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HOUSE BILL NO. 1403

Offered January 22, 2026

A BILL to amend and reenact §§ 2.2-3705.5, 2.2-3711, 2.2-4002, and 32.1-283.8 of the Code of Virginia, relating to severe maternal morbidity; Maternal Mortality Review Team renamed; duties; data dashboard.

Patrons—Franklin, M.A., Anthony, Cousins, Gardner, Nivar and Tran

Referred to Committee on Health and Human Services

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-3705.5, 2.2-3711, 2.2-4002, 32.1-283.8 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-3705.5. Exclusions to application of chapter; health and social services records.

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. Health records, except that such records may be personally reviewed by the individual who is the subject of such records, as provided in subsection F of § 32.1-127.1:03.

Where the person who is the subject of health records is confined in a state or local correctional facility, the administrator or chief medical officer of such facility may assert such confined person's right of access to the health records if the administrator or chief medical officer has reasonable cause to believe that such confined person has an infectious disease or other medical condition from which other persons so confined need to be protected. Health records shall only be reviewed and shall not be copied by such administrator or chief medical officer. The information in the health records of a person so confined shall continue to be confidential and shall not be disclosed by the administrator or chief medical officer of the facility to any person except the subject or except as provided by law.

Where the person who is the subject of health records is under the age of 18, his right of access may be asserted only by his guardian or his parent, including a noncustodial parent, unless such parent's parental rights have been terminated, a court of competent jurisdiction has restricted or denied such access, or a parent has been denied access to the health record in accordance with § 20-124.6. In instances where the person who is the subject thereof is an emancipated minor, a student in a public institution of higher education, or is a minor who has consented to his own treatment as authorized by § 16.1-338 or 54.1-2969, the right of access may be asserted by the subject person.

For the purposes of this chapter, statistical summaries of incidents and statistical data concerning abuse of individuals receiving services compiled by the Commissioner of Behavioral Health and Developmental Services shall be disclosed. No such summaries or data shall include any information that identifies specific individuals receiving services.

2. Applications for admission to examinations or for licensure and scoring records maintained by the Department of Health Professions or any board in that department on individual licensees or applicants; information required to be provided to the Department of Health Professions by certain licensees pursuant to § 54.1-2506.1; information held by the Health Practitioners' Monitoring Program Committee within the Department of Health Professions that identifies any practitioner who may be, or who is actually, impaired to the extent that disclosure is prohibited by § 54.1-2517; and information relating to the prescribing and dispensing of covered substances to recipients and any abstracts from such information that are in the possession of the Prescription Monitoring Program (Program) pursuant to Chapter 25.2 (§ 54.1-2519 et seq.) of Title 54.1 and any material relating to the operation or security of the Program.

3. Reports, documentary evidence, and other information as specified in §§ 51.5-122 and 51.5-184 and Chapter 1 (§ 63.2-100 et seq.) of Title 63.2 and information and statistical registries required to be kept confidential pursuant to Chapter 1 (§ 63.2-100 et seq.) of Title 63.2.

4. Investigative notes; proprietary information not published, copyrighted or patented; information obtained from employee personnel records; personally identifiable information regarding residents, clients or other recipients of services; other correspondence and information furnished in confidence to the Department of Education in connection with an active investigation of an applicant or licensee pursuant to Chapter 14.1 (§ 22.1-289.02 et seq.) of Title 22.1; other correspondence and information furnished in confidence to the Department of Social Services in connection with an active investigation of an applicant or licensee pursuant to Chapters 17 (§ 63.2-1700 et seq.) and 18 (§ 63.2-1800 et seq.) of Title 63.2; and information furnished to the Office of the Attorney General in connection with an investigation or litigation pursuant to Article 19.1

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59 (§ 8.01-216.1 et seq.) of Chapter 3 of Title 8.01 and Chapter 9 (§ 32.1-310 et seq.) of Title 32.1. However,  
60 nothing in this subdivision shall prevent the disclosure of information from the records of completed  
61 investigations in a form that does not reveal the identity of complainants, persons supplying information, or  
62 other individuals involved in the investigation.

63 5. Information collected for the designation and verification of trauma centers and other specialty care  
64 centers within the Statewide Emergency Medical Services System and Services pursuant to Article 2.1  
65 (§ 32.1-111.1 et seq.) of Chapter 4 of Title 32.1.

66 6. Reports and court documents relating to involuntary admission required to be kept confidential  
67 pursuant to § 37.2-818.

68 7. Information acquired (i) during a review of any child death conducted by the State Child Fatality  
69 Review Team established pursuant to § 32.1-283.1 or by a local or regional child fatality review team to the  
70 extent that such information is made confidential by § 32.1-283.2; (ii) during a review of any death conducted  
71 by a family violence fatality review team to the extent that such information is made confidential by  
72 § 32.1-283.3; (iii) during a review of any adult death conducted by the Adult Fatality Review Team to the  
73 extent made confidential by § 32.1-283.5 or by a local or regional adult fatality review team to the extent that  
74 such information is made confidential by § 32.1-283.6; (iv) by a local or regional overdose fatality review  
75 team to the extent that such information is made confidential by § 32.1-283.7; (v) during a review of any  
76 death conducted by the Maternal Mortality *and Severe Maternal Morbidity* Review Team to the extent that  
77 such information is made confidential by § 32.1-283.8; or (vi) during a review of any death conducted by the  
78 Developmental Disabilities Mortality Review Committee to the extent that such information is made  
79 confidential by § 37.2-314.1.

