

HOUSE BILL NO. 513

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Health and Human Services

on _____)

(Patron Prior to Substitute—Delegate Martinez)

A BILL to amend and reenact §§ 2.2-3705.5 and 2.2-3711, as it is currently effective and as it may become effective, of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 32.1-283.9, relating to local and regional suicide fatality review teams; penalty.

Be it enacted by the General Assembly of Virginia:

10 1. That §§ 2.2-3705.5 and 2.2-3711, as it is currently effective and as it may become effective, of the
11 Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a
12 section numbered 32.1-283.9 as follows:

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

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

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

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

28 Where the person who is the subject of health records is under the age of 18, his right of access may be
29 asserted only by his guardian or his parent, including a noncustodial parent, unless such parent's parental
30 rights have been terminated, a court of competent jurisdiction has restricted or denied such access, or a parent
31 has been denied access to the health record in accordance with § 20-124.6. In instances where the person who

32 is the subject thereof is an emancipated minor, a student in a public institution of higher education, or is a
33 minor who has consented to his own treatment as authorized by § 16.1-338 or 54.1-2969, the right of access
34 may be asserted by the subject person.

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

39 2. Applications for admission to examinations or for licensure and scoring records maintained by the
40 Department of Health Professions or any board in that department on individual licensees or applicants;
41 information required to be provided to the Department of Health Professions by certain licensees pursuant to
42 § 54.1-2506.1; information held by the Health Practitioners' Monitoring Program Committee within the
43 Department of Health Professions that identifies any practitioner who may be, or who is actually, impaired to
44 the extent that disclosure is prohibited by § 54.1-2517; and information relating to the prescribing and
45 dispensing of covered substances to recipients and any abstracts from such information that are in the
46 possession of the Prescription Monitoring Program (Program) pursuant to Chapter 25.2 (§ 54.1-2519 et seq.)
47 of Title 54.1 and any material relating to the operation or security of the Program.

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

51 4. Investigative notes; proprietary information not published, copyrighted or patented; information
52 obtained from employee personnel records; personally identifiable information regarding residents, clients or
53 other recipients of services; other correspondence and information furnished in confidence to the Department
54 of Education in connection with an active investigation of an applicant or licensee pursuant to Chapter 14.1
55 (§ 22.1-289.02 et seq.) of Title 22.1; other correspondence and information furnished in confidence to the
56 Department of Social Services in connection with an active investigation of an applicant or licensee pursuant
57 to Chapters 17 (§ 63.2-1700 et seq.) and 18 (§ 63.2-1800 et seq.) of Title 63.2; and information furnished to
58 the Office of the Attorney General in connection with an investigation or litigation pursuant to Article 19.1
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 Review Team to the extent that such information is made
77 confidential by § 32.1-283.8; or (vi) during a review of any death conducted by the Developmental
78 Disabilities Mortality Review Committee to the extent that such information is made confidential by
79 § 37.2-314.1; or (vii) during a review of any death conducted by a local or regional suicide fatality review
80 team to the extent that such information is made confidential by § 32.1-283.9.

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

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

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

94 computer or other recordings.

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

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

101 13. The names and addresses or other contact information of persons receiving transportation services
102 from a state or local public body or its designee under Title II of the Americans with Disabilities Act, (42
103 U.S.C. § 12131 et seq.) or funded by Temporary Assistance for Needy Families (TANF) created under
104 § 63.2-600.

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

107 15. Data and information specified in § 37.2-308.01 relating to proceedings provided for in Article 16
108 (§ 16.1-335 et seq.) of Chapter 11 of Title 16.1 and Chapter 8 (§ 37.2-800 et seq.) of Title 37.2.

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

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

112 **§ 2.2-3711. (Effective until July 1, 2026) Closed meetings authorized for certain limited purposes.**

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

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

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

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

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

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

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

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

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

152 9. Discussion or consideration by governing boards of public institutions of higher education of matters

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

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

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

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

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

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

180 All discussions with the applicant or its representatives may be conducted in a closed meeting.

181 15. Discussion by the Governor and any economic advisory board reviewing forecasts of economic

182 activity and estimating general and nongeneral fund revenues.

