

Summary of select 2026 legislation related to behavioral health

PASSED

Civil commitment

SB 75 Retired law-enforcement officers; emergency and temporary detention transportation

Chief patron: Sen. Lucas

Clarifies that the term "law-enforcement officer" as used in relevant law relating to emergency and involuntary civil admissions includes retired law-enforcement officers, defined in the bill, for the purposes of laws related to emergency custody and involuntary temporary detention. This provision is identical to [HB 681](#) (Del. Hayes).

Permits an alternative transportation provider to provide transportation of a person in the temporary detention process in a safe manner if the alternative transportation provider is (i) an employee of, or the person providing services pursuant to a contract with, the Department of Behavioral Health and Developmental Services or (ii) an employee of a private or state hospital within the confines of the Commonwealth. Provides further requirements for an alternative transportation provider to be deemed available to provide transportation for a minor in the temporary detention process in a safe manner. The bill also permits law-enforcement agencies or alternative transportation providers to transfer custody of a minor to a facility or location where the minor is awaiting transport if such facility or location (i) agrees to accept custody of the minor and (ii) is capable of providing the level of security necessary to protect the minor and others from harm. Finally, the bill provides restrictions on the use of restraint related to the transportation of a minor for the purposes outlined in the bill. These provisions are identical to [HB 976](#) (Del. Price).

This bill incorporates SB 395.

HB 309 Temporary detention in hospital; issuance of order for testing, observation, or treatment.

Chief patron: Del. Hope

Provides that while seeking the issuance of an order for temporary detention in a hospital for testing, observation, or treatment, or an extension of such order, the person who would be subject to such order and is currently subject to an order issued pursuant to current law shall remain in the custody of the facility where he is located for up to two hours, and any security personnel shall ensure that such person does not leave the facility while such person is unable to provide informed consent. The bill states that the person shall be permitted to leave the facility if (i) such order is not issued; (ii) the physician determines the person does not meet the requirements for temporary detention; or (iii) the person's guardian or person legally authorized to make an informed decision on his behalf refuses to consent to continued detention, testing, observation, or treatment. The bill also provides that any licensed health professional, licensed hospital, including a hospital licensed by the Department of

Health pursuant to relevant law, or security personnel assisting a licensed health professional shall have no liability arising out of a claim to the extent the claim is based on a lack of consent to the detention of a person when such professional or hospital is seeking the court's or magistrate's authorization for such detention.

Criminal justice

[SB 528](#) Misdemeanor proceedings; competency treatment.

Chief patron: Sen. Stanley

Provides that in cases where the defendant has been charged with a misdemeanor offense, the court may (i) order inpatient or outpatient treatment or (ii) dismiss the charges. Where a defendant is found to be incompetent, the bill permits a court to (a) order that such defendant receive treatment to restore his competency on an outpatient basis in a local correctional facility or at a location determined by the appropriate community services board or behavioral health authority, (b) order that such defendant receive treatment to restore his competency on an inpatient basis at a hospital designated by the Commissioner of Behavioral Health and Developmental Services as appropriate for treatment of persons under criminal charge, (c) order that such defendant be evaluated to determine whether he meets the criteria for temporary detention, or (d) dismiss the misdemeanor charge and release such defendant. The bill has a delayed effective date of July 1, 2027.

[SB 599](#), [HB 455](#) Virginia Opioid Use Reduction and Jail-Based Substance Use Disorder Treatment and Transition Fund; grant procedures.

Chief patrons: Sen. Srinivasan, Del. Willett

Requires the grant procedure to govern funds awarded to local and regional jails for the planning or operation of substance use disorder treatment services and transition services for persons with substance use disorder who are incarcerated in local and regional jails to include requirements that (i) any grant awarded shall be made for up to three years and (ii) an applicant for a grant submit a plan demonstrating how such applicant will become independently financially viable within the time period for which the grant is awarded.

[SB 608](#), [HB 209](#) Department of Health; Department of Corrections; peer recovery specialists.

Chief patrons: Sen. Pillion, Del. Price

Directs the Virginia Department of Health and the Virginia Department of Corrections to develop agency guidelines for hiring peer recovery specialists with previous criminal convictions for compensated employment.

[SB 690](#), [HB 454](#) Department of Criminal Justice Services; powers and duties; local and regional jails; repeal of model addiction recovery program.