80 8. Patient level data collected by the Board of Health and not yet processed, verified, and released,  
81 pursuant to § 32.1-276.9, to the Board by the nonprofit organization with which the Commissioner of Health  
82 has contracted pursuant to § 32.1-276.4.

83 9. Information relating to a grant application, or accompanying a grant application, submitted to the  
84 Commonwealth Neurotrauma Initiative Advisory Board pursuant to Article 12 (§ 51.5-178 et seq.) of Chapter  
85 14 of Title 51.5 that would (i) reveal (a) medical or mental health records or other data identifying individual  
86 patients or (b) proprietary business or research-related information produced or collected by the applicant in  
87 the conduct of or as a result of study or research on medical, rehabilitative, scientific, technical, or scholarly  
88 issues, when such information has not been publicly released, published, copyrighted, or patented, and (ii) be  
89 harmful to the competitive position of the applicant.

90 10. Any information copied, recorded, or received by the Commissioner of Health in the course of an  
91 examination, investigation, or review of a managed care health insurance plan licensee pursuant to  
92 §§ 32.1-137.4 and 32.1-137.5, including books, records, files, accounts, papers, documents, and any or all  
93 computer or other recordings.

94 11. Records of the Virginia Birth-Related Neurological Injury Compensation Program required to be kept  
95 confidential pursuant to § 38.2-5002.2.

96 12. Information held by the State Health Commissioner relating to the health of any person subject to an  
97 order of quarantine or an order of isolation pursuant to Article 3.02 (§ 32.1-48.05 et seq.) of Chapter 2 of  
98 Title 32.1. However, nothing in this subdivision shall be construed to prevent the disclosure of statistical  
99 summaries, abstracts, or other information in aggregate form.

100 13. The names and addresses or other contact information of persons receiving transportation services  
101 from a state or local public body or its designee under Title II of the Americans with Disabilities Act, (42  
102 U.S.C. § 12131 et seq.) or funded by Temporary Assistance for Needy Families (TANF) created under  
103 § 63.2-600.

104 14. Information held by certain health care committees and entities that may be withheld from discovery  
105 as privileged communications pursuant to § 8.01-581.17.

106 15. Data and information specified in § 37.2-308.01 relating to proceedings provided for in Article 16  
107 (§ 16.1-335 et seq.) of Chapter 11 of Title 16.1 and Chapter 8 (§ 37.2-800 et seq.) of Title 37.2.

108 16. Records of and information held by the Smartchart Network Program required to be kept confidential  
109 pursuant to § 32.1-372.

110 17. Information submitted to the acute psychiatric bed registry pursuant to § 37.2-308.1.

111 **§ 2.2-3711. (Effective until July 1, 2026) Closed meetings authorized for certain limited purposes.**

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

113 1. Discussion, consideration, or interviews of prospective candidates for employment; assignment,  
114 appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public  
115 officers, appointees, or employees of any public body; and evaluation of performance of departments or  
116 schools of public institutions of higher education where such evaluation will necessarily involve discussion of  
117 the performance of specific individuals. Any teacher shall be permitted to be present during a closed meeting  
118 in which there is a discussion or consideration of a disciplinary matter that involves the teacher and some  
119 student and the student involved in the matter is present, provided that the teacher makes a written request to  
120 be present to the presiding officer of the appropriate board. Nothing in this subdivision, however, shall be

121 construed to authorize a closed meeting by a local governing body or an elected school board to discuss  
122 compensation matters that affect the membership of such body or board collectively.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

182 16. Discussion or consideration of medical and mental health records subject to the exclusion in

183 subdivision 1 of § 2.2-3705.5.

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

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

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

202 20. Discussion by the Board of the Virginia Retirement System, acting pursuant to § 51.1-124.30, or of  
203 any local retirement system, acting pursuant to § 51.1-803, or by a local finance board or board of trustees of  
204 a trust established by one or more local public bodies to invest funds for postemployment benefits other than  
205 pensions, acting pursuant to Article 8 (§ 15.2-1544 et seq.) of Chapter 15 of Title 15.2, or by the board of  
206 visitors of the University of Virginia, acting pursuant to § 23.1-2210, or by the Board of the Commonwealth  
207 Savers Plan, acting pursuant to § 23.1-706, regarding the acquisition, holding or disposition of a security or  
208 other ownership interest in an entity, where such security or ownership interest is not traded on a  
209 governmentally regulated securities exchange, to the extent that such discussion (i) concerns confidential  
210 analyses prepared for the board of visitors of the University of Virginia, prepared by the retirement system, or  
211 a local finance board or board of trustees, or the Commonwealth Savers Plan or provided to the retirement  
212 system, a local finance board or board of trustees, or the Commonwealth Savers Plan under a promise of  
213 confidentiality, of the future value of such ownership interest or the future financial performance of the  
214 entity, and (ii) would have an adverse effect on the value of the investment to be acquired, held, or disposed  
215 of by the retirement system, a local finance board or board of trustees, the board of visitors of the University  
216 of Virginia, or the Commonwealth Savers Plan. Nothing in this subdivision shall be construed to prevent the  
217 disclosure of information relating to the identity of any investment held, the amount invested or the present  
218 value of such investment.

