined in  
 762 § 56-484.12, related to the provision of wireless E-911 service.

763 27. Those portions of disciplinary proceedings by any regulatory board within the Department of  
 764 Professional and Occupational Regulation, Department of Health Professions, or the Board of Accountancy  
 765 conducted pursuant to § 2.2-4019 or 2.2-4020 during which the board deliberates to reach a decision or  
 766 meetings of health regulatory boards or conference committees of such boards to consider settlement  
 767 proposals in pending disciplinary actions or modifications to previously issued board orders as requested by  
 768 either of the parties.

769 28. Discussion or consideration of information subject to the exclusion in subdivision 11 of § 2.2-3705.6  
 770 by a responsible public entity or an affected locality or public entity, as those terms are defined in  
 771 § 33.2-1800, or any independent review panel appointed to review information and advise the responsible  
 772 public entity concerning such records.

773 29. Discussion of the award of a public contract involving the expenditure of public funds, including  
 774 interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in  
 775 an open session would adversely affect the bargaining position or negotiating strategy of the public body.

776 30. Discussion or consideration of grant or loan application information subject to the exclusion in  
 777 subdivision 17 of § 2.2-3705.6 by the Commonwealth Health Research Board.

778 31. Discussion or consideration by the Commitment Review Committee of information subject to the  
 779 exclusion in subdivision 5 of § 2.2-3705.2 relating to individuals subject to commitment as sexually violent  
 780 predators under Chapter 9 (§ 37.2-900 et seq.) of Title 37.2.

781 32. Discussion or consideration of confidential proprietary information and trade secrets developed and  
 782 held by a local public body providing certain telecommunication services or cable television services and  
 783 subject to the exclusion in subdivision 17 of § 2.2-3705.6. However, the exemption provided by this  
 784 subdivision shall not apply to any authority created pursuant to the BVU Authority Act (§ 15.2-7200 et seq.).

785 33. Discussion or consideration by a local authority created in accordance with the Virginia Wireless  
 786 Service Authorities Act (§ 15.2-5431.1 et seq.) of confidential proprietary information and trade secrets  
 787 subject to the exclusion in subdivision 18 of § 2.2-3705.6.

788 34. Discussion or consideration by the State Board of Elections or local electoral boards of voting security  
 789 matters made confidential pursuant to § 24.2-410.2 or 24.2-625.1 and review by the State Board of Elections  
 790 of complaints related to the personal use of campaign funds pursuant to § 24.2-948.7.

791 35. Discussion or consideration by the Forensic Science Board or the Scientific Advisory Committee  
 792 created pursuant to Article 2 (§ 9.1-1109 et seq.) of Chapter 11 of Title 9.1 of criminal investigative files.

793 36. Discussion or consideration by the Brown v. Board of Education Scholarship Committee of  
 794 information or confidential matters subject to the exclusion in subdivision A 3 of § 2.2-3705.4, and meetings  
 795 of the Committee to deliberate concerning the annual maximum scholarship award, review and consider  
 796 scholarship applications and requests for scholarship award renewal, and cancel, rescind, or recover  
 797 scholarship awards.

798 37. Discussion or consideration by the Virginia Port Authority of information subject to the exclusion in  
 799 subdivision 1 of § 2.2-3705.6 related to certain proprietary information gathered by or for the Virginia Port  
 800 Authority.

801 38. Discussion or consideration by the Board of Trustees of the Virginia Retirement System acting

802 pursuant to § 51.1-124.30, by the Investment Advisory Committee appointed pursuant to § 51.1-124.26, by  
803 any local retirement system, acting pursuant to § 51.1-803, by the Board of the Commonwealth Savers Plan  
804 acting pursuant to § 23.1-706, or by the Commonwealth Savers Plan's Investment Advisory Committee  
805 appointed pursuant to § 23.1-702 of information subject to the exclusion in subdivision 24 of § 2.2-3705.7.

806 39. Discussion or consideration of information subject to the exclusion in subdivision 3 of § 2.2-3705.6  
807 related to economic development.

808 40. Discussion or consideration by the Board of Education of information relating to the denial,  
809 suspension, or revocation of teacher licenses subject to the exclusion in subdivision 11 of § 2.2-3705.3.

810 41. Those portions of meetings of the Virginia Military Advisory Council or any commission created by  
811 executive order for the purpose of studying and making recommendations regarding preventing closure or  
812 realignment of federal military and national security installations and facilities located in Virginia and  
813 relocation of such facilities to Virginia, or a local or regional military affairs organization appointed by a  
814 local governing body, during which there is discussion of information subject to the exclusion in subdivision  
815 8 of § 2.2-3705.2.

