

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

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

6 [H 65]

7 Approved

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

9 **1. That §§ 2.2-3705.6, 2.2-3711, as it is currently effective and as it shall become effective, 3.2-1100,**
 10 **3.2-1104, 3.2-1105, 3.2-1106, 10.1-1458, and 15.2-2103.1 of the Code of Virginia are amended and**
 11 **reenacted as follows:**

12 **§ 2.2-3705.6. Exclusions to application of chapter; proprietary records and trade secrets.**

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

17 1. Proprietary information gathered by or for the Virginia Port Authority as provided in § 62.1-132.4 or
 18 62.1-134.1.

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

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

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

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

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

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

38 8. Confidential proprietary information furnished to the Board of Medical Assistance Services or the
 39 Medicaid Prior Authorization Advisory Committee pursuant to Article 4 (§ 32.1-331.12 et seq.) of Chapter
 40 10 of Title 32.1.

41 9. Proprietary, commercial or financial information, balance sheets, trade secrets, and revenue and cost
 42 projections provided by a private transportation business to the Virginia Department of Transportation and
 43 the Department of Rail and Public Transportation for the purpose of conducting transportation studies needed
 44 to obtain grants or other financial assistance under the Transportation Equity Act for the 21st Century (P.L.
 45 105-178) for transportation projects if disclosure of such information is exempt under the federal Freedom of
 46 Information Act or the federal Interstate Commerce Act or other laws administered by the Surface
 47 Transportation Board or the Federal Railroad Administration with respect to data provided in confidence to
 48 the Surface Transportation Board and the Federal Railroad Administration. However, the exclusion provided
 49 by this subdivision shall not apply to any wholly owned subsidiary of a public body.

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

54 11. a. Memoranda, staff evaluations, or other information prepared by the responsible public entity, its
 55 staff, outside advisors, or consultants exclusively for the evaluation and negotiation of proposals filed under
 56 the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.) or the Public-Private Education Facilities

57 and Infrastructure Act of 2002 (§ 56-575.1 et seq.) where (i) if such information was made public prior to or
 58 after the execution of an interim or a comprehensive agreement, § 33.2-1820 or 56-575.17 notwithstanding,
 59 the financial interest or bargaining position of the public entity would be adversely affected and (ii) the basis
 60 for the determination required in clause (i) is documented in writing by the responsible public entity; and

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

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

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

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

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

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

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

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

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

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

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

117 14. Information of a proprietary or confidential nature furnished by a supplier or manufacturer of
 118 charitable gaming supplies to the Department of Agriculture and Consumer Services (i) pursuant to

119 subsection E of § 18.2-340.34 and (ii) pursuant to regulations promulgated by the Commissioner of
120 Agriculture and Consumer Services related to approval of electronic and mechanical equipment.

121 ~~15. Information related to Virginia apple producer sales provided to the Virginia State Apple Board~~
122 ~~pursuant to § 3.2-4215.~~

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

126 ~~17. 16. Information relating to a grant or loan application, or accompanying a grant or loan application, to~~
127 ~~the Commonwealth Health Research Board pursuant to Chapter 5.3 (§ 32.1-162.23 et seq.) of Title 32.1 if~~
128 ~~disclosure of such information would (i) reveal proprietary business or research-related information produced~~
129 ~~or collected by the applicant in the conduct of or as a result of study or research on medical, rehabilitative,~~
130 ~~scientific, technical, technological, or scholarly issues, when such information has not been publicly released,~~
131 ~~published, copyrighted, or patented, and (ii) be harmful to the competitive position of the applicant.~~

132 ~~18. 17. Confidential proprietary information and trade secrets developed and held by a local public body~~
133 ~~(i) providing telecommunication services pursuant to § 56-265.4:4 and (ii) providing cable television services~~
134 ~~pursuant to Article 1.1 (§ 15.2-2108.2 et seq.) of Chapter 21 of Title 15.2 if disclosure of such information~~
135 ~~would be harmful to the competitive position of the locality.~~

