

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact §§ 2.2-3705.5 and 2.2-3711, as it is currently effective and as it may become*
 3 *effective, of the Code of Virginia and to amend the Code of Virginia by adding a section numbered*
 4 *32.1-283.9, relating to local and regional suicide fatality review teams; penalty.*

5 [H 513]

6 Approved

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

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

11 **§ 2.2-3705.5. Exclusions to application of chapter; health and social services records.**

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

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

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

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

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

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

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

49 4. Investigative notes; proprietary information not published, copyrighted or patented; information
 50 obtained from employee personnel records; personally identifiable information regarding residents, clients or
 51 other recipients of services; other correspondence and information furnished in confidence to the Department
 52 of Education in connection with an active investigation of an applicant or licensee pursuant to Chapter 14.1
 53 (§ 22.1-289.02 et seq.) of Title 22.1; other correspondence and information furnished in confidence to the
 54 Department of Social Services in connection with an active investigation of an applicant or licensee pursuant
 55 to Chapters 17 (§ 63.2-1700 et seq.) and 18 (§ 63.2-1800 et seq.) of Title 63.2; and information furnished to
 56 the Office of the Attorney General in connection with an investigation or litigation pursuant to Article 19.1

57 (§ 8.01-216.1 et seq.) of Chapter 3 of Title 8.01 and Chapter 9 (§ 32.1-310 et seq.) of Title 32.1. However,
58 nothing in this subdivision shall prevent the disclosure of information from the records of completed
59 investigations in a form that does not reveal the identity of complainants, persons supplying information, or
60 other individuals involved in the investigation.

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

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

66 7. Information acquired (i) during a review of any child death conducted by the State Child Fatality
67 Review Team established pursuant to § 32.1-283.1 or by a local or regional child fatality review team to the
68 extent that such information is made confidential by § 32.1-283.2; (ii) during a review of any death conducted
69 by a family violence fatality review team to the extent that such information is made confidential by
70 § 32.1-283.3; (iii) during a review of any adult death conducted by the Adult Fatality Review Team to the
71 extent made confidential by § 32.1-283.5 or by a local or regional adult fatality review team to the extent that
72 such information is made confidential by § 32.1-283.6; (iv) by a local or regional overdose fatality review
73 team to the extent that such information is made confidential by § 32.1-283.7; (v) during a review of any
74 death conducted by the Maternal Mortality Review Team to the extent that such information is made
75 confidential by § 32.1-283.8; ~~or~~ (vi) during a review of any death conducted by the Developmental
76 Disabilities Mortality Review Committee to the extent that such information is made confidential by
77 § 37.2-314.1; *or (vii) during a review of any death conducted by a local or regional suicide fatality review*
78 *team to the extent that such information is made confidential by § 32.1-283.9.*

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

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

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

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

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

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

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

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

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

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

110 **§ 2.2-3711. (Effective until July 1, 2026) Closed meetings authorized for certain limited purposes.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

180 activity and estimating general and nongeneral fund revenues.

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

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

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

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

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

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

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

242 University of Virginia Medical Center or the Eastern Virginia Health Sciences Center at Old Dominion
243 University, as the case may be.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

304 appointed pursuant to § 23.1-702 of information subject to the exclusion in subdivision 24 of § 2.2-3705.7.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

365 55. Meetings or portions of meetings of the Board of Criminal Justice Services or the Department of

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

424 9. Discussion or consideration by governing boards of public institutions of higher education of matters
 425 relating to gifts, bequests and fund-raising activities, and of grants and contracts for services or work to be
 426 performed by such institution. However, the terms and conditions of any such gifts, bequests, grants, and
 427 contracts made by a foreign government, a foreign legal entity, or a foreign person and accepted by a public

428 institution of higher education in the Commonwealth shall be subject to public disclosure upon written
429 request to the appropriate board of visitors. For the purpose of this subdivision, (i) "foreign government"
430 means any government other than the United States government or the government of a state or a political
431 subdivision thereof, (ii) "foreign legal entity" means any legal entity (a) created under the laws of the United
432 States or of any state thereof if a majority of the ownership of the stock of such legal entity is owned by
433 foreign governments or foreign persons or if a majority of the membership of any such entity is composed of
434 foreign persons or foreign legal entities or (b) created under the laws of a foreign government, and (iii)
435 "foreign person" means any individual who is not a citizen or national of the United States or a trust territory
436 or protectorate thereof.

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

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

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

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

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

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

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

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

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

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

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

490 disclosure of information relating to the identity of any investment held, the amount invested or the present
491 value of such investment.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

614 Board.

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

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

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

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

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

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

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

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

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

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

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

659 **§ 32.1-283.9. Local and regional suicide fatality review teams established; membership; authority;**
660 **confidentiality; immunity; penalty.**

661 A. Any county or city, or combination of counties, cities, or counties and cities, may establish a local or
662 regional suicide fatality review team for the purpose of (i) conducting contemporaneous reviews of local
663 deaths from suicide, including suicide deaths of military service members and veterans; (ii) promoting
664 cooperation and coordination among agencies involved in investigations of suicide deaths, including suicide
665 deaths of military service members and veterans, or in providing services to surviving family members; (iii)
666 developing an understanding of the causes and incidence of suicide deaths in the locality; (iv) developing
667 plans for and recommending changes within the agencies represented on the local team to prevent suicide
668 deaths; and (v) advising the Department and other relevant state agencies on changes to law, policy, or
669 practice to prevent suicide deaths.

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

676 *and implementation of local or regional suicide fatality review teams, and such model protocol may include*
677 *relevant procedures for conducting reviews of suicide fatalities.*

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

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

694 *E. All information and records obtained or created regarding a review of a fatality shall be confidential*
695 *and shall be excluded from the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) pursuant to*
696 *subdivision 7 of § 2.2-3705.5. All such information and records shall be used by the team only in the exercise*
697 *of its proper purpose and function and shall not be disclosed. Such information and records shall not be*
698 *subject to subpoena, subpoena duces tecum, discovery, or introduction into evidence when obtained through*
699 *such other sources solely because the information and records were presented to the team during the fatality*
700 *review. No person who participated in the review and no member of the team shall be required to make any*
701 *statement as to what transpired during the review or what information was collected during the review. Upon*
702 *the conclusion of the fatality review, all information and records concerning the victim and family shall be*
703 *returned to the originating agency or destroyed. However, the findings of the team may be disclosed or*
704 *published in statistical or other form that does not identify any individuals. The portions of meetings in which*
705 *individual cases are discussed by the team shall be closed pursuant to subdivision A 21 of § 2.2-3711. All*
706 *team members, persons attending closed team meetings, and persons presenting information and records on*
707 *specific fatalities to the team during closed meetings shall execute a sworn statement to honor the*
708 *confidentiality of the information, records, discussions, and opinions disclosed during any closed meeting to*
709 *review a specific death. A violation of this subsection is punishable as a Class 3 misdemeanor.*

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