816 42. Discussion or consideration by the Board of Trustees of the Veterans Services Foundation of  
817 information subject to the exclusion in subdivision 28 of § 2.2-3705.7 related to personally identifiable  
818 information of donors.

819 43. Discussion or consideration by the Virginia Tobacco Region Revitalization Commission of  
820 information subject to the exclusion in subdivision 23 22 of § 2.2-3705.6 related to certain information  
821 contained in grant applications.

822 44. Discussion or consideration by the board of directors of the Commercial Space Flight Authority of  
823 information subject to the exclusion in subdivision 24 23 of § 2.2-3705.6 related to rate structures or charges  
824 for the use of projects of, the sale of products of, or services rendered by the Authority and certain proprietary  
825 information of a private entity provided to the Authority.

826 45. Discussion or consideration of personal and proprietary information related to the resource  
827 management plan program and subject to the exclusion in (i) subdivision 25 24 of § 2.2-3705.6 or (ii)  
828 subsection E of § 10.1-104.7. This exclusion shall not apply to the discussion or consideration of records that  
829 contain information that has been certified for release by the person who is the subject of the information or  
830 transformed into a statistical or aggregate form that does not allow identification of the person who supplied,  
831 or is the subject of, the information.

832 46. Discussion or consideration by the Board of Directors of the Virginia Alcoholic Beverage Control  
833 Authority of information subject to the exclusion in subdivision 1 of § 2.2-3705.3 related to investigations of  
834 applicants for licenses and permits and of licensees and permittees.

835 47. Discussion or consideration of grant, loan, or investment application records subject to the exclusion  
836 in subdivision 28 27 of § 2.2-3705.6 for a grant, loan, or investment pursuant to Article 11 (§ 2.2-2351 et  
837 seq.) of Chapter 22.

838 48. Discussion or development of grant proposals by a regional council established pursuant to Article 26  
839 (§ 2.2-2484 et seq.) of Chapter 24 to be submitted for consideration to the Virginia Growth and Opportunity  
840 Board.

841 49. Discussion or consideration of (i) individual sexual assault cases by a sexual assault response team  
842 established pursuant to § 15.2-1627.4, (ii) individual child abuse or neglect cases or sex offenses involving a  
843 child by a child sexual abuse response team established pursuant to § 15.2-1627.5, (iii) individual cases  
844 involving abuse, neglect, or exploitation of adults as defined in § 63.2-1603 pursuant to §§ 15.2-1627.5 and  
845 63.2-1605, or (iv) individual human trafficking cases by any human trafficking response team established  
846 pursuant to § 15.2-1627.6.

847 50. Discussion or consideration by the Board of the Virginia Economic Development Partnership  
848 Authority, the Joint Legislative Audit and Review Commission, or any subcommittees thereof, of the portions  
849 of the strategic plan, marketing plan, or operational plan exempt from disclosure pursuant to subdivision 33  
850 of § 2.2-3705.7.

851 51. Those portions of meetings of the subcommittee of the Board of the Virginia Economic Development  
852 Partnership Authority established pursuant to subsection F of § 2.2-2237.3 to review and discuss information  
853 received from the Virginia Employment Commission pursuant to subdivision C 2 of § 60.2-114 and the  
854 Department of Workforce Development and Advancement pursuant to subsection B of § 2.2-2040.

855 52. Discussion or consideration by the Commonwealth of Virginia Innovation Partnership Authority (the  
856 Authority), an advisory committee of the Authority, or any other entity designated by the Authority, of  
857 information subject to the exclusion in subdivision 35 of § 2.2-3705.7.

858 53. Deliberations of the Virginia Lottery Board conducted pursuant to § 58.1-4105 regarding the denial or  
859 revocation of a license of a casino gaming operator, or the refusal to issue, suspension of, or revocation of  
860 any license or permit related to casino gaming, and discussion, consideration, or review of matters related to  
861 investigations excluded from mandatory disclosure under subdivision 1 of § 2.2-3705.3.

862 54. Deliberations of the Virginia Lottery Board in an appeal conducted pursuant to § 58.1-4007 regarding  
863 the denial of, revocation of, suspension of, or refusal to renew any license or permit related to sports betting

864 and any discussion, consideration, or review of matters related to investigations excluded from mandatory  
 865 disclosure under subdivision 1 of § 2.2-3705.3.

