

24106380D

HOUSE BILL NO. 502**AMENDMENT IN THE NATURE OF A SUBSTITUTE**

(Proposed by the House Committee on General Laws

on February 6, 2024)

(Patron Prior to Substitute—Delegate Cohen)

A *BILL to amend and reenact* §§ 8.01-217, 16.1-331, 18.2-308.04, 18.2-308.06, 18.2-308.2:2, 18.2-308.2:4, 19.2-13, 20-88.54, 22.1-287.1, 23.1-405, 23.1-407, 24.2-418, 24.2-444, 30-394, 32.1-261, 32.1-267, 32.1-269.1, 32.1-292.2, 40.1-96, 40.1-102, 46.2-323, 46.2-341.12, 46.2-345, 46.2-345.2, 46.2-2906, 54.1-3319, 54.1-4108, 59.1-118, and 65.2-900 of the Code of Virginia, relating to undesignated sex or gender designation option.

Be it enacted by the General Assembly of Virginia:

1. That §§ 8.01-217, 16.1-331, 18.2-308.04, 18.2-308.06, 18.2-308.2:2, 18.2-308.2:4, 19.2-13, 20-88.54, 22.1-287.1, 23.1-405, 23.1-407, 24.2-418, 24.2-444, 30-394, 32.1-261, 32.1-267, 32.1-269.1, 32.1-292.2, 40.1-96, 40.1-102, 46.2-323, 46.2-341.12, 46.2-345, 46.2-345.2, 46.2-2906, 54.1-3319, 54.1-4108, 59.1-118, and 65.2-900 of the Code of Virginia are amended and reenacted as follows:

§ 8.01-217. How name of person may be changed.

A. Any person desiring to change his own name, or that of his child or ward, may apply therefor to the circuit court of the county or city in which the person whose name is to be changed resides, or if no place of abode exists, such person may apply to any circuit court which shall consider such application if it finds that good cause exists therefor under the circumstances alleged. An incarcerated person may apply to the circuit court of the county or city in which such person is incarcerated. In case of a minor who has no living parent or guardian, the application may be made by his next friend. In case of a minor who has both parents living, the parent who does not join in the application shall be served with reasonable notice of the application pursuant to § 8.01-296 and, should such parent object to the change of name, a hearing shall be held to determine whether the change of name is in the best interest of the minor. It shall not be necessary to effect service upon any parent who files an answer to the application. If, after application is made on behalf of a minor and an ex parte hearing is held thereon, the court finds by clear and convincing evidence that such notice would present a serious threat to the health and safety of the applicant, the court may waive such notice.

B. Every application shall be under oath and shall include the place of residence of the applicant, the names of both parents, including the maiden name of his mother, the date and place of birth of the applicant, the applicant's felony conviction record, if any, whether the applicant is a person for whom registration with the Sex Offender and Crimes Against Minors Registry is required pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, whether the applicant is presently incarcerated or a probationer with any court, and if the applicant has previously changed his name, his former name or names. *If such application requires the sex or gender of the applicant, the application shall permit the choice between "male," "female," or an "X" marker where the "X" means unspecified or other gender identity.*

C. On any such application and hearing, if such be demanded, the court, shall, unless the evidence shows that the change of name is sought for a fraudulent purpose or would otherwise infringe upon the rights of others or, in a case involving a minor, that the change of name is not in the best interest of the minor, order a change of name.

D. No application shall be accepted by a court for a change of name of a probationer, person for whom registration with the Sex Offender and Crimes Against Minors Registry is required pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, or incarcerated person unless the court finds that good cause exists for consideration of such application under the reasons alleged in the application for the requested change of name. If the court accepts the application, the court shall mail or deliver a copy of the application to the attorney for the Commonwealth for the jurisdiction where the application was filed and the attorney for the Commonwealth for any jurisdiction in the Commonwealth where a conviction occurred that resulted in the applicant's probation, registration with the Sex Offender and Crimes Against Minors Registry pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, or incarceration. The attorney for the Commonwealth where the application was filed shall be entitled to respond and represent the interests of the Commonwealth by filing a response within 30 days after the mailing or delivery of a copy of the application. The court shall conduct a hearing on the application and may order a change of name if, after receiving and considering evidence concerning the circumstances regarding the requested change of name, the court determines that the change of name (i) would not frustrate a legitimate law-enforcement purpose, (ii) is not sought for a fraudulent purpose, and (iii) would not otherwise infringe upon the rights of others. Such order shall contain written findings stating the court's basis for granting the order.

E. The provisions of subsection D are jurisdictional and any order granting a change of name pursuant to subsection D that fails to comply with any provision of subsection D is void ab initio. The attorney for the

60 Commonwealth for the jurisdiction where such an application was filed has the authority to bring an
61 independent action at any time to have such order declared void. If the attorney for the Commonwealth brings
62 an independent action to have the order declared void, notice of the action shall be served upon the person
63 who was granted a change of name who shall have 30 days after service to respond. If the person whose name
64 was changed files a response objecting to having the order declared void, the court shall hold a hearing. If an
65 order granting a change of name is declared void pursuant to this subsection, or if a person is convicted of
66 perjury pursuant to § 18.2-434 for unlawfully changing his name pursuant to § 18.2-504.1 based on conduct
67 that violates this section, the clerk of the court entering the order or the order of conviction shall transmit a
68 certified copy of the order to (i) the State Registrar of Vital Records, (ii) the Department of Motor Vehicles,
69 (iii) the State Board of Elections, (iv) the Central Criminal Records Exchange, and (v) any agency or
70 department of the Commonwealth that has issued a license to the person where such license utilizes the
71 person's changed name, if known to the court and identified in the court order.

72 F. The order shall contain no identifying information other than the applicant's former name or names,
73 new name, and current address. The clerk of the court shall spread the order upon the current deed book in his
74 office, index it in both the old and new names, and transmit a certified copy of the order and the application
75 to the State Registrar of Vital Records and the Central Criminal Records Exchange. Transmittal of a copy of
76 the order and the application to the State Registrar of Vital Records and the Central Criminal Records
77 Exchange shall not be required of a person who changed his or her former name by reason of marriage and
78 who makes application to resume a former name pursuant to § 20-121.4.

79 G. If the applicant shall show cause to believe that in the event his change of name should become a
80 public record, a serious threat to the health or safety of the applicant or his immediate family would exist, the
81 chief judge of the circuit court may waive the requirement that the application be under oath or the court may
82 order the record sealed and direct the clerk not to spread and index any orders entered in the cause, and a
83 certified copy shall not be transmitted to the State Registrar of Vital Records or the Central Criminal Records
84 Exchange. At such time as a name change order is received by the State Registrar of Vital Records, for a
85 person born in the Commonwealth, together with a proper request and payment of required fees, the Registrar
86 shall issue certifications of the amended birth record which do not reveal the former name or names of the
87 applicant unless so ordered by a court of competent jurisdiction. Such certifications shall not be marked
88 "amended" and show the effective date as provided in § 32.1-272. Such order shall set forth the date and
89 place of birth of the person whose name is changed, the full names of his parents, including the maiden name
90 of the mother and, if such person has previously changed his name, his former name or names.

91 **§ 16.1-331. Petition for emancipation.**

92 Any minor who has reached his sixteenth birthday and is residing in this Commonwealth, or any parent or
93 guardian of such minor, may petition the juvenile and domestic relations district court for the county or city
94 in which either the minor or his parents or guardian resides for a determination that the minor named in the
95 petition be emancipated. The petition shall contain, in addition to the information required by § 16.1-262, the
96 gender of the minor and, if the petitioner is not the minor, the name of the petitioner and the relationship of
97 the petitioner to the minor. *The petition shall permit the choice between "male," "female," or an "X" marker*
98 *where the "X" means unspecified or other gender identity when designating the gender of the minor.* If the
99 petition is based on the minor's desire to enter into a valid marriage, the petition shall also include the name,
100 age, date of birth, if known, and residence of the intended spouse. The petitioner shall also attach copies of
101 any criminal records of each individual intending to be married. The petitioner shall also attach copies of any
102 protective order issued between the individuals to be married.