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

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

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

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

203 20. Discussion by the Board of the Virginia Retirement System, acting pursuant to § 51.1-124.30, or of
204 any local retirement system, acting pursuant to § 51.1-803, or by a local finance board or board of trustees of
205 a trust established by one or more local public bodies to invest funds for postemployment benefits other than
206 pensions, acting pursuant to Article 8 (§ 15.2-1544 et seq.) of Chapter 15 of Title 15.2, or by the board of
207 visitors of the University of Virginia, acting pursuant to § 23.1-2210, or by the Board of the Commonwealth
208 Savers Plan, acting pursuant to § 23.1-706, regarding the acquisition, holding or disposition of a security or
209 other ownership interest in an entity, where such security or ownership interest is not traded on a
210 governmentally regulated securities exchange, to the extent that such discussion (i) concerns confidential
211 analyses prepared for the board of visitors of the University of Virginia, prepared by the retirement system, or
212 a local finance board or board of trustees, or the Commonwealth Savers Plan or provided to the retirement

213 system, a local finance board or board of trustees, or the Commonwealth Savers Plan under a promise of
214 confidentiality, of the future value of such ownership interest or the future financial performance of the
215 entity, and (ii) would have an adverse effect on the value of the investment to be acquired, held, or disposed
216 of by the retirement system, a local finance board or board of trustees, the board of visitors of the University
217 of Virginia, or the Commonwealth Savers Plan. Nothing in this subdivision shall be construed to prevent the
218 disclosure of information relating to the identity of any investment held, the amount invested or the present
219 value of such investment.

220 21. Those portions of meetings in which individual child death cases are discussed by the State Child
221 Fatality Review Team established pursuant to § 32.1-283.1, those portions of meetings in which individual
222 child death cases are discussed by a regional or local child fatality review team established pursuant to
223 § 32.1-283.2, those portions of meetings in which individual death cases are discussed by family violence
224 fatality review teams established pursuant to § 32.1-283.3, those portions of meetings in which individual
225 adult death cases are discussed by the state Adult Fatality Review Team established pursuant to § 32.1-283.5,
226 those portions of meetings in which individual adult death cases are discussed by a local or regional adult
227 fatality review team established pursuant to § 32.1-283.6, those portions of meetings in which individual
228 death cases are discussed by overdose fatality review teams established pursuant to § 32.1-283.7, those
229 portions of meetings in which individual maternal death cases are discussed by the Maternal Mortality
230 Review Team pursuant to § 32.1-283.8, ~~and~~ those portions of meetings in which individual death cases of
231 persons with developmental disabilities are discussed by the Developmental Disabilities Mortality Review
232 Committee established pursuant to § 37.2-314.1, *and those portions of meetings in which individual death*
233 *cases are discussed by a local or regional suicide fatality review team established pursuant to § 32.1-283.9.*

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

243 health care, if disclosure of such information would adversely affect the competitive position of the
244 University of Virginia Medical Center or the Eastern Virginia Health Sciences Center at Old Dominion
245 University, as the case may be.

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

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

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

262 26. Discussion or consideration, by the former Wireless Carrier E-911 Cost Recovery Subcommittee
263 created pursuant to former § 56-484.15, of trade secrets submitted by CMRS providers, as defined in
264 § 56-484.12, related to the provision of wireless E-911 service.

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

271 28. Discussion or consideration of information subject to the exclusion in subdivision 11 of § 2.2-3705.6
272 by a responsible public entity or an affected locality or public entity, as those terms are defined in

273 § 33.2-1800, or any independent review panel appointed to review information and advise the responsible
274 public entity concerning such records.

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

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

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

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

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

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

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

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

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

302 38. Discussion or consideration by the Board of Trustees of the Virginia Retirement System acting
303 pursuant to § 51.1-124.30, by the Investment Advisory Committee appointed pursuant to § 51.1-124.26, by

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

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

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

311 41. Those portions of meetings of the Virginia Military Advisory Council or any commission created by
312 executive order for the purpose of studying and making recommendations regarding preventing closure or
313 realignment of federal military and national security installations and facilities located in Virginia and
314 relocation of such facilities to Virginia, or a local or regional military affairs organization appointed by a
315 local governing body, during which there is discussion of information subject to the exclusion in subdivision
316 8 of § 2.2-3705.2.

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

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

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

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

333 46. Discussion or consideration by the Board of Directors of the Virginia Alcoholic Beverage Control
334 Authority of information subject to the exclusion in subdivision 1 of § 2.2-3705.3 related to investigations of

335 applicants for licenses and permits and of licensees and permittees.

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

339 48. Discussion or development of grant proposals by a regional council established pursuant to Article 26
340 (§ 2.2-2484 et seq.) of Chapter 24 to be submitted for consideration to the Virginia Growth and Opportunity
341 Board.