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

141 ~~19. 18. Confidential proprietary information and trade secrets developed by or for a local authority created~~
142 ~~in accordance with the Virginia Wireless Service Authorities Act (§ 15.2-5431.1 et seq.) to provide~~
143 ~~qualifying communications services as authorized by Article 5.1 (§ 56-484.7:1 et seq.) of Chapter 15 of Title~~
144 ~~56, where disclosure of such information would be harmful to the competitive position of the authority,~~
145 ~~except that information required to be maintained in accordance with § 15.2-2160 shall be released.~~

146 ~~20. 19. Trade secrets or financial information of a business, including balance sheets and financial~~
147 ~~statements, that are not generally available to the public through regulatory disclosure or otherwise, provided~~
148 ~~to the Department of Small Business and Supplier Diversity as part of an application for certification as a~~
149 ~~small, women-owned, or minority-owned business in accordance with Chapter 16.1 (§ 2.2-1603 et seq.). In~~
150 ~~order for such trade secrets or financial information to be excluded from the provisions of this chapter, the~~
151 ~~business shall (i) invoke such exclusion upon submission of the data or other materials for which protection~~
152 ~~from disclosure is sought, (ii) identify the data or other materials for which protection is sought, and (iii) state~~
153 ~~the reasons why protection is necessary.~~

154 ~~21. 20. Information of a proprietary or confidential nature disclosed by a carrier to the State Health~~
155 ~~Commissioner pursuant to §§ 32.1-276.5:1 and 32.1-276.7:1.~~

156 ~~22. 21. Trade secrets, including, but not limited to, financial information, including balance sheets and~~
157 ~~financial statements, that are not generally available to the public through regulatory disclosure or otherwise,~~
158 ~~and revenue and cost projections supplied by a private or nongovernmental entity to the State Inspector~~
159 ~~General for the purpose of an audit, special investigation, or any study requested by the Office of the State~~
160 ~~Inspector General in accordance with law.~~

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

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

165 b. Identifying with specificity the data or other materials for which protection is sought; and

166 c. Stating the reasons why protection is necessary.

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

171 ~~23. 22. Information relating to a grant application, or accompanying a grant application, submitted to the~~
172 ~~Tobacco Region Revitalization Commission that would (i) reveal (a) trade secrets, (b) financial information~~
173 ~~of a grant applicant that is not a public body, including balance sheets and financial statements, that are not~~
174 ~~generally available to the public through regulatory disclosure or otherwise, or (c) research-related~~
175 ~~information produced or collected by the applicant in the conduct of or as a result of study or research on~~
176 ~~medical, rehabilitative, scientific, technical, technological, or scholarly issues, when such information has not~~
177 ~~been publicly released, published, copyrighted, or patented, and (ii) be harmful to the competitive position of~~
178 ~~the applicant; and memoranda, staff evaluations, or other information prepared by the Commission or its staff~~
179 ~~exclusively for the evaluation of grant applications. The exclusion provided by this subdivision shall apply to~~
180 ~~grants that are consistent with the powers of and in furtherance of the performance of the duties of the~~

181 Commission pursuant to § 3.2-3103.

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

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

186 b. Identifying with specificity the data, information or other materials for which protection is sought; and

187 c. Stating the reasons why protection is necessary.

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

192 ~~24-~~ 23. a. Information held by the Commercial Space Flight Authority relating to rate structures or charges
193 for the use of projects of, the sale of products of, or services rendered by the Authority if disclosure of such
194 information would adversely affect the financial interest or bargaining position of the Authority or a private
195 entity providing the information to the Authority; or

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

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

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

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

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

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

212 ~~25-~~ 24. Information of a proprietary nature furnished by an agricultural landowner or operator to the
213 Department of Conservation and Recreation, the Department of Environmental Quality, the Department of
214 Agriculture and Consumer Services, or any political subdivision, agency, or board of the Commonwealth
215 pursuant to §§ 10.1-104.7, 10.1-104.8, and 10.1-104.9, other than when required as part of a state or federal
216 regulatory enforcement action.