103 **§ 18.2-308.04. Processing of the application and issuance of a concealed handgun permit.**

104 A. The clerk of court shall enter on the application the date on which the application and all other
105 information required to be submitted by the applicant is received.

106 B. Upon receipt of the completed application, the court shall consult with either the sheriff or police
107 department of the county or city and receive a report from the Central Criminal Records Exchange.

108 C. The court shall issue the permit via United States mail and notify the State Police of the issuance of the
109 permit within 45 days of receipt of the completed application unless it is determined that the applicant is
110 disqualified. Any order denying issuance of the permit shall be in accordance with § 18.2-308.08. If the
111 applicant is later found by the court to be disqualified after a five-year permit has been issued, the permit
112 shall be revoked.

113 D. A court may authorize the clerk to issue concealed handgun permits, without judicial review, to
114 applicants who have submitted complete applications, for whom the criminal history records check does not
115 indicate a disqualification and, after consulting with either the sheriff or police department of the county or
116 city, about which application there are no outstanding questions or issues. The court clerk shall be immune
117 from suit arising from any acts or omissions relating to the issuance of concealed handgun permits without
118 judicial review pursuant to this section unless the clerk was grossly negligent or engaged in willful
119 misconduct. This section shall not be construed to limit, withdraw, or overturn any defense or immunity
120 already existing in statutory or common law, or to affect any cause of action accruing prior to July 1, 2010.

121 E. The permit to carry a concealed handgun shall specify only the following information: name, address,

122 date of birth, gender, height, weight, color of hair, color of eyes, and signature of the permittee; the signature
 123 of the judge issuing the permit, of the clerk of court who has been authorized to sign such permits by the
 124 issuing judge, or of the clerk of court who has been authorized to issue such permits pursuant to subsection
 125 D; the date of issuance; and the expiration date. *The permit shall use "male," "female," or an "X" marker*
 126 *where the "X" means unspecified or other gender identity, as applicable, when designating the gender of the*
 127 *permittee.* The permit to carry a concealed handgun shall be of a size comparable to a Virginia driver's
 128 license, may be laminated or use a similar process to protect the permit, and shall otherwise be of a uniform
 129 style prescribed by the Department of State Police.

130 **§ 18.2-308.06. Nonresident concealed handgun permits.**

131 A. Nonresidents of the Commonwealth 21 years of age or older may apply in writing to the Virginia
 132 Department of State Police for a five-year permit to carry a concealed handgun. The applicant shall submit a
 133 photocopy of one valid form of photo identification issued by a governmental agency of the applicant's state
 134 of residency or by the U.S. Department of Defense or U.S. State Department (passport). Every applicant for a
 135 nonresident concealed handgun permit shall also submit two photographs of a type and kind specified by the
 136 Department of State Police for inclusion on the permit and shall submit fingerprints on a card provided by the
 137 Department of State Police for the purpose of obtaining the applicant's state or national criminal history
 138 record. As a condition for issuance of a concealed handgun permit, the applicant shall submit to
 139 fingerprinting by his local or state law-enforcement agency and provide personal descriptive information to
 140 be forwarded with the fingerprints through the Central Criminal Records Exchange to the U.S. Federal
 141 Bureau of Investigation for the purpose of obtaining criminal history record information regarding the
 142 applicant and obtaining fingerprint identification information from federal records pursuant to criminal
 143 investigations by state and local law-enforcement agencies. The application shall be on a form provided by
 144 the Department of State Police, requiring only that information necessary to determine eligibility for the
 145 permit. If the permittee is later found by the Department of State Police to be disqualified, the permit shall be
 146 revoked and the person shall return the permit after being so notified by the Department of State Police. The
 147 permit requirement and restriction provisions of subsection C of § 18.2-308.02 and § 18.2-308.09 shall apply,
 148 mutatis mutandis, to the provisions of this subsection.

149 B. The applicant shall demonstrate competence with a handgun in person by one of the following:

150 1. Completing a hunter education or hunter safety course approved by the Virginia Department of Wildlife
 151 Resources or a similar agency of another state;

152 2. Completing any National Rifle Association or United States Concealed Carry Association firearms
 153 safety or training course;

154 3. Completing any firearms safety or training course or class available to the general public offered by a
 155 law-enforcement agency, institution of higher education, or private or public institution or organization or
 156 firearms training school utilizing instructors certified by the National Rifle Association, the United States
 157 Concealed Carry Association, or the Department of Criminal Justice Services or a similar agency of another
 158 state;

159 4. Completing any law-enforcement firearms safety or training course or class offered for security guards,
 160 investigators, special deputies, or any division or subdivision of law enforcement or security enforcement;

161 5. Presenting evidence of equivalent experience with a firearm through participation in organized shooting
 162 competition approved by the Department of State Police or current military service or proof of an honorable
 163 discharge from any branch of the armed services;

164 6. Obtaining or previously having held a license to carry a firearm in the Commonwealth or a locality
 165 thereof, unless such license has been revoked for cause;

166 7. Completing any in-person firearms training or safety course or class conducted by a state-certified,
 167 National Rifle Association-certified, or United States Concealed Carry Association-certified firearms
 168 instructor;

169 8. Completing any governmental police agency firearms training course and qualifying to carry a firearm
 170 in the course of normal police duties; or

171 9. Completing any other firearms training that the Virginia Department of State Police deems adequate.

172 A photocopy of a certificate of completion of any such course or class; an affidavit from the instructor,
 173 school, club, organization, or group that conducted or taught such course or class attesting to the completion
 174 of the course or class by the applicant; or a copy of any document that shows completion of the course or
 175 class or evidences participation in firearms competition shall satisfy the requirement for demonstration of
 176 competence with a handgun.

177 C. The Department of State Police may charge a fee not to exceed \$100 to cover the cost of the
 178 background check and issuance of the permit. Any fees collected shall be deposited in a special account to be
 179 used to offset the costs of administering the nonresident concealed handgun permit program.

180 D. The permit to carry a concealed handgun shall contain only the following information: name, address,
 181 date of birth, gender, height, weight, color of hair, color of eyes, and photograph of the permittee; the
 182 signature of the Superintendent of the Virginia Department of State Police or his designee; the date of

183 issuance; and the expiration date. *The permit shall use "male," "female," or an "X" marker where the "X"*
184 *means unspecified or other gender identity, as applicable, when designating the gender of the permittee.*

185 E. The Superintendent of the State Police shall promulgate regulations, pursuant to the Administrative
186 Process Act (§ 2.2-4000 et seq.), for the implementation of an application process for obtaining a nonresident
187 concealed handgun permit.