219 21. Those portions of meetings in which individual child death cases are discussed by the State Child  
220 Fatality Review Team established pursuant to § 32.1-283.1, those portions of meetings in which individual  
221 child death cases are discussed by a regional or local child fatality review team established pursuant to  
222 § 32.1-283.2, those portions of meetings in which individual death cases are discussed by family violence  
223 fatality review teams established pursuant to § 32.1-283.3, those portions of meetings in which individual  
224 adult death cases are discussed by the state Adult Fatality Review Team established pursuant to § 32.1-283.5,  
225 those portions of meetings in which individual adult death cases are discussed by a local or regional adult  
226 fatality review team established pursuant to § 32.1-283.6, those portions of meetings in which individual  
227 death cases are discussed by overdose fatality review teams established pursuant to § 32.1-283.7, those  
228 portions of meetings in which individual maternal death cases are discussed by the Maternal Mortality *and*  
229 *Severe Maternal Morbidity* Review Team pursuant to § 32.1-283.8, and those portions of meetings in which  
230 individual death cases of persons with developmental disabilities are discussed by the Developmental  
231 Disabilities Mortality Review Committee established pursuant to § 37.2-314.1.

232 22. Those portions of meetings of the board of visitors of the University of Virginia or Old Dominion  
233 University, as the case may be, and those portions of meetings of any persons to whom management  
234 responsibilities for the University of Virginia Medical Center or the Eastern Virginia Health Sciences Center  
235 at Old Dominion University, as the case may be, have been delegated, in which there is discussed proprietary,  
236 business-related information pertaining to the operations of the University of Virginia Medical Center or the  
237 Eastern Virginia Health Sciences Center at Old Dominion University, as the case may be, including business  
238 development or marketing strategies and activities with existing or future joint venturers, partners, or other  
239 parties with whom the University of Virginia Medical Center or the Eastern Virginia Health Sciences Center  
240 at Old Dominion University, as the case may be, has formed, or forms, any arrangement for the delivery of  
241 health care, if disclosure of such information would adversely affect the competitive position of the  
242 University of Virginia Medical Center or the Eastern Virginia Health Sciences Center at Old Dominion  
243 University, as the case may be.

244 23. Discussion or consideration by the Virginia Commonwealth University Health System Authority or

245 the board of visitors of Virginia Commonwealth University of any of the following: the acquisition or  
 246 disposition by the Authority of real property, equipment, or technology software or hardware and related  
 247 goods or services, where disclosure would adversely affect the bargaining position or negotiating strategy of  
 248 the Authority; matters relating to gifts or bequests to, and fund-raising activities of, the Authority; grants and  
 249 contracts for services or work to be performed by the Authority; marketing or operational strategies plans of  
 250 the Authority where disclosure of such strategies or plans would adversely affect the competitive position of  
 251 the Authority; and members of the Authority's medical and teaching staffs and qualifications for  
 252 appointments thereto.

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

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

260 26. Discussion or consideration, by the former Wireless Carrier E-911 Cost Recovery Subcommittee  
 261 created pursuant to former § 56-484.15, of trade secrets submitted by CMRS providers, as defined in  
 262 § 56-484.12, related to the provision of wireless E-911 service.

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

269 28. Discussion or consideration of information subject to the exclusion in subdivision 11 of § 2.2-3705.6  
 270 by a responsible public entity or an affected locality or public entity, as those terms are defined in  
 271 § 33.2-1800, or any independent review panel appointed to review information and advise the responsible  
 272 public entity concerning such records.

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

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

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

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

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

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

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

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

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

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

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

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

309 41. Those portions of meetings of the Virginia Military Advisory Council or any commission created by  
310 executive order for the purpose of studying and making recommendations regarding preventing closure or  
311 realignment of federal military and national security installations and facilities located in Virginia and  
312 relocation of such facilities to Virginia, or a local or regional military affairs organization appointed by a  
313 local governing body, during which there is discussion of information subject to the exclusion in subdivision  
314 8 of § 2.2-3705.2.

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

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

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

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

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

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

337 48. Discussion or development of grant proposals by a regional council established pursuant to Article 26  
338 (§ 2.2-2484 et seq.) of Chapter 24 to be submitted for consideration to the Virginia Growth and Opportunity  
339 Board.

