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Subject: Legislation that passed in the 2021 General Assembly
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COMMONWEALTH of VIRGINIA

DEPARTMENT OF SOCIAL SERVICES

DATE: June 15, 2021

TO: Assisted Living Facilities

FROM: Tara Ragland,
Director Division of Licensing Programs

SUBJECT: 2021 Legislative Information

The purpose of this memo is to inform you of the legislation that passed in the 2021 Special Session I of the General Assembly that affects Assisted Living Facilities in the Commonwealth. This legislation becomes effective July 1, 2021, unless otherwise stated.

[Senate Bill 1356](#)

SB 1356 requires DSS to update ALF regulations with the following:

Add a requirement that during a declared public health emergency related to a communicable disease of public health threat, assisted living facilities establish a protocol to receive visits from a rabbi, priest, minister, or clergyman of any religious denomination or sect consistent with guidance from the Centers for Disease Control and Prevention and the Centers for Medicare and Medicaid Services and subject to compliance with any executive order, order of public health, Department guidance, or any other applicable federal or state guidance having the effect of limiting visitation. Such protocol may restrict the frequency and duration of visits and may require visits to be conducted virtually using interactive or audiovisual technology. Further, it may require the person visiting a resident to comply with all reasonable requirements of the assisted living facility, adopted to protect the health and safety of the person, residents, and staff of the assisted living facility.

Notice and an effective date for the revised regulations will be given when these requirements are updated in the *Standards for Licensed Assisted Living Facilities*.

House Bill 1988

HB 1988 amends §§54.1-3408.3, 54.1-3442.5, 54.1-3442.6 and 54.1-3442.7 of the Code of Virginia as it relates to the use of cannabis oil for treatment by residents of an assisted living facility (ALF) and participants of an adult day care center (ADCC). The bill also designates patients in other caregiver facilities for certification for use of cannabis oil for treatment. Regulatory action by the Department of Social Services is not required. The information below is informative only.

An employee or contractor of an ALF or ADCC who is licensed or registered by a health regulatory board and who is authorized to possess, distribute, or administer medications, may accept delivery of cannabis oil from a pharmaceutical processor or cannabis dispensing facility on behalf of a resident or participant. Such employee or contractor may assist in the administration of the cannabis oil to the resident or participant as necessary.

Please contact your licensing inspector if you have any questions.