Chief patrons: Sen. Srinivasan, Del. Willett

Removes the requirement that the Department of Criminal Justice Services, in consultation with the Department of Behavioral Health and Developmental Services, develop a model addiction recovery program that may be administered by sheriffs, deputy sheriffs, jail officers, administrators, or superintendents in any local or regional jail.

[HB 245](#) Jurisdiction of district courts in felony cases; specialty dockets; Behavioral Health Docket Act.

Chief patron: Del. Watts

Authorizes a general district court and a juvenile and domestic relations district court to retain jurisdiction over a felony offense for the purpose of allowing the accused to complete a specialty docket or behavioral health docket established pursuant to relevant law. Current law only explicitly provides such courts with the ability to certify felony charges to the circuit court or dismiss such charges after a preliminary hearing to determine if probable cause exists for such charges.

[HB 1421](#) Local and Regional Jails, State Board of; transferring administrative and supervisory authority.

Chief patron: Del. Keys-Gamarra

Directs the Office of the Secretary of Public Safety and Homeland Security to convene a work group to evaluate the feasibility of transferring the administrative and supervisory authority of the State Board of Local and Regional Jails (the State Board) from the Department of Corrections to another state agency or an independent oversight body. The bill requires the work group to submit its plan, recommended timeline, and any legislative proposals to the General Assembly by November 1, 2026.

Inpatient hospitals

[SB 173](#), [HB 229](#) Weapons; possession prohibited in a hospital that provides mental health or developmental services.

Chief patrons: Sen. Williams Graves, Del. Hernandez

Makes it a Class 1 misdemeanor for any person to knowingly and intentionally possess in the building of any hospital that provides mental health services or developmental services in the Commonwealth, including an emergency department or other facility rendering emergency medical care, a (i) firearm, (ii) knife with a blade over three and one-half inches, or (iii) other dangerous weapon, including explosives and stun weapons. The bill also provides that notice of such prohibitions shall be posted conspicuously at each public entrance of any hospital and that no person shall be convicted of the offense if such notice is not posted, unless such person had actual notice of the prohibitions. The bill

provides that such firearm, knife, explosive, or weapon shall be subject to seizure by a law-enforcement officer and forfeited to the Commonwealth and specifies certain exceptions to the prohibition.

[SB 738](#), [HB 1318](#) Hospitals; psychiatric emergency departments.

Chief patrons: Sen. Jordan, Del. Willett

Allows hospitals with psychiatric emergency departments located in the City of Hampton to operate without a physician on duty when certain conditions are met, including having written agreements in place with emergency medical service providers and being immediately adjacent to a non-psychiatric emergency department. The bill requires such psychiatric emergency departments to submit treatment data to the General Assembly on an annual basis by November 1.

Insurance

[SB 524](#), [HB 656](#) Mental health & substance abuse disorders; network adequacy standards, comparative analyses, report.

Chief patrons: Sen. Deeds, Del. Willett

Directs the Department of Health to issue regulations that include quantitative network adequacy standards for timely access to care, travel time, and geographical distance that are at least as stringent as those imposed for qualified health plans and qualified dental plans. Under the bill, the Bureau may impose a penalty not to exceed \$100,000 for a noncompliant or insufficient comparative analysis or require a carrier to remove, revise, or remedy noncompliant treatment limitations. The bill also amends the contents of the annual report submitted by the Bureau to the General Assembly to cover enforcement efforts with respect to the federal Mental Health Parity and Addiction Equity Act of 2008. The bill authorizes the Bureau to promulgate regulations as necessary to implement the provisions of the bill and directs the Department of Health to adopt emergency regulations to implement the provisions of the bill. The provisions of the bill related to health insurance have a delayed effective date of July 1, 2027.

[HB 1400](#) Health insurance; coverage for maternal mental health screening.

Chief patron: Del. Franklin

Requires health insurance carriers to provide coverage for maternal mental health screenings. The bill requires such coverage to include at least one maternal mental health screening to be conducted during pregnancy, at least one additional screening to be conducted during the first six weeks of the postpartum period, and additional medically necessary postpartum screenings. Additionally, the bill provides that coverage for a prescription drug for the treatment of a maternal mental health condition shall not be subject to prior authorization requirements unless there are clinically significant safety or efficacy concerns.

Workforce

HB 255 Interstate Compact for School Psychologists; membership of the Commonwealth.