340 49. Discussion or consideration of (i) individual sexual assault cases by a sexual assault response team  
341 established pursuant to § 15.2-1627.4, (ii) individual child abuse or neglect cases or sex offenses involving a  
342 child by a child sexual abuse response team established pursuant to § 15.2-1627.5, (iii) individual cases  
343 involving abuse, neglect, or exploitation of adults as defined in § 63.2-1603 pursuant to §§ 15.2-1627.5 and  
344 63.2-1605, or (iv) individual human trafficking cases by any human trafficking response team established  
345 pursuant to § 15.2-1627.6.

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

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

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

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

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

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

367 B. No resolution, ordinance, rule, contract, regulation or motion adopted, passed or agreed to in a closed  
368 meeting shall become effective unless the public body, following the meeting, reconvenes in open meeting

369 and takes a vote of the membership on such resolution, ordinance, rule, contract, regulation, or motion that  
 370 shall have its substance reasonably identified in the open meeting.

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

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

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

384 **§ 2.2-3711. (Effective July 1, 2026) Closed meetings authorized for certain limited purposes.**

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

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

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

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

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

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

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

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

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

424 9. Discussion or consideration by governing boards of public institutions of higher education of matters  
 425 relating to gifts, bequests and fund-raising activities, and of grants and contracts for services or work to be  
 426 performed by such institution. However, the terms and conditions of any such gifts, bequests, grants, and  
 427 contracts made by a foreign government, a foreign legal entity, or a foreign person and accepted by a public  
 428 institution of higher education in the Commonwealth shall be subject to public disclosure upon written  
 429 request to the appropriate board of visitors. For the purpose of this subdivision, (i) "foreign government"  
 430 means any government other than the United States government or the government of a state or a political

431 subdivision thereof, (ii) "foreign legal entity" means any legal entity (a) created under the laws of the United  
432 States or of any state thereof if a majority of the ownership of the stock of such legal entity is owned by  
433 foreign governments or foreign persons or if a majority of the membership of any such entity is composed of  
434 foreign persons or foreign legal entities or (b) created under the laws of a foreign government, and (iii)  
435 "foreign person" means any individual who is not a citizen or national of the United States or a trust territory  
436 or protectorate thereof.

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

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

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

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

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

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

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

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

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

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

475 20. Discussion by the Board of the Virginia Retirement System, acting pursuant to § 51.1-124.30, or of  
476 any local retirement system, acting pursuant to § 51.1-803, or by a local finance board or board of trustees of  
477 a trust established by one or more local public bodies to invest funds for postemployment benefits other than  
478 pensions, acting pursuant to Article 8 (§ 15.2-1544 et seq.) of Chapter 15 of Title 15.2, or by the board of  
479 visitors of the University of Virginia, acting pursuant to § 23.1-2210, or by the Board of the Commonwealth  
480 Savers Plan, acting pursuant to § 23.1-706, regarding the acquisition, holding or disposition of a security or  
481 other ownership interest in an entity, where such security or ownership interest is not traded on a  
482 governmentally regulated securities exchange, to the extent that such discussion (i) concerns confidential  
483 analyses prepared for the board of visitors of the University of Virginia, prepared by the retirement system, or  
484 a local finance board or board of trustees, or the Commonwealth Savers Plan or provided to the retirement  
485 system, a local finance board or board of trustees, or the Commonwealth Savers Plan under a promise of  
486 confidentiality, of the future value of such ownership interest or the future financial performance of the  
487 entity, and (ii) would have an adverse effect on the value of the investment to be acquired, held, or disposed  
488 of by the retirement system, a local finance board or board of trustees, the board of visitors of the University  
489 of Virginia, or the Commonwealth Savers Plan. Nothing in this subdivision shall be construed to prevent the  
490 disclosure of information relating to the identity of any investment held, the amount invested or the present  
491 value of such investment.

492 21. Those portions of meetings in which individual child death cases are discussed by the State Child

493 Fatality Review Team established pursuant to § 32.1-283.1, those portions of meetings in which individual  
 494 child death cases are discussed by a regional or local child fatality review team established pursuant to  
 495 § 32.1-283.2, those portions of meetings in which individual death cases are discussed by family violence  
 496 fatality review teams established pursuant to § 32.1-283.3, those portions of meetings in which individual  
 497 adult death cases are discussed by the state Adult Fatality Review Team established pursuant to § 32.1-283.5,  
 498 those portions of meetings in which individual adult death cases are discussed by a local or regional adult  
 499 fatality review team established pursuant to § 32.1-283.6, those portions of meetings in which individual  
 500 death cases are discussed by overdose fatality review teams established pursuant to § 32.1-283.7, those  
 501 portions of meetings in which individual maternal death cases are discussed by the Maternal Mortality and  
 502 *Severe Maternal Morbidity* Review Team pursuant to § 32.1-283.8, and those portions of meetings in which  
 503 individual death cases of persons with developmental disabilities are discussed by the Developmental  
 504 Disabilities Mortality Review Committee established pursuant to § 37.2-314.1.