866 55. Meetings or portions of meetings of the Board of Criminal Justice Services or the Department of  
 867 Criminal Justice Services concerning the decertification of an identifiable law-enforcement or jail officer.

868 B. No resolution, ordinance, rule, contract, regulation or motion adopted, passed or agreed to in a closed  
 869 meeting shall become effective unless the public body, following the meeting, reconvenes in open meeting  
 870 and takes a vote of the membership on such resolution, ordinance, rule, contract, regulation, or motion that  
 871 shall have its substance reasonably identified in the open meeting.

872 C. Public officers improperly selected due to the failure of the public body to comply with the other  
 873 provisions of this section shall be de facto officers and, as such, their official actions are valid until they  
 874 obtain notice of the legal defect in their election.

875 D. Nothing in this section shall be construed to prevent the holding of conferences between two or more  
 876 public bodies, or their representatives, but these conferences shall be subject to the same procedures for  
 877 holding closed meetings as are applicable to any other public body.

878 E. This section shall not be construed to (i) require the disclosure of any contract between the Department  
 879 of Health Professions and an impaired practitioner entered into pursuant to Chapter 25.1 (§ 54.1-2515 et seq.)  
 880 of Title 54.1 or (ii) require the board of directors of any authority created pursuant to the Industrial  
 881 Development and Revenue Bond Act (§ 15.2-4900 et seq.), or any public body empowered to issue industrial  
 882 revenue bonds by general or special law, to identify a business or industry to which subdivision A 5 applies.  
 883 However, such business or industry shall be identified as a matter of public record at least 30 days prior to the  
 884 actual date of the board's authorization of the sale or issuance of such bonds.

885 **§ 3.2-1100. Diversion of dedicated revenues.**

886 A. The unexpended balances of the following special funds shall not be diverted or expended for any  
 887 purpose other than each fund's intended purpose. The special funds are:

- 888 1. Apple Fund (§ 3.2-1206);
- 889 2. Peanut Fund (§ 3.2-1906);
- 890 3. 2. Plant Pollination Fund (§ 3.2-2806);
- 891 4. 3. Virginia Agricultural Foundation Fund (§ 3.2-2905);
- 892 5. 4. Virginia Bright Flue-Cured Tobacco Promotion Fund (§ 3.2-2407);
- 893 6. 5. Virginia Cattle Industry Fund (§ 3.2-1305);
- 894 7. 6. Virginia Corn Fund (§ 3.2-1411);
- 895 8. 7. Virginia Cotton Fund (§ 3.2-1511);
- 896 9. 8. Virginia Dark-Fired Tobacco Promotion Fund (§ 3.2-2407.1);
- 897 10. 9. Virginia Egg Fund (§ 3.2-1605);
- 898 11. 10. Virginia Horse Industry Promotion and Development Fund (§ 3.2-1704);
- 899 12. 11. Virginia Marine Products Fund (§ 3.2-2705);
- 900 13. 12. Virginia Milk Commission Assessments Fund (§ 3.2-3220);
- 901 14. 13. Virginia Potato Fund (§ 3.2-1810);
- 902 15. 14. Virginia Sheep Industry Promotion and Development Fund (§ 3.2-2111);
- 903 16. 15. Virginia Small Grains Fund (§ 3.2-2211);
- 904 17. 16. Virginia Soybean Fund (§ 3.2-2311); and
- 905 18. 17. Virginia Wine Promotion Fund (§ 3.2-3005).

906 B. No provision of this subtitle shall be construed to give any board the authority to expend funds for  
 907 legislative or political activity.

908 **§ 3.2-1104. Preemption by federal law.**

909 No provision of ~~Chapter 12 (§ 3.2-1200 et seq.)~~, Chapter 13 (§ 3.2-1300 et seq.), Chapters 15 (§ 3.2-1500  
 910 et seq.) through 21 (§ 3.2-2100 et seq.), Chapter 23 (§ 3.2-2300 et seq.), or Chapter 24 (§ 3.2-2400 et seq.)  
 911 that is expressly preempted by a federal act or agreement governing commodity assessments shall be  
 912 enforced or imposed until the termination of such act or agreement.

913 **§ 3.2-1105. Commodity boards; appointment terms; quorum.**

914 The following provisions apply to each commodity board established pursuant to the provisions of  
 915 ~~Chapter 12 (§ 3.2-1200 et seq.)~~, Chapter 13 (§ 3.2-1300 et seq.), Chapters 15 (§ 3.2-1500 et seq.) through 19  
 916 (§ 3.2-1900 et seq.), Chapter 21 (§ 3.2-2100 et seq.), or Chapter 24 (§ 3.2-2400 et seq.):

917 1. The term for each appointment to a commodity board shall be for four years, with the exception of an  
 918 appointment to fill a vacancy, which shall be for the unexpired term, unless otherwise authorized in this  
 919 subtitle; and

920 2. A majority of the members of a commodity board shall constitute a quorum of that commodity board  
 921 unless otherwise authorized in this subtitle.