188 **§ 18.2-308.2:2. Criminal history record information check required for the transfer of certain**
189 **firearms.**

190 A. Any person purchasing from a dealer a firearm as herein defined shall consent in writing, on a form to
191 be provided by the Department of State Police, to have the dealer obtain criminal history record information.
192 Such form shall include only the written consent; the name, birth date, gender, race, citizenship, and social
193 security number ~~and/or~~ or any other identification number; the number of firearms by category intended to be
194 sold, rented, traded, or transferred; and answers by the applicant to the following questions: (i) has the
195 applicant been convicted of a felony offense or a misdemeanor offense listed in § 18.2-308.1:8 or found
196 guilty or adjudicated delinquent as a juvenile 14 years of age or older at the time of the offense of a
197 delinquent act that if committed by an adult would be a felony or a misdemeanor listed in § 18.2-308.1:8; (ii)
198 is the applicant subject to a court order restraining the applicant from harassing, stalking, or threatening the
199 applicant's child or intimate partner, or a child of such partner, or is the applicant subject to a protective order;
200 (iii) has the applicant ever been acquitted by reason of insanity and prohibited from purchasing, possessing,
201 or transporting a firearm pursuant to § 18.2-308.1:1 or any substantially similar law of any other jurisdiction,
202 been adjudicated legally incompetent, mentally incapacitated, or adjudicated an incapacitated person and
203 prohibited from purchasing a firearm pursuant to § 18.2-308.1:2 or any substantially similar law of any other
204 jurisdiction, been involuntarily admitted to an inpatient facility or involuntarily ordered to outpatient mental
205 health treatment and prohibited from purchasing a firearm pursuant to § 18.2-308.1:3 or any substantially
206 similar law of any other jurisdiction, or been the subject of a temporary detention order pursuant to § 37.2-
207 809 and subsequently agreed to a voluntary admission pursuant to § 37.2-805; and (iv) is the applicant
208 subject to an emergency substantial risk order or a substantial risk order entered pursuant to § 19.2-152.13 or
209 19.2-152.14 and prohibited from purchasing, possessing, or transporting a firearm pursuant to § 18.2-308.1:6
210 or any substantially similar law of any other jurisdiction. *Such form shall permit the choice between "male,"*
211 *"female," or an "X" marker where the "X" means unspecified or other gender identity, as applicable, when*
212 *designating the gender of the applicant.*

213 B. 1. No dealer shall sell, rent, trade, or transfer from his inventory any such firearm to any other person
214 who is a resident of Virginia until he has (i) obtained written consent and the other information on the consent
215 form specified in subsection A, and provided the Department of State Police with the name, birth date,
216 gender, race, citizenship, and social security ~~and/or~~ or any other identification number and the number of
217 firearms by category intended to be sold, rented, traded, or transferred and (ii) requested criminal history
218 record information by a telephone call to or other communication authorized by the State Police and is
219 authorized by subdivision 2 to complete the sale or other such transfer. To establish personal identification
220 and residence in Virginia for purposes of this section, a dealer must require any prospective purchaser to
221 present one photo-identification form issued by a governmental agency of the Commonwealth or by the
222 United States Department of Defense or a special identification card without a photograph issued pursuant to
223 § 46.2-345.2 that demonstrates that the prospective purchaser resides in Virginia. For the purposes of this
224 section and establishment of residency for firearm purchase, residency of a member of the armed forces shall
225 include both the state in which the member's permanent duty post is located and any nearby state in which the
226 member resides and from which he commutes to the permanent duty post. A member of the armed forces
227 whose photo identification issued by the Department of Defense does not have a Virginia address may
228 establish his Virginia residency with such photo identification and either permanent orders assigning the
229 purchaser to a duty post, including the Pentagon, in Virginia or the purchaser's Leave and Earnings
230 Statement. When the identification presented to a dealer by the prospective purchaser is a driver's license or
231 other photo identification issued by the Department of Motor Vehicles or a special identification card without
232 a photograph issued pursuant to § 46.2-345.2, and such identification form or card contains a date of issue,
233 the dealer shall not, except for a renewed driver's license or other photo identification issued by the
234 Department of Motor Vehicles or a renewed special identification card without a photograph issued pursuant
235 to § 46.2-345.2, sell or otherwise transfer a firearm to the prospective purchaser until 30 days after the date of
236 issue of an original or duplicate driver's license or special identification card without a photograph unless the
237 prospective purchaser also presents a copy of his Virginia Department of Motor Vehicles driver's record
238 showing that the original date of issue of the driver's license was more than 30 days prior to the attempted
239 purchase.

240 In addition, no dealer shall sell, rent, trade, or transfer from his inventory any assault firearm to any
241 person who is not a citizen of the United States or who is not a person lawfully admitted for permanent
242 residence.

243 Upon receipt of the request for a criminal history record information check, the State Police shall (a)

244 review its criminal history record information to determine if the buyer or transferee is prohibited from
 245 possessing or transporting a firearm by state or federal law, (b) inform the dealer if its record indicates that
 246 the buyer or transferee is so prohibited, and (c) provide the dealer with a unique reference number for that
 247 inquiry.

248 2. The State Police shall provide its response to the requesting dealer during the dealer's request or by
 249 return call without delay. A dealer who fulfills the requirements of subdivision 1 and is told by the State
 250 Police that a response will not be available by the end of the dealer's fifth business day may immediately
 251 complete the sale or transfer and shall not be deemed in violation of this section with respect to such sale or
 252 transfer.

253 3. Except as required by subsection D of § 9.1-132, the State Police shall not maintain records longer than
 254 30 days, except for multiple handgun transactions for which records shall be maintained for 12 months, from
 255 any dealer's request for a criminal history record information check pertaining to a buyer or transferee who is
 256 not found to be prohibited from possessing and transporting a firearm under state or federal law. However,
 257 the log on requests made may be maintained for a period of 12 months, and such log shall consist of the name
 258 of the purchaser, the dealer identification number, the unique approval number, and the transaction date.

259 4. On the last day of the week following the sale or transfer of any firearm, the dealer shall mail or deliver
 260 the written consent form required by subsection A to the Department of State Police. The State Police shall
 261 immediately initiate a search of all available criminal history record information to determine if the purchaser
 262 is prohibited from possessing or transporting a firearm under state or federal law. If the search discloses
 263 information indicating that the buyer or transferee is so prohibited from possessing or transporting a firearm,
 264 the State Police shall inform the chief law-enforcement officer in the jurisdiction where the sale or transfer
 265 occurred and the dealer without delay.

266 5. Notwithstanding any other provisions of this section, rifles and shotguns may be purchased by persons
 267 who are citizens of the United States or persons lawfully admitted for permanent residence but residents of
 268 other states under the terms of subsections A and B upon furnishing the dealer with one photo-identification
 269 form issued by a governmental agency of the person's state of residence and one other form of identification
 270 determined to be acceptable by the Department of Criminal Justice Services.

271 6. For the purposes of this subsection, the phrase "dealer's fifth business day" does not include December
 272 25.

273 C. No dealer shall sell, rent, trade, or transfer from his inventory any firearm, except when the transaction
 274 involves a rifle or a shotgun and can be accomplished pursuant to the provisions of subdivision B 5, to any
 275 person who is a dual resident of Virginia and another state pursuant to applicable federal law unless he has
 276 first obtained from the Department of State Police a report indicating that a search of all available criminal
 277 history record information has not disclosed that the person is prohibited from possessing or transporting a
 278 firearm under state or federal law.

279 To establish personal identification and dual resident eligibility for purposes of this subsection, a dealer
 280 shall require any prospective purchaser to present one photo-identification form issued by a governmental
 281 agency of the prospective purchaser's state of legal residence and other documentation of dual residence
 282 within the Commonwealth. The other documentation of dual residence in the Commonwealth may include (i)
 283 evidence of currently paid personal property tax or real estate tax or a current (a) lease, (b) utility or telephone
 284 bill, (c) voter registration card, (d) bank check, (e) passport, (f) automobile registration, or (g) hunting or
 285 fishing license; (ii) other current identification allowed as evidence of residency by 27 C.F.R. § 178.124 and
 286 ATF Ruling 2001-5; or (iii) other documentation of residence determined to be acceptable by the Department
 287 of Criminal Justice Services and that corroborates that the prospective purchaser currently resides in Virginia.