217 ~~26-~~ 25. Trade secrets provided to the Department of Environmental Quality pursuant to the provisions of
218 § 10.1-1458. In order for such trade secrets to be excluded from the provisions of this chapter, the submitting
219 party shall (i) invoke this exclusion upon submission of the data or materials for which protection from
220 disclosure is sought, (ii) identify the data or materials for which protection is sought, and (iii) state the
221 reasons why protection is necessary.

222 ~~27-~~ 26. Information of a proprietary nature furnished by a licensed public-use airport to the Department of
223 Aviation for funding from programs administered by the Department of Aviation or the Virginia Aviation
224 Board, where if such information was made public, the financial interest of the public-use airport would be
225 adversely affected.

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

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

230 b. Identifying with specificity the data or other materials for which protection is sought; and

231 c. Stating the reasons why protection is necessary.

232 ~~28-~~ 27. Information relating to a grant, loan, or investment application, or accompanying a grant, loan, or
233 investment application, submitted to the Commonwealth of Virginia Innovation Partnership Authority (the
234 Authority) established pursuant to Article 11 (§ 2.2-2351 et seq.) of Chapter 22, an advisory committee of the
235 Authority, or any other entity designated by the Authority to review such applications, to the extent that such
236 records would (i) reveal (a) trade secrets; (b) financial information of a party to a grant, loan, or investment
237 application that is not a public body, including balance sheets and financial statements, that are not generally
238 available to the public through regulatory disclosure or otherwise; or (c) research-related information
239 produced or collected by a party to the application in the conduct of or as a result of study or research on
240 medical, rehabilitative, scientific, technical, technological, or scholarly issues, when such information has not
241 been publicly released, published, copyrighted, or patented, and (ii) be harmful to the competitive position of
242 a party to a grant, loan, or investment application; and memoranda, staff evaluations, or other information

243 prepared by the Authority or its staff, or a reviewing entity designated by the Authority, exclusively for the
244 evaluation of grant, loan, or investment applications, including any scoring or prioritization documents
245 prepared for and forwarded to the Authority.

246 ~~29-~~ 28. Proprietary information, voluntarily provided by a private business pursuant to a promise of
247 confidentiality from a public body, used by the public body for a solar services or carbon sequestration
248 agreement, where disclosure of such information would (i) reveal (a) trade secrets of the private business; (b)
249 financial information of the private business, including balance sheets and financial statements, that are not
250 generally available to the public through regulatory disclosure or otherwise; or (c) other information
251 submitted by the private business and (ii) adversely affect the financial interest or bargaining position of the
252 public body or private business.

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

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

257 b. Identifying with specificity the data or other materials for which protection is sought; and

258 c. Stating the reasons why protection is necessary.

259 ~~30-~~ 29. Information contained in engineering and construction drawings and plans submitted for the sole
260 purpose of complying with the Building Code in obtaining a building permit if disclosure of such information
261 would identify specific trade secrets or other information that would be harmful to the competitive position of
262 the owner or lessee. However, such information shall be exempt only until the building is completed.
263 Information relating to the safety or environmental soundness of any building shall not be exempt from
264 disclosure.

265 ~~31-~~ 30. Trade secrets, including, but not limited to, financial information, including balance sheets and
266 financial statements that are not generally available to the public through regulatory disclosure or otherwise,
267 and revenue and cost projections supplied by a private or nongovernmental entity to the Virginia Department
268 of Transportation for the purpose of an audit, special investigation, or any study requested by the Virginia
269 Department of Transportation in accordance with law.

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

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

274 b. Identifying with specificity the data or other materials for which protection is sought; and

275 c. Stating the reasons why protection is necessary.

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

280 ~~32-~~ 31. Information related to a grant application, or accompanying a grant application, submitted to the
281 Department of Housing and Community Development that would (i) reveal (a) trade secrets, (b) financial
282 information of a grant applicant that is not a public body, including balance sheets and financial statements,
283 that are not generally available to the public through regulatory disclosure or otherwise, or (c)
284 research-related information produced or collected by the applicant in the conduct of or as a result of study or
285 research on medical, rehabilitative, scientific, technical, technological, or scholarly issues, when such
286 information has not been publicly released, published, copyrighted, or patented, and (ii) be harmful to the
287 competitive position of the applicant. The exclusion provided by this subdivision shall only apply to grants
288 administered by the Department, the Director of the Department, or pursuant to § 36-139, Article 26
289 (§ 2.2-2484 et seq.) of Chapter 24, or the Virginia Telecommunication Initiative as authorized by the
290 appropriations act.