342 49. Discussion or consideration of (i) individual sexual assault cases by a sexual assault response team
343 established pursuant to § 15.2-1627.4, (ii) individual child abuse or neglect cases or sex offenses involving a
344 child by a child sexual abuse response team established pursuant to § 15.2-1627.5, (iii) individual cases
345 involving abuse, neglect, or exploitation of adults as defined in § 63.2-1603 pursuant to §§ 15.2-1627.5 and
346 63.2-1605, or (iv) individual human trafficking cases by any human trafficking response team established
347 pursuant to § 15.2-1627.6.

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

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

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

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

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

366 disclosure under subdivision 1 of § 2.2-3705.3.

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

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

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

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

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

386 **§ 2.2-3711. (Effective July 1, 2026) Closed meetings authorized for certain limited purposes.**

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

388 1. Discussion, consideration, or interviews of prospective candidates for employment; assignment,
389 appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public
390 officers, appointees, or employees of any public body; and evaluation of performance of departments or
391 schools of public institutions of higher education where such evaluation will necessarily involve discussion of
392 the performance of specific individuals. Any teacher shall be permitted to be present during a closed meeting
393 in which there is a discussion or consideration of a disciplinary matter that involves the teacher and some
394 student and the student involved in the matter is present, provided that the teacher makes a written request to

395 be present to the presiding officer of the appropriate board. Nothing in this subdivision, however, shall be
396 construed to authorize a closed meeting by a local governing body or an elected school board to discuss
397 compensation matters that affect the membership of such body or board collectively.

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

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

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

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

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

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

422 8. Consultation with legal counsel employed or retained by a public body regarding specific legal matters
423 requiring the provision of legal advice by such counsel. Nothing in this subdivision shall be construed to

424 permit the closure of a meeting merely because an attorney representing the public body is in attendance or is
425 consulted on a matter.

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

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

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

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

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

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

453 governing body or the establishment of the terms, conditions and provisions of the siting agreement, or both.

454 All discussions with the applicant or its representatives may be conducted in a closed meeting.

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

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

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

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

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

477 20. Discussion by the Board of the Virginia Retirement System, acting pursuant to § 51.1-124.30, or of
478 any local retirement system, acting pursuant to § 51.1-803, or by a local finance board or board of trustees of
479 a trust established by one or more local public bodies to invest funds for postemployment benefits other than
480 pensions, acting pursuant to Article 8 (§ 15.2-1544 et seq.) of Chapter 15 of Title 15.2, or by the board of
481 visitors of the University of Virginia, acting pursuant to § 23.1-2210, or by the Board of the Commonwealth
482 Savers Plan, acting pursuant to § 23.1-706, regarding the acquisition, holding or disposition of a security or
483 other ownership interest in an entity, where such security or ownership interest is not traded on a

484 governmentally regulated securities exchange, to the extent that such discussion (i) concerns confidential
485 analyses prepared for the board of visitors of the University of Virginia, prepared by the retirement system, or
486 a local finance board or board of trustees, or the Commonwealth Savers Plan or provided to the retirement
487 system, a local finance board or board of trustees, or the Commonwealth Savers Plan under a promise of
488 confidentiality, of the future value of such ownership interest or the future financial performance of the
489 entity, and (ii) would have an adverse effect on the value of the investment to be acquired, held, or disposed
490 of by the retirement system, a local finance board or board of trustees, the board of visitors of the University
491 of Virginia, or the Commonwealth Savers Plan. Nothing in this subdivision shall be construed to prevent the
492 disclosure of information relating to the identity of any investment held, the amount invested or the present
493 value of such investment.

494 21. Those portions of meetings in which individual child death cases are discussed by the State Child
495 Fatality Review Team established pursuant to § 32.1-283.1, those portions of meetings in which individual
496 child death cases are discussed by a regional or local child fatality review team established pursuant to
497 § 32.1-283.2, those portions of meetings in which individual death cases are discussed by family violence
498 fatality review teams established pursuant to § 32.1-283.3, those portions of meetings in which individual
499 adult death cases are discussed by the state Adult Fatality Review Team established pursuant to § 32.1-283.5,
500 those portions of meetings in which individual adult death cases are discussed by a local or regional adult
501 fatality review team established pursuant to § 32.1-283.6, those portions of meetings in which individual
502 death cases are discussed by overdose fatality review teams established pursuant to § 32.1-283.7, those
503 portions of meetings in which individual maternal death cases are discussed by the Maternal Mortality
504 Review Team pursuant to § 32.1-283.8, *and* those portions of meetings in which individual death cases of
505 persons with developmental disabilities are discussed by the Developmental Disabilities Mortality Review
506 Committee established pursuant to § 37.2-314.1, *and those portions of meetings in which individual death*
507 cases are discussed by a local or regional suicide fatality review team established pursuant to § 32.1-283.9.