288 D. If any buyer or transferee is denied the right to purchase a firearm under this section, he may exercise
 289 his right of access to and review and correction of criminal history record information under § 9.1-132 or
 290 institute a civil action as provided in § 9.1-135, provided any such action is initiated within 30 days of such
 291 denial.

292 E. Any dealer who willfully and intentionally requests, obtains, or seeks to obtain criminal history record
 293 information under false pretenses, or who willfully and intentionally disseminates or seeks to disseminate
 294 criminal history record information except as authorized in this section, shall be guilty of a Class 2
 295 misdemeanor.

296 F. For purposes of this section:

297 "Actual buyer" means a person who executes the consent form required in subsection B or C, or other
 298 such firearm transaction records as may be required by federal law.

299 "Antique firearm" means:

300 1. Any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of
 301 ignition system) manufactured in or before 1898;

302 2. Any replica of any firearm described in subdivision 1 of this definition if such replica (i) is not designed
 303 or redesigned for using rimfire or conventional centerfire fixed ammunition or (ii) uses rimfire or
 304 conventional centerfire fixed ammunition that is no longer manufactured in the United States and that is not

305 readily available in the ordinary channels of commercial trade;

306 3. Any muzzle-loading rifle, muzzle-loading shotgun, or muzzle-loading pistol that is designed to use
307 black powder, or a black powder substitute, and that cannot use fixed ammunition. For purposes of this
308 subdivision, the term "antique firearm" shall not include any weapon that incorporates a firearm frame or
309 receiver, any firearm that is converted into a muzzle-loading weapon, or any muzzle-loading weapon that can
310 be readily converted to fire fixed ammunition by replacing the barrel, bolt, breech-block, or any combination
311 thereof; or

312 4. Any curio or relic as defined in this subsection.

313 "Assault firearm" means any semi-automatic center-fire rifle or pistol which expels single or multiple
314 projectiles by action of an explosion of a combustible material and is equipped at the time of the offense with
315 a magazine which will hold more than 20 rounds of ammunition or designed by the manufacturer to
316 accommodate a silencer or equipped with a folding stock.

317 "Curios or relics" means firearms that are of special interest to collectors by reason of some quality other
318 than is associated with firearms intended for sporting use or as offensive or defensive weapons. To be
319 recognized as curios or relics, firearms must fall within one of the following categories:

320 1. Firearms that were manufactured at least 50 years prior to the current date, which use rimfire or
321 conventional centerfire fixed ammunition that is no longer manufactured in the United States and that is not
322 readily available in the ordinary channels of commercial trade, but not including replicas thereof;

323 2. Firearms that are certified by the curator of a municipal, state, or federal museum that exhibits firearms
324 to be curios or relics of museum interest; and

325 3. Any other firearms that derive a substantial part of their monetary value from the fact that they are
326 novel, rare, bizarre, or because of their association with some historical figure, period, or event. Proof of
327 qualification of a particular firearm under this category may be established by evidence of present value and
328 evidence that like firearms are not available except as collectors' items, or that the value of like firearms
329 available in ordinary commercial channels is substantially less.

330 "Dealer" means any person licensed as a dealer pursuant to 18 U.S.C. § 921 et seq.

331 "Firearm" means any handgun, shotgun, or rifle that will or is designed to or may readily be converted to
332 expel single or multiple projectiles by action of an explosion of a combustible material.

333 "Handgun" means any pistol or revolver or other firearm originally designed, made and intended to fire
334 single or multiple projectiles by means of an explosion of a combustible material from one or more barrels
335 when held in one hand.

336 "Lawfully admitted for permanent residence" means the status of having been lawfully accorded the
337 privilege of residing permanently in the United States as an immigrant in accordance with the immigration
338 laws, such status not having changed.

339 G. The Department of Criminal Justice Services shall promulgate regulations to ensure the identity,
340 confidentiality, and security of all records and data provided by the Department of State Police pursuant to
341 this section.

342 H. The provisions of this section shall not apply to (i) transactions between persons who are licensed as
343 firearms importers or collectors, manufacturers or dealers pursuant to 18 U.S.C. § 921 et seq.; (ii) purchases
344 by or sales to any law-enforcement officer or agent of the United States, the Commonwealth or any local
345 government, or any campus police officer appointed under Article 3 (§ 23.1-809 et seq.) of Chapter 8 of Title
346 23.1; or (iii) antique firearms or curios or relics.

347 I. The provisions of this section shall not apply to restrict purchase, trade, or transfer of firearms by a
348 resident of Virginia when the resident of Virginia makes such purchase, trade, or transfer in another state, in
349 which case the laws and regulations of that state and the United States governing the purchase, trade, or
350 transfer of firearms shall apply. A National Instant Criminal Background Check System (NICS) check shall
351 be performed prior to such purchase, trade, or transfer of firearms.

352 J. All licensed firearms dealers shall collect a fee of \$2 for every transaction for which a criminal history
353 record information check is required pursuant to this section, except that a fee of \$5 shall be collected for
354 every transaction involving an out-of-state resident. Such fee shall be transmitted to the Department of State
355 Police by the last day of the month following the sale for deposit in a special fund for use by the State Police
356 to offset the cost of conducting criminal history record information checks under the provisions of this
357 section.

358 K. Any person willfully and intentionally making a materially false statement on the consent form
359 required in subsection B or C or on such firearm transaction records as may be required by federal law shall
360 be guilty of a Class 5 felony.

361 L. Except as provided in § 18.2-308.2:1, any dealer who willfully and intentionally sells, rents, trades, or
362 transfers a firearm in violation of this section shall be guilty of a Class 6 felony.

363 L1. Any person who attempts to solicit, persuade, encourage, or entice any dealer to transfer or otherwise
364 convey a firearm other than to the actual buyer, as well as any other person who willfully and intentionally
365 aids or abets such person, shall be guilty of a Class 6 felony. This subsection shall not apply to a federal law-

366 enforcement officer or a law-enforcement officer as defined in § 9.1-101, in the performance of his official
367 duties, or other person under his direct supervision.

368 M. Any person who purchases a firearm with the intent to (i) resell or otherwise provide such firearm to
369 any person who he knows or has reason to believe is ineligible to purchase or otherwise receive from a dealer
370 a firearm for whatever reason or (ii) transport such firearm out of the Commonwealth to be resold or
371 otherwise provided to another person who the transferor knows is ineligible to purchase or otherwise receive
372 a firearm, shall be guilty of a Class 4 felony and sentenced to a mandatory minimum term of imprisonment of
373 one year. However, if the violation of this subsection involves such a transfer of more than one firearm, the
374 person shall be sentenced to a mandatory minimum term of imprisonment of five years. The prohibitions of
375 this subsection shall not apply to the purchase of a firearm by a person for the lawful use, possession, or
376 transport thereof, pursuant to § 18.2-308.7, by his child, grandchild, or individual for whom he is the legal
377 guardian if such child, grandchild, or individual is ineligible, solely because of his age, to purchase a firearm.

378 N. Any person who is ineligible to purchase or otherwise receive or possess a firearm in the
379 Commonwealth who solicits, employs, or assists any person in violating subsection M shall be guilty of a
380 Class 4 felony and shall be sentenced to a mandatory minimum term of imprisonment of five years.

381 O. Any mandatory minimum sentence imposed under this section shall be served consecutively with any
382 other sentence.

383 P. All driver's licenses issued on or after July 1, 1994, shall carry a letter designation indicating whether
384 the driver's license is an original, duplicate, or renewed driver's license.

