

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend the Code of Virginia by adding a section numbered 44-102.1:1, relating to Department*
3 *of Military Affairs; health care premium payments for certain service members.*

4 [S 719]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That the Code of Virginia is amended by adding a section numbered 44-102.1:1 as follows:**8 ***§ 44-102.1:1. Benefits upon call to active duty under a state of emergency; health care premiums.***9 *A. As used in this section:*10 *"Department" means the Department of Military Affairs.*11 *"Service member" means a member of the Virginia National Guard or the Virginia Defense Force.*12 *"State of emergency" has the same meaning as provided in § 44-146.16.*

13 *B. If the Governor has declared a state of emergency that activated the Virginia National Guard or*
14 *the Virginia Defense Force, then the Department is authorized to pay, for any service member who has*
15 *served under such activation for a period at least 14 consecutive days, the portion of the premium for*
16 *such service member's health care coverage previously paid by the service member's employer, provided*
17 *that the service member provides satisfactory evidence to the Department demonstrating that (i)*
18 *immediately prior to being called to state active duty, the service member was employed and received*
19 *health care coverage through his employer, (ii) the employer paid a premium to maintain the service*
20 *member's health care coverage, and (iii) as a result of the service member's state active duty status, the*
21 *employer is no longer paying such premium.*

22 *C. Any payment made by the Department pursuant to this section shall cover only the portion of the*
23 *premium previously paid by the service member's employer from day 15 of the service member's state*
24 *active duty until the date the service member is discharged from state active duty. Such payments may*
25 *also cover dependents of the service member.*

26 *D. The Department may use the sum sufficient identified in the relevant state of emergency*
27 *declaration for any payment authorized by this section.*

28 *E. The Department shall establish policies, procedures, and protocols to implement and record any*
29 *payment authorized by this section.*

30 *F. On or before November 1, 2022, and annually thereafter, the Department shall report to the*
31 *Secretary of Veterans and Defense Affairs all payments made pursuant to this section.*

32 *G. Nothing in this section shall create a legal cause of action against the Commonwealth or the*
33 *Department.*

ENROLLED

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