505 22. Those portions of meetings of the board of visitors of the University of Virginia or Old Dominion  
 506 University, as the case may be, and those portions of meetings of any persons to whom management  
 507 responsibilities for the University of Virginia Medical Center or the Eastern Virginia Health Sciences Center  
 508 at Old Dominion University, as the case may be, have been delegated, in which there is discussed proprietary,  
 509 business-related information pertaining to the operations of the University of Virginia Medical Center or the  
 510 Eastern Virginia Health Sciences Center at Old Dominion University, as the case may be, including business  
 511 development or marketing strategies and activities with existing or future joint venturers, partners, or other  
 512 parties with whom the University of Virginia Medical Center or the Eastern Virginia Health Sciences Center  
 513 at Old Dominion University, as the case may be, has formed, or forms, any arrangement for the delivery of  
 514 health care, if disclosure of such information would adversely affect the competitive position of the  
 515 University of Virginia Medical Center or the Eastern Virginia Health Sciences Center at Old Dominion  
 516 University, as the case may be.

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

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

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

533 26. Discussion or consideration, by the former Wireless Carrier E-911 Cost Recovery Subcommittee  
 534 created pursuant to former § 56-484.15, of trade secrets submitted by CMRS providers, as defined in  
 535 § 56-484.12, related to the provision of wireless E-911 service.

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

542 28. Discussion or consideration of information subject to the exclusion in subdivision 11 of § 2.2-3705.6  
 543 by a responsible public entity or an affected locality or public entity, as those terms are defined in  
 544 § 33.2-1800, or any independent review panel appointed to review information and advise the responsible  
 545 public entity concerning such records.

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

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

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

554 32. Discussion or consideration of confidential proprietary information and trade secrets developed and

555 held by a local public body providing certain telecommunication services or cable television services and  
556 subject to the exclusion in subdivision 18 of § 2.2-3705.6. However, the exemption provided by this  
557 subdivision shall not apply to any authority created pursuant to the BVU Authority Act (§ 15.2-7200 et seq.).

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

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

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

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

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

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

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

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

583 41. Those portions of meetings of the Virginia Military Advisory Council or any commission created by  
584 executive order for the purpose of studying and making recommendations regarding preventing closure or  
585 realignment of federal military and national security installations and facilities located in Virginia and  
586 relocation of such facilities to Virginia, or a local or regional military affairs organization appointed by a  
587 local governing body, during which there is discussion of information subject to the exclusion in subdivision  
588 8 of § 2.2-3705.2.

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

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

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

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

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

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

611 48. Discussion or development of grant proposals by a regional council established pursuant to Article 26  
612 (§ 2.2-2484 et seq.) of Chapter 24 to be submitted for consideration to the Virginia Growth and Opportunity  
613 Board.

614 49. Discussion or consideration of (i) individual sexual assault cases by a sexual assault response team  
615 established pursuant to § 15.2-1627.4, (ii) individual child abuse or neglect cases or sex offenses involving a  
616 child by a child sexual abuse response team established pursuant to § 15.2-1627.5, (iii) individual cases

617 involving abuse, neglect, or exploitation of adults as defined in § 63.2-1603 pursuant to §§ 15.2-1627.5 and  
618 63.2-1605, or (iv) individual human trafficking cases by any human trafficking response team established  
619 pursuant to § 15.2-1627.6.

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

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

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

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

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

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

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

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

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

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

658 **§ 2.2-4002. Exemptions from chapter generally.**

659 A. Although required to comply with § 2.2-4103 of the Virginia Register Act (§ 2.2-4100 et seq.), the  
660 following agencies shall be exempted from the provisions of this chapter, except to the extent that they are  
661 specifically made subject to §§ 2.2-4024, 2.2-4030, and 2.2-4031:

- 662 1. The General Assembly.
- 663 2. Courts, any agency of the Supreme Court, and any agency that by the Constitution is expressly granted  
664 any of the powers of a court of record.
- 665 3. The Department of Wildlife Resources in promulgating regulations regarding the management of  
666 wildlife and for all case decisions rendered pursuant to any provisions of Chapters 2 (§ 29.1-200 et seq.), 3  
667 (§ 29.1-300 et seq.), 4 (§ 29.1-400 et seq.), 5 (§ 29.1-500 et seq.), and 7 (§ 29.1-700 et seq.) of Title 29.1.
- 668 4. The Virginia Housing Development Authority.
- 669 5. Municipal corporations, counties, and all local, regional, or multijurisdictional authorities created under  
670 this Code, including those with federal authorities.
- 671 6. Educational institutions operated by the Commonwealth, provided that, with respect to § 2.2-4031, such  
672 educational institutions shall be exempt from the publication requirements only with respect to regulations  
673 that pertain to (i) their academic affairs, (ii) the selection, tenure, promotion, and disciplining of faculty and  
674 employees, (iii) the selection of students, and (iv) rules of conduct and disciplining of students.
- 675 7. The Milk Commission in promulgating regulations regarding (i) producers' licenses and bases, (ii)  
676 classification and allocation of milk, computation of sales, and shrinkage, and (iii) class prices for producers'  
677 milk, time and method of payment, butterfat testing, and differential.
- 678 8. The Virginia Resources Authority.