385 Q. Prior to selling, renting, trading, or transferring any firearm owned by the dealer but not in his
386 inventory to any other person, a dealer may require such other person to consent to have the dealer obtain
387 criminal history record information to determine if such other person is prohibited from possessing or
388 transporting a firearm by state or federal law. The Department of State Police shall establish policies and
389 procedures in accordance with 28 C.F.R. § 25.6 to permit such determinations to be made by the Department
390 of State Police, and the processes established for making such determinations shall conform to the provisions
391 of this section.

392 R. Except as provided in subdivisions 1 and 2, it shall be unlawful for any person who is not a licensed
393 firearms dealer to purchase more than one handgun within any 30-day period. For the purposes of this
394 subsection, "purchase" does not include the exchange or replacement of a handgun by a seller for a handgun
395 purchased from such seller by the same person seeking the exchange or replacement within the 30-day period
396 immediately preceding the date of exchange or replacement. A violation of this subsection is punishable as a
397 Class 1 misdemeanor.

398 1. Purchases in excess of one handgun within a 30-day period may be made upon completion of an
399 enhanced background check, as described in this subsection, by special application to the Department of State
400 Police listing the number and type of handguns to be purchased and transferred for lawful business or
401 personal use, in a collector series, for collections, as a bulk purchase from estate sales, and for similar
402 purposes. Such applications shall be signed under oath by the applicant on forms provided by the Department
403 of State Police, shall state the purpose for the purchase above the limit, and shall require satisfactory proof of
404 residency and identity. Such application shall be in addition to the firearms sales report required by the
405 federal Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). The Superintendent of State Police
406 shall promulgate regulations, pursuant to the Administrative Process Act (§ 2.2-4000 et seq.), for the
407 implementation of an application process for purchases of handguns above the limit.

408 Upon being satisfied that these requirements have been met, the Department of State Police shall
409 immediately issue to the applicant a nontransferable certificate, which shall be valid for seven days from the
410 date of issue. The certificate shall be surrendered to the dealer by the prospective purchaser prior to the
411 consummation of such sale and shall be kept on file at the dealer's place of business for inspection as
412 provided in § 54.1-4201 for a period of not less than two years. Upon request of any local law-enforcement
413 agency, and pursuant to its regulations, the Department of State Police may certify such local law-
414 enforcement agency to serve as its agent to receive applications and, upon authorization by the Department of
415 State Police, issue certificates immediately pursuant to this subdivision. Applications and certificates issued
416 under this subdivision shall be maintained as records as provided in subdivision B 3. The Department of State
417 Police shall make available to local law-enforcement agencies all records concerning certificates issued
418 pursuant to this subdivision and all records provided for in subdivision B 3.

419 2. The provisions of this subsection shall not apply to:

- 420 a. A law-enforcement agency;
- 421 b. An agency duly authorized to perform law-enforcement duties;
- 422 c. A state or local correctional facility;
- 423 d. A private security company licensed to do business within the Commonwealth;
- 424 e. The purchase of antique firearms;
- 425 f. A person whose handgun is stolen or irretrievably lost who deems it essential that such handgun be
426 replaced immediately. Such person may purchase another handgun, even if the person has previously

427 purchased a handgun within a 30-day period, provided that (i) the person provides the firearms dealer with a
 428 copy of the official police report or a summary thereof, on forms provided by the Department of State Police,
 429 from the law-enforcement agency that took the report of the lost or stolen handgun; (ii) the official police
 430 report or summary thereof contains the name and address of the handgun owner, a description of the
 431 handgun, the location of the loss or theft, the date of the loss or theft, and the date the loss or theft was
 432 reported to the law-enforcement agency; and (iii) the date of the loss or theft as reflected on the official police
 433 report or summary thereof occurred within 30 days of the person's attempt to replace the handgun. The
 434 firearms dealer shall attach a copy of the official police report or summary thereof to the original copy of the
 435 Virginia firearms transaction report completed for the transaction and retain it for the period prescribed by the
 436 Department of State Police;

437 g. A person who trades in a handgun at the same time he makes a handgun purchase and as a part of the
 438 same transaction, provided that no more than one transaction of this nature is completed per day;

439 h. A person who holds a valid Virginia permit to carry a concealed handgun;

440 i. A person who purchases a handgun in a private sale. For purposes of this subdivision, "private sale"
 441 means a purchase from a person who makes occasional sales, exchanges, or purchases of firearms for the
 442 enhancement of a personal collection of curios or relics or who sells all or part of such collection of curios
 443 and relics; or

444 j. A law-enforcement officer. For purposes of this subdivision, "law-enforcement officer" means any
 445 employee of a police department or sheriff's office that is part of or administered by the Commonwealth or
 446 any political subdivision thereof and who is responsible for the prevention and detection of crime and the
 447 enforcement of the penal, traffic, or highway laws of the Commonwealth.

448 **§ 18.2-308.2:4. Firearm verification check; penalty.**

449 A. For the purposes of this section:

450 "Dealer" means any person licensed as a dealer pursuant to 18 U.S.C. § 921 et seq.

451 "Department" means the Department of State Police.

452 "Firearm" means any handgun, shotgun, or rifle that will or is designed to or may readily be converted to
 453 expel single or multiple projectiles by action of an explosion of a combustible material.

454 B. A dealer who is receiving by sale, transfer, or trade a firearm from a person who is not a dealer may
 455 choose to obtain a verification check from the Department to determine if the firearm has been reported to a
 456 law-enforcement agency as lost or stolen. If a dealer chooses to obtain a verification check, the procedures in
 457 this section shall be followed.

458 C. The person selling, transferring, or trading the firearm to the dealer shall present a valid photo
 459 identification issued by a state or federal governmental agency and shall consent in writing, on a form to be
 460 provided by the Department, to have the dealer obtain a verification check to determine if the firearm has
 461 been reported to a law-enforcement agency as lost or stolen. Such form shall include only the written consent;
 462 the name, address, birth date, gender, race, and verifiable government identification number on the photo
 463 identification presented by the person selling, transferring, or trading the firearm; and the serial number,
 464 caliber, make, and, if available, model of the firearm. *Such form shall permit the choice between "male,"*
 465 *"female," or an "X" marker where the "X" means unspecified or other gender identity, as applicable, when*
 466 *designating the gender of the person selling, transferring, or trading the firearm.*

467 D. A dealer shall (i) obtain written consent and identifying information on the consent form specified in
 468 subsection C; (ii) provide the Department with the serial number, caliber, make, and, if available, model of
 469 the firearm intended to be sold, traded, or transferred to the dealer; (iii) request a verification check by
 470 telephone or other manner authorized by the Department; and (iv) receive information from the Department
 471 as to whether the firearm has been reported to a law-enforcement agency as lost or stolen.

472 To establish personal identification and residence for purposes of this section, a dealer shall require a
 473 prospective transferee to present one photo-identification form containing a verifiable identification number
 474 issued by a governmental agency of the Commonwealth, a similar photo-identification form from another
 475 state government or by the U.S. Department of Defense, or other documentation of residence determined
 476 acceptable by the Department.

477 E. Upon receipt of the request for a verification check, the Department shall (i) query firearms databases
 478 to determine if the firearm has been reported to a law-enforcement agency as lost or stolen, (ii) inform the
 479 dealer if the firearm has been reported to a law-enforcement agency as lost or stolen, and (iii) provide the
 480 dealer with a unique response for that inquiry.

481 The Department shall provide its response to the requesting dealer electronically or by return call without
 482 delay. If the verification check discloses that the firearm cannot be lawfully sold, transferred, or traded, the
 483 Department shall have until the end of the dealer's next business day to advise the dealer that its records
 484 indicate the firearm cannot be lawfully sold, transferred, or traded pursuant to state or federal law.