Chief patron: Del. Glass

Enters the Commonwealth into the Interstate Compact for School Psychologists, the stated purpose of which is to facilitate the interstate practice of school psychology in educational or school settings, and in so doing to improve the availability of school psychological services to the public, and the stated intent of which is to establish a pathway to allow school psychologists to obtain equivalent licenses to provide school psychological services in any member state. The Compact is presently in effect, as it has reached the enactment threshold of seven state members.

HB 1282 Licensed substance abuse treatment practitioners; licensure by endorsement; licensure without examination.

Chief patron: Del. Cole

Licensed substance abuse treatment practitioners; licensure by endorsement; licensure without examination. Directs the Board of Counseling to establish a pathway to licensure by endorsement for applicants who have held certification as a certified substance abuse counselor for at least 10 years, have completed at least five years of documented supervised experience, hold at least a master's degree in an appropriate field of counseling, and hold a Master Addiction Counselor credential issued by NAADAC, the Association for Addiction Professionals. The bill provides that such pathway to licensure by endorsement does not require examination.

Youth and school-based services

SB 171 Minor elementary or secondary school students admitted to inpatient treatment; certain disclosures to certain school personnel upon discharge.

Chief patron: Sen. Favola

Provides that in the event that the facility to which a minor elementary or secondary school student is admitted to inpatient treatment determines that such minor student requires additional educational services upon discharge from the facility, the parents of such student may opt in to the disclosure, prior to or at the time of such minor student's discharge from the facility, of such determination by the facility to a mental health professional employed in such minor student's school or, if applicable, by the school division in which the student is enrolled. The bill also provides that, in the event that the facility to which a minor elementary or secondary school student is admitted to inpatient treatment determines, based on communications from such minor student to a mental health service provider at such facility, that the student poses a specific and immediate threat to cause serious bodily injury or death to an identified or readily identifiable person or persons at the time of the student's discharge from the facility, the facility shall disclose, prior to or at the time of discharge in accordance with the requirements set forth in relevant law, such determination to a mental health professional employed

in such minor student's school or, if applicable, by the school division. The bill also prohibits any such facility from withholding discharge of such a student for the purpose of making any such disclosure. The provisions of the bill have a delayed effective date of January 1, 2027.

HB 38 Public schools; mental health awareness training and instruction; requirements.

Chief patron: Del. Henson

Requires each teacher and other relevant personnel, as determined by the applicable school board, employed on a full-time basis to complete mental health awareness training that addresses the needs of youth populations that are at a high risk of experiencing mental health challenges and disorders in accordance with evidence-based best practices developed by the American Psychological Association. Current law requires such teachers and personnel to complete mental health awareness training but does not contain any requirements relating to the specific topics such training must address. The bill prohibits any of its provisions or any policy adopted in accordance with its provisions from being construed to permit biased or discriminatory treatment of any youth population deemed to be at a high risk of experiencing mental health challenges and disorders.

HB 355 Department of Education; School Health Services Committee; annual mental health screenings for public school students in grades six through 12; recommendations on guidance and best practices.

Chief patron: Del. Gardner

Directs the Department of Education to convene a work group consisting of representatives set forth in the bill, as determined by the Department in consultation with and based on consideration of suggestions from statewide education organizations and appropriate technology industries, for the purpose of identifying and making recommendations to the chairs of the Senate Committee on Education and Health and the House Committee on Education on best practices for the procurement, implementation, and use in public schools of technology tools designed to assist with the identification of students at risk of engaging in self-harm or intending to inflict harm on others. The bill directs the work group to submit a report on its findings and recommendations to the chairs of the Senate Committee on Education and Health and the House Committee on Education by November 15, 2026.

FAILED

Civil commitment

[SB 534](#), [HB 11](#) Emergency custody orders; transportation to treatment center or to residence of the person subject to emergency custody order.

Chief patrons: Sen. Suetterlein, Del. McNamara

Provides that transportation provided pursuant to an emergency custody order shall include, upon completion of emergency medical evaluation or treatment, transportation to an approved treatment center or to the residence of the person subject to the emergency custody order.

[HJ 39](#) Study; Secretary of Public Safety and Homeland Security and Secretary of Health and Human Resources; law-enforcement offices; execution of emergency custody orders and temporary detention orders; fiscal and operational challenges; report.

Chief patron: Del. Phillips

Requests the Secretary of Public Safety and Homeland Security, in collaboration with the Secretary of Health and Human Resources, to study financial and operational challenges faced by law-enforcement offices designated to execute emergency custody orders and temporary detention orders.