508 22. Those portions of meetings of the board of visitors of the University of Virginia or Old Dominion
509 University, as the case may be, and those portions of meetings of any persons to whom management
510 responsibilities for the University of Virginia Medical Center or the Eastern Virginia Health Sciences Center
511 at Old Dominion University, as the case may be, have been delegated, in which there is discussed proprietary,
512 business-related information pertaining to the operations of the University of Virginia Medical Center or the
513 Eastern Virginia Health Sciences Center at Old Dominion University, as the case may be, including business

514 development or marketing strategies and activities with existing or future joint venturers, partners, or other
515 parties with whom the University of Virginia Medical Center or the Eastern Virginia Health Sciences Center
516 at Old Dominion University, as the case may be, has formed, or forms, any arrangement for the delivery of
517 health care, if disclosure of such information would adversely affect the competitive position of the
518 University of Virginia Medical Center or the Eastern Virginia Health Sciences Center at Old Dominion
519 University, as the case may be.

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

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

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

536 26. Discussion or consideration, by the former Wireless Carrier E-911 Cost Recovery Subcommittee
537 created pursuant to former § 56-484.15, of trade secrets submitted by CMRS providers, as defined in
538 § 56-484.12, related to the provision of wireless E-911 service.

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

544 either of the parties.

545 28. Discussion or consideration of information subject to the exclusion in subdivision 11 of § 2.2-3705.6
546 by a responsible public entity or an affected locality or public entity, as those terms are defined in
547 § 33.2-1800, or any independent review panel appointed to review information and advise the responsible
548 public entity concerning such records.

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

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

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

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

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

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

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

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

574 37. Discussion or consideration by the Virginia Port Authority of information subject to the exclusion in

575 subdivision 1 of § 2.2-3705.6 related to certain proprietary information gathered by or for the Virginia Port
576 Authority.

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

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

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

586 41. Those portions of meetings of the Virginia Military Advisory Council or any commission created by
587 executive order for the purpose of studying and making recommendations regarding preventing closure or
588 realignment of federal military and national security installations and facilities located in Virginia and
589 relocation of such facilities to Virginia, or a local or regional military affairs organization appointed by a
590 local governing body, during which there is discussion of information subject to the exclusion in subdivision
591 8 of § 2.2-3705.2.

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

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

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

602 45. Discussion or consideration of personal and proprietary information related to the resource
603 management plan program and subject to the exclusion in (i) subdivision 25 of § 2.2-3705.6 or (ii) subsection
604 E of § 10.1-104.7. This exclusion shall not apply to the discussion or consideration of records that contain
605 information that has been certified for release by the person who is the subject of the information or

606 transformed into a statistical or aggregate form that does not allow identification of the person who supplied,
607 or is the subject of, the information.

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

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

614 48. Discussion or development of grant proposals by a regional council established pursuant to Article 26
615 (§ 2.2-2484 et seq.) of Chapter 24 to be submitted for consideration to the Virginia Growth and Opportunity
616 Board.

617 49. Discussion or consideration of (i) individual sexual assault cases by a sexual assault response team
618 established pursuant to § 15.2-1627.4, (ii) individual child abuse or neglect cases or sex offenses involving a
619 child by a child sexual abuse response team established pursuant to § 15.2-1627.5, (iii) individual cases
620 involving abuse, neglect, or exploitation of adults as defined in § 63.2-1603 pursuant to §§ 15.2-1627.5 and
621 63.2-1605, or (iv) individual human trafficking cases by any human trafficking response team established
622 pursuant to § 15.2-1627.6.

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

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

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

634 53. Deliberations of the Virginia Lottery Board conducted pursuant to § 58.1-4105 regarding the denial or
635 revocation of a license of a casino gaming operator, or the refusal to issue, suspension of, or revocation of
636 any license or permit related to casino gaming, and discussion, consideration, or review of matters related to

637 investigations excluded from mandatory disclosure under subdivision 1 of § 2.2-3705.3.