922 **§ 3.2-1106. Commodity board officers and reimbursement of expenses.**

923 The following provisions apply to each commodity board established pursuant to the provisions of  
 924 ~~Chapter 12 (§ 3.2-1200 et seq.)~~, Chapter 13 (§ 3.2-1300 et seq.), Chapters 15 (§ 3.2-1500 et seq.) through 19  
 925 (§ 3.2-1900 et seq.), Chapter 21 (§ 3.2-2100 et seq.), or Chapter 24 (§ 3.2-2400 et seq.):

926        1. The members of a commodity board shall elect one board member as chairman and such other officers  
927        as deemed appropriate unless otherwise authorized in this subtitle; and

928        2. Each appointed member of a commodity board shall serve without compensation. Such commodity  
929        board may reimburse any of its members for actual expenses incurred in the performance of his duties unless  
930        otherwise authorized in this subtitle. Such reimbursements shall be made from the special funds established  
931        pursuant to the provisions of ~~Chapter 12~~ (§ 3.2-1200 et seq.), Chapter 13 (§ 3.2-1300 et seq.), Chapters 15  
932        (§ 3.2-1500 et seq.) through 19 (§ 3.2-1900 et seq.), Chapter 21 (§ 3.2-2100 et seq.), or Chapter 24  
933        (§ 3.2-2400 et seq.).

934        **§ 10.1-1458. Persons to provide plans, specifications, and information.**

935        Every person the Department has reason to believe is generating, storing, transporting, disposing of, or  
936        treating waste shall, on request of the Department, furnish such plans, specifications, and information as the  
937        Department may require in the discharge of its duties under this chapter. Trade secret information included  
938        within any plans, specifications, or information submitted pursuant to this section shall be excluded from the  
939        provisions of the Virginia Freedom of Information Act as provided in subdivision 26 25 of § 2.2-3705.6. At  
940        all times, the Department may disclose such trade secret information to the appropriate officials of the  
941        Environmental Protection Agency pursuant to the requirements of the federal Solid Waste Disposal Act, 42  
942        U.S.C. § 6901 et seq., or as otherwise required by law.

943        **§ 15.2-2103.1. Solar services agreements; nondisclosure of proprietary information.**

944        A. A solar services agreement may be structured as a service agreement or may be subject to available  
945        appropriation.

946        B. Nothing in this article shall be construed to require the disclosure of proprietary information voluntarily  
947        provided by a private entity in connection with a franchise, lease, or use under a solar services agreement that  
948        is excluded from mandatory disclosure pursuant to subdivision 29 28 of § 2.2-3705.6 of the Virginia Freedom  
949        of Information Act (§ 2.2-3700 et seq.).

950        C. Nothing in this section, however, shall be construed as authorizing the withholding of the financial  
951        terms of such agreements.

952        **2. That Chapter 12 (§§ 3.2-1200 through 3.2-1217) of Title 3.2 of the Code of Virginia is repealed  
953        effective July 1, 2028.**

954        **3. That the provisions of the first enactment of this act shall become effective on July 1, 2028.**

955        **4. That the unexpired term of any member of the Apple Board as of July 1, 2026, shall continue until  
956        July 1, 2028, and that no appointments shall be made to the Apple Board in accordance with the  
957        provisions of § 3.2-1201 after July 1, 2026. However, the Commissioner of Agriculture and Consumer  
958        Services may appoint a member to fill an unexpired term.**

959        **5. That any funds remaining in the Apple Fund established pursuant to § 3.2-1206 of the Code of  
960        Virginia on July 1, 2028, shall be transferred to the Governor's Agriculture and Forestry Industries  
961        Development Fund established pursuant to § 3.2-304 of the Code of Virginia.**

962        **6. That the chair of the Apple Board shall file a report with the Commissioner of Agriculture and  
963        Consumer Services no later than June 30, 2028, with a statement of total receipts and disbursements of  
964        the Apple Board for the fiscal year ending June 30, 2028.**

965        **7. That the excise tax levied on apples grown in the Commonwealth pursuant to § 3.2-1215 of the Code  
966        of Virginia shall not be collected after July 1, 2026.**