Criminal justice

[SB 335](#), [HB 246](#) Affirmative defense or reduced penalty for mental illness, neurocognitive disorder, or intellectual or developmental disability.

Chief patrons: Sen. Boysko, Del. Watts

Provides an affirmative defense to prosecution of a person for assault or assault and battery against certain specified persons for which the enhanced Class 6 felony and six-month mandatory minimum apply if such person proves, by a preponderance of the evidence, that at the time of the assault or assault and battery (i) the person's behaviors were a result of (a) mental illness or (b) a neurocognitive disorder, including dementia, or an intellectual disability or a developmental disability such as autism spectrum disorder, as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association, or (ii) the person met the criteria for issuance of an emergency custody order.

HB 240 Admission to bail; fixing terms of bail, mental health considerations.

Chief patron: Del. Gardner

Requires the judicial officer, prior to conducting any hearing on the issue of bail, release, or detention, to obtain the person's criminal history and any emergency custody or temporary detention order or involuntary admission issued for such person. The bill also requires the judicial officer to consider any emergency custody or temporary detention order or involuntary admission issued for the person when determining admission to bail. Lastly, the bill requires the judicial officer to take into account the following factors in fixing the terms of bail if such person is admitted to bail: (i) whether the person is likely to obstruct or attempt to obstruct justice, or threaten, injure, or intimidate, or attempt to threaten, injure, or intimidate a family or household member as defined in relevant law; (ii) the history of the accused or juvenile, including medical, mental health, including any emergency custody or temporary detention order or involuntary admission issued pursuant to relevant law, or substance abuse treatment; (iii) any evidence the person provided indicating that such person (a) is currently pregnant, (b) has recently given birth, or (c) is currently nursing a child; and (iv) whether such person will be an unreasonable danger to himself, family or household members as defined in relevant law, or the public.

HB 482 Local and Regional Jails, State Board of; supervision by Office of Dept. of Corrections Ombudsman.

Chief patron: Del. Hope

Moves supervision of the State Board of Local and Regional Jails from the Department of Corrections to the Office of the Department of Corrections Ombudsman within the Office of the State Inspector General

Workforce

HB 526 Nationally Certified School Psychologist Program established; incorporation into National Teacher Certification Incentive Reward Program and Fund.

Chief patron: Del. Downey

Establishes the Nationally Certified School Psychologist Program and incorporates such program into the existing National Teacher Certification Incentive Reward Program. The bill also renames the National Teacher Certification Incentive Reward Program Fund as the National Teacher Certification Incentive Reward Program and Nationally Certified School Psychologist Program Fund (the Fund) and expands the purpose for which disbursements may be made from the Fund to include the award of incentive grants to school psychologists obtaining national certification from the National Association of School Psychologists consisting of an initial state-funded award of \$5,000 and a subsequent award of \$2,500 each year for the life of the certificate.

Youth and school-based services

SB 39 Department of Education; best practices for implementation in public schools of technology tools to assist with the identification of students at risk of engaging in self-harm or intending to inflict harm on others; report.

Chief patron: Sen. Favola

Directs the Department of Education to convene a work group consisting of representatives set forth in the bill, as determined by the Department in consultation with and based on consideration of suggestions from statewide education organizations and appropriate technology industries, for the purpose of identifying and making recommendations to the chairs of the Senate Committee on Education and Health and the House Committee on Education on best practices for the procurement, implementation, and use in public schools of technology tools designed to assist with the identification of students at risk of engaging in self-harm or intending to inflict harm on others. The bill directs the work group to submit a report on its findings and recommendations to the chairs of the Senate Committee on Education and Health and the House Committee on Education by November 15, 2026.

Other

SB 269 Use of artificial intelligence system by mental health service providers; civil penalty.

Chief patron: Sen. Favola

Use of artificial intelligence system by mental health service providers; civil penalty. Permits the use of an artificial intelligence system by mental health service providers for administrative support and supplementary support, as those terms are defined in the bill, and prohibits the use of an artificial intelligence system to provide therapy or counseling services without a mental health service provider. The bill specifies that records kept by mental health service providers must comply with health records privacy requirements; creates an exception for religious counseling, peer support, or self-help materials and educational resources; and establishes a civil penalty not to exceed \$10,000 for violations of the statute.