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

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

295 b. Identifying with specificity the data, information, or other materials for which protection is sought; and

296 c. Stating the reasons why protection is necessary.

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

300 ~~33-~~ 32. Financial and proprietary records submitted with a loan application to a locality for the
301 preservation or construction of affordable housing that is related to a competitive application to be submitted
302 to either the U.S. Department of Housing and Urban Development (HUD) or the Virginia Housing
303 Development Authority (VHDA), when the release of such records would adversely affect the bargaining or
304 competitive position of the applicant. Such records shall not be withheld after they have been made public by

305 HUD or VHDA.

306 ~~34.~~ 33. Information of a proprietary or confidential nature disclosed by a health carrier or pharmacy
 307 benefits manager pursuant to § 38.2-3407.15:6, a wholesale distributor pursuant to § 54.1-3436.1, or a
 308 manufacturer pursuant to § 54.1-3442.02.

309 ~~35.~~ 34. Trade secrets, proprietary information, or financial information, including balance sheets and
 310 financial statements, that are not generally available to the public through regulatory disclosure or otherwise,
 311 supplied by an individual or a private or nongovernmental entity to the Fort Monroe Authority for the
 312 purpose of complying with the obligations of any lease, easement, license, permit, or other agreement,
 313 whether of a commercial or residential real estate nature, pertaining to the use or occupancy of any portion of
 314 Fort Monroe.

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

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

319 b. Identifying with specificity the data, information, or other materials for which protection is sought; and

320 c. Stating the reasons why protection is necessary.

321 ~~36.~~ 35. Information of a proprietary or confidential nature, including trade secrets, employee
 322 compensation information, balance sheets and financial statements that are not available to the public through
 323 regulatory disclosure or otherwise, and revenue and cost projections supplied by a private or
 324 nongovernmental entity to the Department of Workforce Development and Advancement (the Department)
 325 for the purpose of sponsoring, implementing, and operating (i) an apprenticeship program approved by the
 326 Department or (ii) a similar lawful workforce development or public-private partnership approved by the
 327 Department that assists the Department in fulfilling its mission and objectives and whose workforce
 328 development initiative could not advance without such exemption, as determined by the Commissioner of the
 329 Department and the Secretary of Labor. However, nothing in this subdivision shall be construed to allow the
 330 withholding of the name and contact information of a private or nongovernmental entity sponsoring,
 331 implementing, or operating the apprenticeship program, the location of the program, the occupations offered
 332 by the program, or the terms and conditions of a contract or agreement entered into by such private or
 333 nongovernmental entity.

334 **§ 2.2-3711. (Effective until July 1, 2026) Closed meetings authorized for certain limited purposes.**

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

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

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

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

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

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

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

363 7. Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or
 364 probable litigation, where such consultation or briefing in open meeting would adversely affect the
 365 negotiating or litigating posture of the public body. For the purposes of this subdivision, "probable litigation"
 366 means litigation that has been specifically threatened or on which the public body or its legal counsel has a

367 reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall
 368 be construed to permit the closure of a meeting merely because an attorney representing the public body is in
 369 attendance or is consulted on a matter.

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

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

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

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

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

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

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

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

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

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

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

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

425 20. Discussion by the Board of the Virginia Retirement System, acting pursuant to § 51.1-124.30, or of
 426 any local retirement system, acting pursuant to § 51.1-803, or by a local finance board or board of trustees of
 427 a trust established by one or more local public bodies to invest funds for postemployment benefits other than
 428 pensions, acting pursuant to Article 8 (§ 15.2-1544 et seq.) of Chapter 15 of Title 15.2, or by the board of