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

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

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

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

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

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

661 ***§ 32.1-283.9. Local and regional suicide fatality review teams established; membership; authority;***
662 ***confidentiality; immunity; penalty.***

663 A. Any county or city, or combination of counties, cities, or counties and cities, may establish a local or
664 regional suicide fatality review team for the purpose of (i) conducting contemporaneous reviews of local
665 deaths from suicide, including suicide deaths of military service members and veterans; (ii) promoting
666 cooperation and coordination among agencies involved in investigations of suicide deaths, including suicide

667 *deaths of military service members and veterans, or in providing services to surviving family members; (iii)*
668 *developing an understanding of the causes and incidence of suicide deaths in the locality; (iv) developing*
669 *plans for and recommending changes within the agencies represented on the local team to prevent suicide*
670 *deaths; and (v) advising the Department and other relevant state agencies on changes to law, policy, or*
671 *practice to prevent suicide deaths.*

672 *B. A local or regional team may review the death of any person, including the death of any military*
673 *service member or veteran, who resides in the Commonwealth and whose death was or is suspected to be due*
674 *to suicide. Each team shall establish rules and procedures to govern the review process. Agencies may share*
675 *information but shall be bound by confidentiality and execute a sworn statement to honor the confidentiality*
676 *of the information they share. A violation of this confidentiality requirement is punishable as a Class 3*
677 *misdemeanor. The Office of the Chief Medical Examiner may develop a model protocol for the development*
678 *and implementation of local or regional suicide fatality review teams, and such model protocol may include*
679 *relevant procedures for conducting reviews of suicide fatalities.*

680 *C. Local and regional teams may be composed of the following persons from the localities represented on*
681 *a particular board or their designees: a medical examiner appointed pursuant to § 32.1-282, a local social*
682 *services official, a director of the relevant local or district health department, a chief law-enforcement*
683 *officer, an attorney for the Commonwealth, an executive director of the local community services board or*
684 *other local mental health agency, a local judge, the local school division superintendent, a representative of*
685 *a local jail or detention center, a local representative of the Department of Veterans Services, and such*
686 *additional persons as may be appointed to serve by the chair of the local or regional team. The chair shall be*
687 *elected from among the designated membership. The additional members appointed by the chair may include*
688 *representatives of local human services agencies, local health care professionals who specialize in the*
689 *prevention and treatment of substance abuse disorders, local emergency medical services personnel,*
690 *representatives of hospitals, experts in forensic medicine and pathology, local funeral services providers,*
691 *local representatives of the U.S. Department of Veterans Affairs, and representatives of the local bar.*

692 *D. Each local or regional team shall establish operating procedures to govern the review process prior to*
693 *conducting the first suicide fatality review. The review of a death shall be delayed until any criminal*
694 *investigations connected with the death are completed or the Commonwealth consents to the commencement*
695 *of such review prior to the completion of the criminal investigation.*

696 *E. All information and records obtained or created regarding a review of a fatality shall be confidential*
697 *and shall be excluded from the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) pursuant to*

698 subdivision 7 of § 2.2-3705.5. All such information and records shall be used by the team only in the exercise
699 of its proper purpose and function and shall not be disclosed. Such information and records shall not be
700 subject to subpoena, subpoena duces tecum, discovery, or introduction into evidence when obtained through
701 such other sources solely because the information and records were presented to the team during the fatality
702 review. No person who participated in the review and no member of the team shall be required to make any
703 statement as to what transpired during the review or what information was collected during the review. Upon
704 the conclusion of the fatality review, all information and records concerning the victim and family shall be
705 returned to the originating agency or destroyed. However, the findings of the team may be disclosed or
706 published in statistical or other form that does not identify any individuals. The portions of meetings in which
707 individual cases are discussed by the team shall be closed pursuant to subdivision A 21 of § 2.2-3711. All
708 team members, persons attending closed team meetings, and persons presenting information and records on
709 specific fatalities to the team during closed meetings shall execute a sworn statement to honor the
710 confidentiality of the information, records, discussions, and opinions disclosed during any closed meeting to
711 review a specific death. A violation of this subsection is punishable as a Class 3 misdemeanor.

712 F. Members of teams, as well as their agents and employees, shall be immune from civil liability for any
713 act or omission made in connection with participation in a suicide fatality review team review, unless such
714 act or omission was the result of gross negligence or willful misconduct. Any organization, institution, or
715 person furnishing information, data, testimony, reports, or records to suicide fatality review teams as part of
716 such review shall be immune from civil liability for any act or omission in furnishing such information, unless
717 such act or omission was the result of gross negligence or willful misconduct.