485 In the case of electronic failure or other circumstances beyond the control of the Department, the dealer
 486 shall be advised immediately of the reason for such delay and be given an estimate of the length of such
 487 delay. After such notification, the Department shall, as soon as possible but in no event later than the end of

488 the dealer's next business day, inform the requesting dealer if the firearm cannot be lawfully sold, transferred,
489 or traded pursuant to state or federal law.

490 F. The Department shall maintain a log of requests made for a period of 12 months from the date the
491 request was made, consisting of the serial number, caliber, make, and, if available, model of the firearm; the
492 dealer identification number; and the transaction date.

493 G. The dealer shall maintain the consent form for a period of 12 months from the date of the transaction if
494 the firearm is determined to be lost or stolen. If the firearm is determined not to be lost or stolen, the consent
495 form shall be destroyed by the dealer within two weeks from the date of such determination.

496 H. The Superintendent of State Police shall promulgate regulations to ensure the identity, confidentiality,
497 and security of all records and data provided pursuant to this section.

498 I. The provisions of this section shall not apply to transactions between persons who are licensed as
499 firearms importers, manufacturers, or dealers pursuant to 18 U.S.C. § 921 et seq.

500 J. Any person who willfully and intentionally makes a material false statement on the consent form is
501 guilty of a Class 1 misdemeanor.

502 **§ 19.2-13. Special conservators of the peace; authority; jurisdiction; registration; liability of**
503 **employers; penalty; report.**

504 A. Upon the submission of an application, which shall include the results of the background investigation
505 conducted pursuant to subsection C, from (i) any sheriff or chief of police of any county, city, or town; (ii)
506 any corporation authorized to do business in the Commonwealth; (iii) the owner, proprietor, or authorized
507 custodian of any place within the Commonwealth; or (iv) any museum owned and managed by the
508 Commonwealth, a circuit court judge of any county or city shall appoint special conservators of the peace
509 who shall serve as such for such length of time as the court may designate, but not exceeding four years under
510 any one appointment, during which time the court shall retain jurisdiction over the appointment order, upon a
511 showing by the applicant of a necessity for the security of property or the peace and presentation of evidence
512 that the person or persons to be appointed as a special conservator of the peace possess a valid registration
513 issued by the Department of Criminal Justice Services in accordance with the provisions of subsection C.
514 Upon an application made pursuant to clause (ii), (iii), or (iv), the court shall, prior to entering the order of
515 appointment, transmit a copy of the application to the local attorney for the Commonwealth and the local
516 sheriff or chief of police who may submit to the court a sworn, written statement indicating whether the order
517 of appointment should be granted. However, a judge may deny the appointment for good cause, and shall
518 state the specific reasons for the denial in writing in the order denying the appointment. A judge also may
519 revoke the appointment order for good cause shown, upon the filing of a sworn petition by the attorney for
520 the Commonwealth, sheriff, or chief of police for any locality in which the special conservator of the peace is
521 authorized to serve or by the Department of Criminal Justice Services. Prior to revocation, a hearing shall be
522 set and the special conservator of the peace shall be given notice and the opportunity to be heard. The judge
523 may temporarily suspend the appointment pending the hearing for good cause shown. A hearing on the
524 petition shall be heard by the court as soon as practicable. If the appointment order is suspended or revoked,
525 the clerk of court shall notify the Department of Criminal Justice Services, the Department of State Police,
526 the applicable local law-enforcement agencies in all cities and counties where the special conservator of the
527 peace is authorized to serve, and the employer of the special conservator of the peace.

528 The order of appointment shall provide that a special conservator of the peace may perform only the
529 duties for which he is qualified by training as established by the Criminal Justice Services Board. The order
530 of appointment shall provide that such duties shall be exercised only within geographical limitations specified
531 by the court, which shall be within the confines of the county, city or town that makes application or on the
532 real property where the corporate applicant is located, or any real property contiguous to such real property,
533 limited, except as provided in subsection F, to the city or county wherein application has been made, and only
534 when such special conservator of the peace is engaged in the performance of his duties as such; however, a
535 court may, in its discretion, specify in the order of appointment additional jurisdictions in which a special
536 conservator of the peace employed by the Shenandoah Valley Regional Airport Commission or the
537 Richmond Metropolitan Transportation Authority may exercise his duties. The order may provide that the
538 special conservator of the peace shall have the authority to make an arrest outside of such geographical
539 limitations if the arrest results from a close pursuit that was initiated when the special conservator of the
540 peace was within the confines of the area wherein he has been authorized to have the powers and authority of
541 a special conservator of the peace; the order shall further delineate a geographical limitation or distance
542 beyond which the special conservator of the peace may not effectuate such an arrest that follows from a close
543 pursuit. The order shall require the special conservator of the peace to comply with the provisions of the
544 United States Constitution and the Constitution of Virginia. The order shall not identify the special
545 conservator of the peace as a law-enforcement officer pursuant to § 9.1-101. The order may provide,
546 however, that the special conservator of the peace is a "law-enforcement officer" for the purposes of Article 4
547 (§ 37.2-808 et seq.) of Chapter 8 of Title 37.2 or Article 16 (§ 16.1-335 et seq.) of Chapter 11 of Title 16.1,
548 but such designation shall not qualify the special conservator of the peace as a "qualified law-enforcement

549 officer" or "qualified retired law-enforcement officer" within the meaning of the federal Law Enforcement
550 Officer Safety Act, 18 U.S.C. § 926(B) et seq., and the order of appointment shall specifically state this. The
551 order may also provide that a special conservator of the peace who has completed the minimum training
552 standards established by the Criminal Justice Services Board, has the authority to affect arrests, using up to
553 the same amount of force as would be allowed to a law-enforcement officer employed by the Commonwealth
554 or any of its political subdivisions when making a lawful arrest. The order shall prohibit blue flashing lights,
555 but upon request and for good cause shown may provide that the special conservator of the peace may use
556 flashing lights and sirens on any vehicle used by the special conservator of the peace when he is in the
557 performance of his duties. Prior to granting an application for appointment, the circuit court shall ensure that
558 the applicant has met the registration requirements established by the Criminal Justice Services Board.

559 B. All applications and orders for appointments of special conservators of the peace shall be submitted on
560 forms developed by the Office of the Executive Secretary of the Supreme Court of Virginia in consultation
561 with the Department of Criminal Justice Services and shall specify the duties for which the applicant is
562 qualified. *If such forms require the sex or gender of the applicant, the forms shall permit the choice between*
563 *"male," "female," or an "X" marker where the "X" means unspecified or other gender identity, as applicable.*
564 The applications and orders shall specify the geographic limitations consistent with subsection A.