429 visitors of the University of Virginia, acting pursuant to § 23.1-2210, or by the Board of the Commonwealth
430 Savers Plan, acting pursuant to § 23.1-706, regarding the acquisition, holding or disposition of a security or
431 other ownership interest in an entity, where such security or ownership interest is not traded on a
432 governmentally regulated securities exchange, to the extent that such discussion (i) concerns confidential
433 analyses prepared for the board of visitors of the University of Virginia, prepared by the retirement system, or
434 a local finance board or board of trustees, or the Commonwealth Savers Plan or provided to the retirement
435 system, a local finance board or board of trustees, or the Commonwealth Savers Plan under a promise of
436 confidentiality, of the future value of such ownership interest or the future financial performance of the
437 entity, and (ii) would have an adverse effect on the value of the investment to be acquired, held, or disposed
438 of by the retirement system, a local finance board or board of trustees, the board of visitors of the University
439 of Virginia, or the Commonwealth Savers Plan. Nothing in this subdivision shall be construed to prevent the
440 disclosure of information relating to the identity of any investment held, the amount invested or the present
441 value of such investment.

442 21. Those portions of meetings in which individual child death cases are discussed by the State Child
443 Fatality Review Team established pursuant to § 32.1-283.1, those portions of meetings in which individual
444 child death cases are discussed by a regional or local child fatality review team established pursuant to
445 § 32.1-283.2, those portions of meetings in which individual death cases are discussed by family violence
446 fatality review teams established pursuant to § 32.1-283.3, those portions of meetings in which individual
447 adult death cases are discussed by the state Adult Fatality Review Team established pursuant to § 32.1-283.5,
448 those portions of meetings in which individual adult death cases are discussed by a local or regional adult
449 fatality review team established pursuant to § 32.1-283.6, those portions of meetings in which individual
450 death cases are discussed by overdose fatality review teams established pursuant to § 32.1-283.7, those
451 portions of meetings in which individual maternal death cases are discussed by the Maternal Mortality
452 Review Team pursuant to § 32.1-283.8, and those portions of meetings in which individual death cases of
453 persons with developmental disabilities are discussed by the Developmental Disabilities Mortality Review
454 Committee established pursuant to § 37.2-314.1.

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

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

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

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

483 26. Discussion or consideration, by the former Wireless Carrier E-911 Cost Recovery Subcommittee
484 created pursuant to former § 56-484.15, of trade secrets submitted by CMRS providers, as defined in
485 § 56-484.12, related to the provision of wireless E-911 service.

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

491 either of the parties.

492 28. Discussion or consideration of information subject to the exclusion in subdivision 11 of § 2.2-3705.6
 493 by a responsible public entity or an affected locality or public entity, as those terms are defined in
 494 § 33.2-1800, or any independent review panel appointed to review information and advise the responsible
 495 public entity concerning such records.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

553 or is the subject of, the information.

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

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

560 48. Discussion or development of grant proposals by a regional council established pursuant to Article 26
561 (§ 2.2-2484 et seq.) of Chapter 24 to be submitted for consideration to the Virginia Growth and Opportunity
562 Board.

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

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

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

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

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

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

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

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

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

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

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

607 **§ 2.2-3711. (Effective July 1, 2026) Closed meetings authorized for certain limited purposes.**

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

609 1. Discussion, consideration, or interviews of prospective candidates for employment; assignment,
610 appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public
611 officers, appointees, or employees of any public body; and evaluation of performance of departments or
612 schools of public institutions of higher education where such evaluation will necessarily involve discussion of
613 the performance of specific individuals. Any teacher shall be permitted to be present during a closed meeting
614 in which there is a discussion or consideration of a disciplinary matter that involves the teacher and some

615 student and the student involved in the matter is present, provided that the teacher makes a written request to
 616 be present to the presiding officer of the appropriate board. Nothing in this subdivision, however, shall be
 617 construed to authorize a closed meeting by a local governing body or an elected school board to discuss
 618 compensation matters that affect the membership of such body or board collectively.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

677 activity and estimating general and nongeneral fund revenues.

