

During the 2026 General Assembly Session, legislators sought to enhance safety in hospitals by restricting weapons in facilities providing mental health, developmental, and emergency care services. This document provides a summary of the changes to law and provides background and guidance to assist you in compliance.

If you have any questions or require additional information, please contact Brent Rawlings brawlings@vhha.com or Julie Dime jdime@vhha.com.

Summary

CREATES NEW LAW

HB229 (Hernandez)/SB173 (Graves) 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 legislation 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 provisions of this legislation shall not apply to a person while in the actual discharge of his official duties as a police officer, sheriff, law enforcement agent or official, officer or guard of any state correctional institution, or armed security officer or any person who has written authorization from the hospital, including authorization related to an employee's scope of employment, or any person brought into a hospital pursuant to the issuance of an emergency custody order or involuntary detention order. The legislation 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 exceptions to the prohibition. **The law is effective July 1, 2026.**

Action Required

Evaluate the need for any changes to existing policies and procedures related to workplace safety and weapons prohibitions to ensure that they prohibit the possession of firearms, knives with blades over three and one-half inches, and other dangerous weapons in applicable hospital settings, establish processes for lawful exceptions and enforcement, and require conspicuous posting of notice at each public entrance, as necessary to comply with the requirements of the law.

Background Information

Increased incidence of violence in hospitals, especially involving guns and other dangerous weapons, has highlighted the need to implement heightened security measures, including investment in weapons detection systems. While criminal trespass laws present a viable option to prosecute violations of existing weapons bans in hospitals, this legislation clarifies the ability to prosecute offenses and seize weapons where appropriate.

Statutory Text

(NOTE: The language in *italics* and ~~strikethrough~~ are the only changes to the law. All other language and requirements under the law remain unchanged.)

1. That the Code of Virginia is amended by adding a section numbered **18.2-283.3** as follows:

§ 18.2-283.3. Possession of a weapon in a hospital that provides mental health services or developmental services prohibited; penalty.

A. As used in this section:

"Developmental services" means the same as that term is defined in § 37.2-100.

"Hospital" means a public or private institution licensed pursuant to Chapter 5 (§ 32.1-123 et seq.) of Title 32.1 or Article 2 (§ 37.2-403 et seq.) of Chapter 4 of Title 37.2.

"Location-restricted knife" means a knife with a blade over three and one-half inches.

"Mental health services" means the same as that term is defined in § 37.2-100.

B. It is unlawful for any person to knowingly and intentionally possess a (i) firearm, (ii) location-restricted knife, or (iii) other dangerous weapon, including explosives and stun weapons as defined in § 18.2-308.1, 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. Any such firearm, knife, explosive, or weapon shall be subject to seizure by a law-enforcement officer and forfeited to the Commonwealth and disposed of as provided in § 19.2-386.28. A violation of this subsection is punishable as a Class 1 misdemeanor.

C. The provisions of subsection B shall not apply to (i) a person while in the actual discharge of his official duties as a police officer, sheriff, law-enforcement agent or official, officer or guard of any state correctional institution, or armed security officer; (ii) any person who has written authorization from the hospital, including authorization related to an employee's scope of employment; or (iii) any person brought into a hospital pursuant to the issuance of an emergency custody order or involuntary detention order under the provisions of Article 4 (§ 37.2-808 et seq.) of Chapter 8 of Title 37.2.

D. Notice of the provisions of this section shall be posted conspicuously at each public entrance of any hospital and no person shall be convicted of an offense under this section if such notice is not posted at each such public entrance, unless such person had actual notice of the prohibitions of this section.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 725 of the Acts of Assembly of 2025 requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

Disclaimer: The contents of this document and any attachments or links to other documents contained herein do not constitute legal advice. The document is presented to VHHA members for informational purposes only and is not intended to be used as a substitute for specific legal advice or opinions. No recipients of content from this document should act or refrain from acting on the basis of content of the document without seeking appropriate legal advice or other professional counseling. VHHA expressly disclaims all liability relating to actions taken or not taken based on any or all contents of this document.