- 679 9. Agencies expressly exempted by any other provision of this Code.
- 680 10. The Department of General Services in promulgating standards for the inspection of buildings for  
681 asbestos pursuant to § 2.2-1164.
- 682 11. The State Council of Higher Education for Virginia, in developing, issuing, and revising guidelines  
683 pursuant to § 23.1-207.
- 684 12. The Commissioner of Agriculture and Consumer Services in adopting regulations pursuant to  
685 subsection B of § 3.2-6002 and in adopting regulations pursuant to § 3.2-6023.
- 686 13. The Commissioner of Agriculture and Consumer Services and the Board of Agriculture and Consumer  
687 Services in promulgating regulations pursuant to subsections B and D of § 3.2-3601, subsection B of  
688 § 3.2-3701, § 3.2-4002, subsections B and D of § 3.2-4801, §§ 3.2-5121 and 3.2-5206, and subsection A of  
689 § 3.2-5406.
- 690 14. The Board of Optometry when specifying therapeutic pharmaceutical agents, treatment guidelines,  
691 and diseases and abnormal conditions of the human eye and its adnexa for TPA-certification of optometrists  
692 pursuant to Article 5 (§ 54.1-3222 et seq.) of Chapter 32 of Title 54.1.
- 693 15. The Commissioner of the Department of Veterans Services in adopting regulations pursuant to  
694 § 2.2-2001.3.
- 695 16. The State Board of Education, in developing, issuing, and revising guidelines pursuant to  
696 § 22.1-203.2.
- 697 17. The Virginia Racing Commission, (i) when acting by and through its duly appointed stewards or in  
698 matters related to any specific race meeting or (ii) in promulgating technical rules regulating actual live horse  
699 racing at race meetings licensed by the Commission.
- 700 18. The Virginia Small Business Financing Authority.
- 701 19. The Virginia Economic Development Partnership Authority.
- 702 20. The Board of Agriculture and Consumer Services in adopting, amending, or repealing regulations  
703 pursuant to subsection A (ii) of § 59.1-156.
- 704 21. The Insurance Continuing Education Board pursuant to § 38.2-1867.
- 705 22. The Board of Health in promulgating the list of diseases that shall be reported to the Department of  
706 Health pursuant to § 32.1-35 and in adopting, amending, or repealing regulations pursuant to subsection C of  
707 § 35.1-14 that incorporate the Food and Drug Administration's Food Code pertaining to restaurants or food  
708 service.
- 709 23. The Board of Pharmacy when specifying special subject requirements for continuing education for  
710 pharmacists pursuant to § 54.1-3314.1.
- 711 24. The Virginia Department of Veterans Services when promulgating rules and regulations pursuant to  
712 § 58.1-3219.7 or 58.1-3219.11.
- 713 25. The Virginia Department of Criminal Justice Services when developing, issuing, or revising any  
714 training standards established by the Criminal Justice Services Board under § 9.1-102, provided such actions  
715 are authorized by the Governor in the interest of public safety.
- 716 B. Agency action relating to the following subjects shall be exempted from the provisions of this chapter:
- 717 1. Money or damage claims against the Commonwealth or agencies thereof.
- 718 2. The award or denial of state contracts, as well as decisions regarding compliance therewith.
- 719 3. The location, design, specifications, or construction of public buildings or other facilities.
- 720 4. Grants of state or federal funds or property.
- 721 5. The chartering of corporations.
- 722 6. Customary military, militia, naval, or police functions.
- 723 7. The selection, tenure, dismissal, direction, or control of any officer or employee of an agency of the  
724 Commonwealth.
- 725 8. The conduct of elections or eligibility to vote.
- 726 9. Inmates of prisons or other such facilities or parolees therefrom.
- 727 10. The custody of persons in, or sought to be placed in, mental health facilities or penal or other state  
728 institutions as well as the treatment, supervision, or discharge of such persons.
- 729 11. Traffic signs, markers, or control devices.
- 730 12. Instructions for application or renewal of a license, certificate, or registration required by law.
- 731 13. Content of, or rules for the conduct of, any examination required by law.
- 732 14. The administration of pools authorized by Chapter 47 (§ 2.2-4700 et seq.).
- 733 15. Any rules for the conduct of specific lottery games, so long as such rules are not inconsistent with  
734 duly adopted regulations of the Virginia Lottery Board, and provided that such regulations are published and  
735 posted.
- 736 16. Orders condemning or closing any shellfish, finfish, or crustacea growing area and the shellfish,  
737 finfish, or crustacea located thereon pursuant to Article 2 (§ 28.2-803 et seq.) of Chapter 8 of Title 28.2.
- 738 17. Any operating procedures for review of child deaths developed by the State Child Fatality Review  
739 Team pursuant to § 32.1-283.1, any operating procedures for review of adult deaths developed by the Adult  
740 Fatality Review Team pursuant to § 32.1-283.5, any operating procedures for review of adult deaths

741 developed by the Maternal Mortality *and Severe Maternal Morbidity* Review Team pursuant to § 32.1-283.8,  
742 and any operating procedures for review of the deaths of persons with a developmental disability developed  
743 by the Developmental Disabilities Mortality Review Committee pursuant to § 37.2-314.1.