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

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

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

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

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

715 21. Those portions of meetings in which individual child death cases are discussed by the State Child
716 Fatality Review Team established pursuant to § 32.1-283.1, those portions of meetings in which individual
717 child death cases are discussed by a regional or local child fatality review team established pursuant to
718 § 32.1-283.2, those portions of meetings in which individual death cases are discussed by family violence
719 fatality review teams established pursuant to § 32.1-283.3, those portions of meetings in which individual
720 adult death cases are discussed by the state Adult Fatality Review Team established pursuant to § 32.1-283.5,
721 those portions of meetings in which individual adult death cases are discussed by a local or regional adult
722 fatality review team established pursuant to § 32.1-283.6, those portions of meetings in which individual
723 death cases are discussed by overdose fatality review teams established pursuant to § 32.1-283.7, those
724 portions of meetings in which individual maternal death cases are discussed by the Maternal Mortality
725 Review Team pursuant to § 32.1-283.8, and those portions of meetings in which individual death cases of
726 persons with developmental disabilities are discussed by the Developmental Disabilities Mortality Review
727 Committee established pursuant to § 37.2-314.1.

728 22. Those portions of meetings of the board of visitors of the University of Virginia or Old Dominion
729 University, as the case may be, and those portions of meetings of any persons to whom management
730 responsibilities for the University of Virginia Medical Center or the Eastern Virginia Health Sciences Center
731 at Old Dominion University, as the case may be, have been delegated, in which there is discussed proprietary,
732 business-related information pertaining to the operations of the University of Virginia Medical Center or the
733 Eastern Virginia Health Sciences Center at Old Dominion University, as the case may be, including business
734 development or marketing strategies and activities with existing or future joint venturers, partners, or other
735 parties with whom the University of Virginia Medical Center or the Eastern Virginia Health Sciences Center
736 at Old Dominion University, as the case may be, has formed, or forms, any arrangement for the delivery of
737 health care, if disclosure of such information would adversely affect the competitive position of the
738 University of Virginia Medical Center or the Eastern Virginia Health Sciences Center at Old Dominion

739 University, as the case may be.

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

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

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

756 26. Discussion or consideration, by the former Wireless Carrier E-911 Cost Recovery Subcommittee
 757 created pursuant to former § 56-484.15, of trade secrets submitted by CMRS providers, as defined in
 758 § 56-484.12, related to the provision of wireless E-911 service.

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

765 28. Discussion or consideration of information subject to the exclusion in subdivision 11 of § 2.2-3705.6
 766 by a responsible public entity or an affected locality or public entity, as those terms are defined in
 767 § 33.2-1800, or any independent review panel appointed to review information and advise the responsible
 768 public entity concerning such records.

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

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

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

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

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

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

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

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

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

797 38. Discussion or consideration by the Board of Trustees of the Virginia Retirement System acting
 798 pursuant to § 51.1-124.30, by the Investment Advisory Committee appointed pursuant to § 51.1-124.26, by
 799 any local retirement system, acting pursuant to § 51.1-803, by the Board of the Commonwealth Savers Plan
 800 acting pursuant to § 23.1-706, or by the Commonwealth Savers Plan's Investment Advisory Committee