565 C. No person shall seek appointment as a special conservator of the peace from a circuit court judge
566 without possessing a valid registration issued by the Department of Criminal Justice Services, except as
567 provided in this section. Applicants for registration may submit an application on or after January 1, 2004. A
568 temporary registration may be issued in accordance with regulations established by the Criminal Justice
569 Services Board while awaiting the results of a state and national fingerprint search. However, no person shall
570 be issued a valid registration or temporary registration until he has (i) complied with, or been exempted from
571 the compulsory minimum training standards as set forth in this section; (ii) submitted his fingerprints on a
572 form provided by the Department to be used for the conduct of a national criminal records search and a
573 Virginia criminal history records search; (iii) submitted the results of a background investigation, performed
574 by any state or local law-enforcement agency, which may, at its discretion, charge a reasonable fee to the
575 applicant and which shall include a review of the applicant's criminal history records and may include a
576 review of the applicant's school records, employment records, or interviews with persons possessing general
577 knowledge of the applicant's character and fitness for such appointment; and (iv) met all other requirements
578 of this article and Board regulations. No person with a criminal conviction for a misdemeanor involving (a)
579 moral turpitude, (b) assault and battery, (c) damage to real or personal property, (d) controlled substances or
580 imitation controlled substances as defined in Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2, (e)
581 prohibited sexual behavior as described in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, or (f)
582 firearms, or any felony, or who is required to register with the Sex Offender and Crimes Against Minors
583 Registry pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, or who is prohibited from possessing,
584 transporting, or purchasing a firearm shall be eligible for registration or appointment as a special conservator
585 of the peace. A special conservator of the peace shall report if he is arrested for, charged with, or convicted of
586 any misdemeanor or felony offense or becomes ineligible for registration or appointment as a special
587 conservator of the peace pursuant to this subsection to the Department of Criminal Justice Services and the
588 chief law-enforcement officer of all localities in which he is authorized to serve within three days of such
589 arrest or of becoming ineligible for registration or appointment as a special conservator of the peace. Any
590 appointment for a special conservator of the peace shall be eligible for suspension and revocation after a
591 hearing pursuant to subsection A if the special conservator of the peace is convicted of any offense listed in
592 this subsection or becomes ineligible for registration or appointment as a special conservator of the peace
593 pursuant to this subsection. All appointments for special conservators of the peace shall become void on
594 September 15, 2004, unless they have obtained a valid registration issued by the Department of Criminal
595 Justice Services.

596 D. Each person registered as or seeking registration as a special conservator of the peace shall be covered
597 by evidence of a policy of (i) personal injury liability insurance, as defined in § 38.2-117; (ii) property
598 damage liability insurance, as defined in § 38.2-118; and (iii) miscellaneous casualty insurance, as defined in
599 subsection B of § 38.2-111, which includes professional liability insurance that provides coverage for any
600 activity within the scope of the duties of a special conservator of the peace as set forth in this section, in an
601 amount and with coverage for each as fixed by the Board, or self-insurance in an amount and with coverage
602 as fixed by the Board. Any person who is aggrieved by the misconduct of any person registered as a special
603 conservator of the peace and recovers a judgment against the registrant, which is unsatisfied in whole or in
604 part, may bring an action in his own name against the insurance policy of the registrant.

605 E. Effective July 1, 2015, all persons currently appointed or seeking appointment or reappointment as a
606 special conservator of the peace are required to register with the Department of Criminal Justice Services,
607 regardless of any other standing the person may have as a law-enforcement officer or other position requiring
608 registration or licensure by the Department. The employer of any special conservator of the peace shall notify
609 the circuit court, the Department of Criminal Justice Services, the Department of State Police, and the chief

610 law-enforcement officer of all localities in which the special conservator of the peace is authorized to serve
 611 within 30 days after the date such individual has left employment and all powers of the special conservator of
 612 the peace shall be void. Failure to provide such notification shall be punishable by a fine of \$250 plus an
 613 additional \$50 per day for each day such notice is not provided.

614 F. When the application is made by any sheriff or chief of police, the circuit court shall specify in the
 615 order of appointment the name of the applicant authorized under subsection A and the geographic jurisdiction
 616 of the special conservator of the peace. Such appointments shall be limited to the city or county wherein
 617 application has been made. When the application is made by any corporation authorized to do business in the
 618 Commonwealth, any owner, proprietor, or authorized custodian of any place within the Commonwealth, or
 619 any museum owned and managed by the Commonwealth, the circuit court shall specify in the order of
 620 appointment the name of the applicant authorized under subsection A and the specific real property where the
 621 special conservator of the peace is authorized to serve. Such appointments shall be limited to the specific real
 622 property within the county, city, or town wherein application has been made. In the case of a corporation or
 623 other business, the court appointment may also include, for good cause shown, any real property owned or
 624 leased by the corporation or business, including any subsidiaries, in other specifically named cities and
 625 counties, but shall provide that the powers of the special conservator of the peace do not extend beyond the
 626 boundaries of such real property. The clerk of the appointing circuit court shall transmit to the Department of
 627 State Police, the clerk of the circuit court of each locality where the special conservator of the peace is
 628 authorized to serve, and the sheriff or chief of police of each such locality a copy of the order of appointment
 629 that shall specify the following information: the person's complete name, address, date of birth, social
 630 security number, gender, race, height, weight, color of hair, color of eyes, firearm authority or limitation as
 631 set forth in subsection G, date of the order, and other information as may be required by the Department of
 632 State Police. *The order of appointment shall use "male," "female," or an "X" marker where the "X" means*
 633 *unspecified or other gender identity, as applicable, when designating the gender of the special conservator of*
 634 *the peace.* The Department of State Police shall enter the person's name and other information into the
 635 Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2
 636 (§ 52-12 et seq.) of Title 52. The Department of State Police may charge a fee not to exceed \$10 to cover its
 637 costs associated with processing these orders. Each special conservator of the peace so appointed on
 638 application shall present his credentials to the chief of police or sheriff or his designee of all jurisdictions
 639 where he has conservator powers. If his powers are limited to certain areas of real property owned or leased
 640 by a corporation or business, he shall also provide notice of the exact physical addresses of those areas. Each
 641 special conservator shall provide to the circuit court a temporary registration letter issued by the Department
 642 of Criminal Justice Services to include the results of the background check prior to seeking an appointment
 643 by the circuit court. Once the applicant receives the appointment from the circuit court the applicant shall file
 644 the appointment order and a copy of the application with the Department of Criminal Justice Services in order
 645 to receive his special conservator of the peace registration document. If the court appointment includes any
 646 real property owned or leased by the corporation or business in other specifically named cities and counties
 647 not within the city or county wherein application has been made, the clerk of the appointing court shall
 648 transmit a copy of the order of appointment to (i) the clerk of the circuit court for each jurisdiction where the
 649 special conservator of the peace is authorized to serve and (ii) the sheriff or chief of police of each
 650 jurisdiction where the special conservator of the peace is authorized to serve.

651 If any such special conservator of the peace is the employee, agent or servant of another, his appointment
 652 as special conservator of the peace shall not relieve his employer, principal or master from civil liability to
 653 another arising out of any wrongful action or conduct committed by such special conservator of the peace
 654 while within the scope of his employment.

655 Effective July 1, 2002, no person employed by a local school board as a school security officer, as defined
 656 in § 9.1-101, shall be eligible for appointment as a conservator for purposes of maintaining safety in a public
 657 school in the Commonwealth. All appointments of special conservators of the peace granted to school
 658 security officers as defined in § 9.1-101 prior to July 1, 2002 are void.

659 G. The court may limit or prohibit the carrying of weapons by any special conservator of the peace
 660 initially appointed on or after July 1, 1996, while the appointee is within the scope of his employment as
 661 such.

662 H. The governing body of any locality or the sheriff of a county where no police department has been
 663 established may enter into mutual aid agreements with any entity employing special conservators of the peace
 664 that is located in such locality for the use of their joint forces and their equipment and materials to maintain
 665 peace and good order. Any law-enforcement officer or special conservator of the peace, while performing his
 666 duty under any such agreement, shall have the same authority as lawfully conferred on him within his own
 667 jurisdiction.