744 18. The regulations for the implementation of the Health Practitioners' Monitoring Program and the  
745 activities of the Health Practitioners' Monitoring Program Committee pursuant to Chapter 25.1 (§ 54.1-2515  
746 et seq.) of Title 54.1.

747 19. The process of reviewing and ranking grant applications submitted to the Commonwealth  
748 Neurotrauma Initiative Advisory Board pursuant to Article 12 (§ 51.5-178 et seq.) of Chapter 14 of Title  
749 51.5.

750 20. Loans from the Small Business Environmental Compliance Assistance Fund pursuant to Article 4  
751 (§ 10.1-1197.1 et seq.) of Chapter 11.1 of Title 10.1.

752 21. The Virginia Breeders Fund created pursuant to § 59.1-372.

753 22. The types of pari-mutuel wagering pools available for live or simulcast horse racing.

754 23. The administration of medication or other substances foreign to the natural horse.

755 24. Any rules adopted by the Department of Agriculture and Consumer Services for the approval and  
756 conduct of game variations for the conduct of raffles, bingo, network bingo, and instant bingo games,  
757 provided that such rules are (i) consistent with Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2  
758 and (ii) published and posted.

759 C. Minor changes to regulations published in the Virginia Administrative Code under the Virginia  
760 Register Act (§ 2.2-4100 et seq.), made by the Virginia Code Commission pursuant to § 30-150, shall be  
761 exempt from the provisions of this chapter.

762 **§ 32.1-283.8. Maternal Mortality and Severe Maternal Morbidity Review Team; duties;**  
763 **membership; confidentiality; penalties; report; etc.**

764 A. As used in this section, :

765 "~~maternal~~ Maternal death" means the death of a woman who was pregnant at the time of death or within  
766 one year prior to the time of death, regardless of the outcome of the pregnancy, including any death  
767 determined to be a natural death, unnatural death, or violent death or for which no cause of death was  
768 determined.

769 "*Severe maternal morbidity*" means unintended outcomes of the process of labor and delivery that results  
770 in significant short-term or long-term consequences to a woman's health.

771 B. There is hereby created the Maternal Mortality *and Severe Maternal Morbidity* Review Team (the  
772 Team), which shall develop and implement procedures to ensure that certain maternal deaths *and instances of*  
773 *severe maternal morbidity* occurring in the Commonwealth are analyzed in a systematic way. The Team shall  
774 review every maternal death *and instance of severe maternal morbidity* in the Commonwealth. The Team  
775 shall not initiate a maternal death *or severe maternal morbidity* review until the conclusion of any  
776 law-enforcement investigation or criminal prosecution. The Team shall (i) develop and revise as necessary  
777 operating procedures for maternal death *and severe maternal morbidity* reviews, including identification of  
778 cases to be reviewed and procedures for coordinating among the agencies and professionals involved; (ii)  
779 improve the identification of and data collection and record keeping related to causes of maternal deaths *and*  
780 *severe maternal morbidity*; (iii) recommend components of programs to increase awareness and prevention of  
781 and education about maternal deaths *and severe maternal morbidity*; and (iv) recommend training to improve  
782 the review of maternal deaths *and severe maternal morbidity*. Such operating procedures shall be exempt  
783 from the Administrative Process Act (§ 2.2-4000 et seq.) pursuant to subdivision B 17 of § 2.2-4002.

784 C. The Team shall consist of the following persons or their designees: the Chief Medical Examiner, the  
785 Director of the Office of Family Health of the Department of Health, the State Registrar of Vital Records, and  
786 the Commissioner of Behavioral Health and Developmental Services. In addition, the Governor shall appoint  
787 one representative of each of the following entities: local law enforcement, local fire departments, local  
788 emergency medical services providers, local departments of social services, community services boards,  
789 attorneys for the Commonwealth, the Medical Society of Virginia, the Virginia Hospital and Healthcare  
790 Association, the Virginia College of Emergency Physicians, the Virginia Section of the American College of  
791 Obstetricians and Gynecologists, the Virginia Affiliate of the American College of Nurse-Midwives, the  
792 Virginia Chapter of the Association of Women's Health, Obstetric and Neonatal Nurses, the Virginia  
793 Neonatal Perinatal Collaborative, the Virginia Midwives Alliance, the Virginia Academy of Nutrition and  
794 Dietetics, the Department of Corrections, and the State Board of Local and Regional Jails. The Chief Medical  
795 Examiner and the Director of the Office of Family Health of the Department of Health shall serve as  
796 co-chairs of the Team and may appoint additional members of the Team as may be needed to complete  
797 maternal death *and severe maternal morbidity* reviews pursuant to this section.

798 After the initial staggering of terms, members other than the Chief Medical Examiner, the Director of the  
799 Office of Family Health of the Department of Health, the State Registrar of Vital Records, the Commissioner  
800 of Behavioral Health and Developmental Services, and the Director of the Department of Criminal Justice  
801 Services shall be appointed for a term of three years. Appointments to fill vacancies, other than by expiration  
802 of a term, shall be for the unexpired terms. Vacancies shall be filled in the same manner as the original

803 appointments. All members may be reappointed. The Chief Medical Examiner, the Director of the Office of  
804 Family Health of the Department of Health, the State Registrar of Vital Records, the Commissioner of  
805 Behavioral Health and Developmental Services, and the Director of the Department of Criminal Justice  
806 Services shall serve terms coincident with their terms of office.