- 801 appointed pursuant to § 23.1-702 of information subject to the exclusion in subdivision 24 of § 2.2-3705.7.
802 39. Discussion or consideration of information subject to the exclusion in subdivision 3 of § 2.2-3705.6
803 related to economic development.
- 804 40. Discussion or consideration by the Board of Education of information relating to the denial,
805 suspension, or revocation of teacher licenses subject to the exclusion in subdivision 11 of § 2.2-3705.3.
- 806 41. Those portions of meetings of the Virginia Military Advisory Council or any commission created by
807 executive order for the purpose of studying and making recommendations regarding preventing closure or
808 realignment of federal military and national security installations and facilities located in Virginia and
809 relocation of such facilities to Virginia, or a local or regional military affairs organization appointed by a
810 local governing body, during which there is discussion of information subject to the exclusion in subdivision
811 8 of § 2.2-3705.2.
- 812 42. Discussion or consideration by the Board of Trustees of the Veterans Services Foundation of
813 information subject to the exclusion in subdivision 28 of § 2.2-3705.7 related to personally identifiable
814 information of donors.
- 815 43. Discussion or consideration by the Virginia Tobacco Region Revitalization Commission of
816 information subject to the exclusion in subdivision ~~23~~ 22 of § 2.2-3705.6 related to certain information
817 contained in grant applications.
- 818 44. Discussion or consideration by the board of directors of the Commercial Space Flight Authority of
819 information subject to the exclusion in subdivision ~~24~~ 23 of § 2.2-3705.6 related to rate structures or charges
820 for the use of projects of, the sale of products of, or services rendered by the Authority and certain proprietary
821 information of a private entity provided to the Authority.
- 822 45. Discussion or consideration of personal and proprietary information related to the resource
823 management plan program and subject to the exclusion in (i) subdivision ~~25~~ 24 of § 2.2-3705.6 or (ii)
824 subsection E of § 10.1-104.7. This exclusion shall not apply to the discussion or consideration of records that
825 contain information that has been certified for release by the person who is the subject of the information or
826 transformed into a statistical or aggregate form that does not allow identification of the person who supplied,
827 or is the subject of, the information.
- 828 46. Discussion or consideration by the Board of Directors of the Virginia Alcoholic Beverage Control
829 Authority of information subject to the exclusion in subdivision 1 of § 2.2-3705.3 related to investigations of
830 applicants for licenses and permits and of licensees and permittees.
- 831 47. Discussion or consideration of grant, loan, or investment application records subject to the exclusion
832 in subdivision ~~28~~ 27 of § 2.2-3705.6 for a grant, loan, or investment pursuant to Article 11 (§ 2.2-2351 et
833 seq.) of Chapter 22.
- 834 48. Discussion or development of grant proposals by a regional council established pursuant to Article 26
835 (§ 2.2-2484 et seq.) of Chapter 24 to be submitted for consideration to the Virginia Growth and Opportunity
836 Board.
- 837 49. Discussion or consideration of (i) individual sexual assault cases by a sexual assault response team
838 established pursuant to § 15.2-1627.4, (ii) individual child abuse or neglect cases or sex offenses involving a
839 child by a child sexual abuse response team established pursuant to § 15.2-1627.5, (iii) individual cases
840 involving abuse, neglect, or exploitation of adults as defined in § 63.2-1603 pursuant to §§ 15.2-1627.5 and
841 63.2-1605, or (iv) individual human trafficking cases by any human trafficking response team established
842 pursuant to § 15.2-1627.6.
- 843 50. Discussion or consideration by the Board of the Virginia Economic Development Partnership
844 Authority, the Joint Legislative Audit and Review Commission, or any subcommittees thereof, of the portions
845 of the strategic plan, marketing plan, or operational plan exempt from disclosure pursuant to subdivision 33
846 of § 2.2-3705.7.
- 847 51. Those portions of meetings of the subcommittee of the Board of the Virginia Economic Development
848 Partnership Authority established pursuant to subsection F of § 2.2-2237.3 to review and discuss information
849 received from the Virginia Employment Commission pursuant to subdivision C 2 of § 60.2-114 and the
850 Department of Workforce Development and Advancement pursuant to subsection B of § 2.2-2040.
- 851 52. Discussion or consideration by the Commonwealth of Virginia Innovation Partnership Authority (the
852 Authority), an advisory committee of the Authority, or any other entity designated by the Authority, of
853 information subject to the exclusion in subdivision 35 of § 2.2-3705.7.
- 854 53. Deliberations of the Virginia Lottery Board conducted pursuant to § 58.1-4105 regarding the denial or
855 revocation of a license of a casino gaming operator, or the refusal to issue, suspension of, or revocation of
856 any license or permit related to casino gaming, and discussion, consideration, or review of matters related to
857 investigations excluded from mandatory disclosure under subdivision 1 of § 2.2-3705.3.
- 858 54. Deliberations of the Virginia Lottery Board in an appeal conducted pursuant to § 58.1-4007 regarding
859 the denial of, revocation of, suspension of, or refusal to renew any license or permit related to sports betting
860 and any discussion, consideration, or review of matters related to investigations excluded from mandatory
861 disclosure under subdivision 1 of § 2.2-3705.3.
- 862 55. Meetings or portions of meetings of the Board of Criminal Justice Services or the Department of