807 D. Upon the request of the Chief Medical Examiner in his capacity as a co-chair of the Team, made after  
808 the conclusion of any law-enforcement investigation or prosecution, the Chief Medical Examiner or his  
809 designee may inspect and copy information and records regarding a maternal death, including (i) any report  
810 of the circumstances of the maternal death maintained by any state or local law-enforcement agency or  
811 medical examiner, and (ii) information or records about the woman maintained by any social services agency  
812 or court. Information, records, or reports maintained by any attorney for the Commonwealth shall be made  
813 available for inspection and copying by the Chief Medical Examiner or his designee pursuant to procedures  
814 that shall be developed by the Chief Medical Examiner and the Commonwealth's Attorneys' Services Council  
815 established by § 2.2-2617. Any presentence report prepared pursuant to § 19.2-299 for any person convicted  
816 of a crime that led to the death of the woman shall be made available for inspection and copying by the Chief  
817 Medical Examiner or his designee. In addition, the Chief Medical Examiner or his designee may inspect and  
818 copy from any health care provider in the Commonwealth, on behalf of the Team, (a) without obtaining  
819 consent, subject to any limitations on disclosure under applicable federal and state law, the health and mental  
820 health records of the woman and those prenatal medical records relating to any child born to the woman and  
821 (b) upon obtaining consent, from each adult regarding his records.

822 E. All information and records obtained or created by the Team or on behalf of the Team regarding a  
823 review shall be confidential and excluded from the Virginia Freedom of Information Act (§ 2.2-3700 et seq.)  
824 pursuant to subdivision 7 of § 2.2-3705.5. All such information and records shall be used by the Team only in  
825 the exercise of its proper purpose and function and shall not be disclosed. In preparing information and  
826 records for review by the Team, the Department shall remove any individually identifiable information or  
827 information identifying a health care provider, as those terms are defined in 45 C.F.R. § 160.103. Such  
828 information shall not be subject to subpoena, subpoena duces tecum, or discovery, be admissible in any civil  
829 or criminal proceeding, or be used as evidence in any disciplinary proceeding or regulatory or licensure  
830 action of the Department of Health Professions or any health regulatory board. If available from other  
831 sources, however, such information and records shall not be immune from subpoena, discovery, or  
832 introduction into evidence when obtained through such other sources solely because the information and  
833 records were presented to the Team during a maternal death review. The findings of the Team may be  
834 disclosed or published in statistical or other form, but shall not identify any individual. Upon conclusion of  
835 the maternal death review, all information and records concerning the woman and the woman's family shall  
836 be shredded or otherwise destroyed by the Office of the Chief Medical Examiner in order to ensure  
837 confidentiality.

838 The portions of meetings in which individual maternal deaths are discussed by the Team shall be closed  
839 pursuant to subdivision A 21 of § 2.2-3711. In addition to the requirements of § 2.2-3712, all Team members  
840 and other persons attending closed Team meetings, including any persons presenting information or records  
841 on specific maternal deaths to the Team during closed meetings, shall execute a sworn statement to (i) honor  
842 the confidentiality of the information, records, discussions, and opinions disclosed during meetings at which  
843 the Team reviews a specific maternal death and (ii) not use any such information, records, discussions, or  
844 opinions disclosed during meetings at which the Team reviews a specific maternal death for any purpose  
845 other than the exercise of the proper purpose and function of the Team. Violations of this subsection are  
846 punishable as a Class 3 misdemeanor.

847 F. Upon notification of a maternal death, any state or local government agency maintaining records on the  
848 woman or the woman's family that are periodically purged shall retain such records for the longer of 12  
849 months or until such time as the Team has completed its review of the case.

850 G. The Team shall compile annual statistical data, which shall be made available to the Governor and the  
851 General Assembly, *including regional and demographic breakdowns of all instances of severe maternal*  
852 *morbidity*. Any statistical compilations *relating to maternal deaths* prepared by the Team shall be public  
853 record and shall not contain any personal identifying information. *Any statistical compilations relating to*  
854 *severe maternal morbidity shall comply with the provisions of § 32.1-127.1:03 and the federal Health*  
855 *Insurance Portability and Accountability Act of 1996 (42 U.S.C. § 1320d et seq.) and shall not contain any*  
856 *personal identifying information and shall further be included on a publicly accessible interactive data*  
857 *dashboard on the Department's website.*

858 H. Members of the Team, as well as their agents and employees, shall be immune from civil liability for  
859 any act or omission made in connection with participation in a review by the Team, unless such act or  
860 omission was the result of gross negligence or willful misconduct. Any organization, institution, or person  
861 furnishing information, data, testimony, reports, or records to the Team as part of such review shall be  
862 immune from civil liability for any act or omission in furnishing such information, unless such act or  
863 omission was the result of gross negligence or willful misconduct.