863 Criminal Justice Services concerning the decertification of an identifiable law-enforcement or jail officer.

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

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

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

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

881 **§ 3.2-1100. Diversion of dedicated revenues.**

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

- 884 1. ~~Apple Fund (§ 3.2-1206);~~
- 885 2. ~~Peanut Fund (§ 3.2-1906);~~
- 886 3. ~~2. Plant Pollination Fund (§ 3.2-2806);~~
- 887 4. ~~3. Virginia Agricultural Foundation Fund (§ 3.2-2905);~~
- 888 5. ~~4. Virginia Bright Flue-Cured Tobacco Promotion Fund (§ 3.2-2407);~~
- 889 6. ~~5. Virginia Cattle Industry Fund (§ 3.2-1305);~~
- 890 7. ~~6. Virginia Corn Fund (§ 3.2-1411);~~
- 891 8. ~~7. Virginia Cotton Fund (§ 3.2-1511);~~
- 892 9. ~~8. Virginia Dark-Fired Tobacco Promotion Fund (§ 3.2-2407.1);~~
- 893 10. ~~9. Virginia Egg Fund (§ 3.2-1605);~~
- 894 11. ~~10. Virginia Horse Industry Promotion and Development Fund (§ 3.2-1704);~~
- 895 12. ~~11. Virginia Marine Products Fund (§ 3.2-2705);~~
- 896 13. ~~12. Virginia Milk Commission Assessments Fund (§ 3.2-3220);~~
- 897 14. ~~13. Virginia Potato Fund (§ 3.2-1810);~~
- 898 15. ~~14. Virginia Sheep Industry Promotion and Development Fund (§ 3.2-2111);~~
- 899 16. ~~15. Virginia Small Grains Fund (§ 3.2-2211);~~
- 900 17. ~~16. Virginia Soybean Fund (§ 3.2-2311); and~~
- 901 18. ~~17. Virginia Wine Promotion Fund (§ 3.2-3005).~~

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

904 **§ 3.2-1104. Preemption by federal law.**

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

909 **§ 3.2-1105. Commodity boards; appointment terms; quorum.**

910 The following provisions apply to each commodity board established pursuant to the provisions of
911 ~~Chapter 12 (§ 3.2-1200 et seq.)~~, Chapter 13 (§ 3.2-1300 et seq.), Chapters 15 (§ 3.2-1500 et seq.) through 19
912 (§ 3.2-1900 et seq.), Chapter 21 (§ 3.2-2100 et seq.), or Chapter 24 (§ 3.2-2400 et seq.):

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

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

918 **§ 3.2-1106. Commodity board officers and reimbursement of expenses.**

919 The following provisions apply to each commodity board established pursuant to the provisions of
920 ~~Chapter 12 (§ 3.2-1200 et seq.)~~, Chapter 13 (§ 3.2-1300 et seq.), Chapters 15 (§ 3.2-1500 et seq.) through 19
921 (§ 3.2-1900 et seq.), Chapter 21 (§ 3.2-2100 et seq.), or Chapter 24 (§ 3.2-2400 et seq.):

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

924 2. Each appointed member of a commodity board shall serve without compensation. Such commodity

925 board may reimburse any of its members for actual expenses incurred in the performance of his duties unless
 926 otherwise authorized in this subtitle. Such reimbursements shall be made from the special funds established
 927 pursuant to the provisions of ~~Chapter 12 (§ 3.2-1200 et seq.);~~ Chapter 13 (§ 3.2-1300 et seq.), Chapters 15
 928 (§ 3.2-1500 et seq.) through 19 (§ 3.2-1900 et seq.), Chapter 21 (§ 3.2-2100 et seq.), or Chapter 24
 929 (§ 3.2-2400 et seq.).

930 **§ 10.1-1458. Persons to provide plans, specifications, and information.**

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

939 **§ 15.2-2103.1. Solar services agreements; nondisclosure of proprietary information.**

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

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

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

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

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

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

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

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

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