668 I. No special conservator of the peace shall display or use the word "police" on any uniform, badge,
 669 credential, or vehicle in the performance of his duties as a special conservator of the peace. Other than special
 670 conservators of the peace employed by a state agency, no special conservator of the peace shall use the seal of

671 the Commonwealth on any uniform, badge, credential, or vehicle in the performance of his duties. However,
 672 upon request and for good cause shown, the order of appointment may provide that a special conservator of
 673 the peace who (i) meets all requirements, including the minimum compulsory training requirements, for law-
 674 enforcement officers set forth in Chapter 1 (§ 9.1-100 et seq.) of Title 9.1 and (ii) is employed by the
 675 Shenandoah Valley Regional Airport Commission or the Richmond Metropolitan Transportation Authority
 676 may use the word "police" on any badge, uniform, or vehicle in the performance of his duties or the seal of
 677 the Commonwealth on any badge or credential in the performance of his duties.

678 **§ 20-88.54. Pleadings and accompanying documents.**

679 A. In a proceeding under this chapter, a petitioner seeking to establish a support order, to determine
 680 parentage of a child, or to register and modify a support order of a tribunal of another state or a foreign
 681 country shall file a petition. Unless otherwise ordered under § 20-88.55, the petition or accompanying
 682 documents shall provide, so far as known, the name, residential address, and social security numbers of the
 683 obligor and the obligee or the parent and alleged parent, and the name, sex, residential address, social security
 684 number, and date of birth of each child for whose benefit support is sought or whose parentage is to be
 685 determined. *The petition shall permit the choice between "male," "female," or an "X" marker where the "X"*
 686 *means unspecified or other gender identity, as applicable, when designating the sex of each child named in*
 687 *the petition.* Unless filed at the time of registration, the petition shall be accompanied by a copy of any
 688 support order known to have been issued by another tribunal. The petition may include any other information
 689 that may assist in locating or identifying the respondent.

690 B. The petition shall specify the relief sought. The petition and accompanying documents shall conform
 691 substantially with the requirements imposed by the forms mandated by federal law for use in cases filed by a
 692 support enforcement agency.

693 **§ 22.1-287.1. Directory information.**

694 A. Notwithstanding §§ 22.1-287 and 22.1-288, directory information, as defined by the federal Family
 695 Educational Rights and Privacy Act (20 U.S.C. § 1232g) (FERPA), and which may include a student's name,
 696 sex, address, telephone listing, date and place of birth, major field of study, participation in officially
 697 recognized activities and sports, weight and height as a member of an athletic team, dates of attendance,
 698 degrees and awards received, and other similar information, may be disclosed in accordance with federal and
 699 state law and regulations, provided that the school has given notice to the parent or eligible student of (i) the
 700 types of information that the school has designated as directory information, (ii) the right of the parent or
 701 eligible student to refuse the designation of any or all of the types of information about the student as
 702 directory information, and (iii) the period of time within which the parent or eligible student must notify the
 703 school in writing that he does not want any or all of the types of information about the student designated as
 704 directory information. *Such directory information shall permit the choice between "male," "female," or an*
 705 *"X" marker where the "X" means unspecified or other gender identity, as applicable, when designating the*
 706 *sex of a student.* However, no school shall disclose the address, telephone number, or email address of a
 707 student pursuant to the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) unless the parent or eligible
 708 student has affirmatively consented in writing to such disclosure. Additionally, except as required by state or
 709 federal law, no school shall disclose the address, telephone number, or email address of a student pursuant to
 710 34 C.F.R. § 99.31(a)(11) unless (a) the disclosure is to students enrolled in the school or to school board
 711 employees for educational purposes or school business and the parent or eligible student has not opted out of
 712 such disclosure in accordance with this subsection and school board policy or (b) the parent or eligible
 713 student has affirmatively consented in writing to such disclosure. This subsection shall not apply to any
 714 disclosure, other than a disclosure pursuant to 34 C.F.R. § 99.31(a)(11), permitted under FERPA.

715 B. For purposes of this section, an "eligible student" is a student 18 years of age or older or a student
 716 under the age of 18 who is emancipated.

717 **§ 23.1-405. Student records and personal information; social media.**

718 A. As used in this section:

719 "Social media account" means a personal account with an electronic medium or service through which
 720 users may create, share, or view user-generated content, including, without limitation, videos, photographs,
 721 blogs, podcasts, messages, emails, or website profiles or locations. "Social media account" does not include
 722 an account (i) opened by a student at the request of a public or private institution of higher education or (ii)
 723 provided to a student by a public or private institution of higher education such as the student's email account
 724 or other software program owned or operated exclusively by a public or private institution of higher
 725 education.

726 B. Each public institution of higher education and private institution of higher education may require any
 727 student who attends, or any applicant who has been accepted to and has committed to attend, such institution
 728 to provide, to the extent available, from the originating secondary school and, if applicable, any institution of
 729 higher education he has attended a complete student record, including any mental health records held by the
 730 previous school or institution. Such records shall be kept confidential as required by state and federal law,
 731 including the federal Family Educational Rights and Privacy Act (20 U.S.C. § 1232g)(FERPA).

732 C. Student directory information, as defined by FERPA, and which may include a student's name, sex,

733 address, telephone listing, date and place of birth, major field of study, participation in officially recognized
 734 activities and sports, weight and height as a member of an athletic team, dates of attendance, degrees and
 735 awards received, and other similar information, may be disclosed, provided that the institution has given
 736 notice to the student of (i) the types of information that the institution has designated as directory
 737 information, (ii) the right of the student to refuse the designation of any or all of the types of information
 738 about the student as directory information, and (iii) the period of time within which the student must notify
 739 the institution in writing that he does not want any or all of the types of information about the student
 740 designated as directory information. *Such directory information shall permit the choice between "male,"*
 741 *"female," or an "X" marker where the "X" means unspecified or other gender identity, as applicable, when*
 742 *designating the sex of a student.* However, no institution shall disclose the address, telephone number, or
 743 email address of a student pursuant to the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) unless
 744 the student has affirmatively consented in writing to such disclosure. Additionally, except as required by state
 745 or federal law, no institution shall disclose the address, telephone number, or email address of a student
 746 pursuant to 34 C.F.R. § 99.31(a)(11) unless (a) the disclosure is to students enrolled in the institution for
 747 educational purposes or institution business and the student has not opted out of such disclosure in
 748 accordance with this subsection and institution policy or (b) the student has affirmatively consented in writing
 749 to such disclosure except as required by state or federal law. This subsection shall not apply to disclosures,
 750 other than disclosures pursuant to 34 C.F.R. § 99.31(a)(11), permitted under FERPA.

751 D. No public institution of higher education shall sell students' personal information, including names,
 752 addresses, phone numbers, and email addresses, to any person. This subsection shall not apply to transactions
 753 involving credit, debit, employment, finance, identity verification, risk assessment, fraud prevention, or other
 754 transactions initiated by the student.

755 E. No public or private institution of higher education shall require a student to disclose the username or
 756 password to any of such student's personal social media accounts. Nothing in this subsection shall prevent a
 757 campus police officer appointed under Article 3 (§ 23.1-809 et seq.) of Chapter 8 from performing his official
 758 duties.

759 **§ 23.1-407. Reporting of enrollment information to Sex Offender and Crimes Against Minors**
 760 **Registry.**

761 A. Each associate-degree-granting and baccalaureate (i) public institution of higher education and (ii)
 762 private institution of higher education shall electronically transmit the complete name, social security number
 763 or other identifying number, date of birth, and gender of each applicant accepted to attend the institution to
 764 the Department of State Police, in a format approved by the Department of State Police, for comparison with
 765 information contained in the Virginia Criminal Information Network and National Crime Information Center
 766 Sex Offender Registry File. *Such data shall permit the choice between "male," "female," or an "X" marker*
 767 *where the "X" means unspecified or other gender identity, as applicable, when designating the gender of*
 768 *each applicant.* Such data shall be transmitted (a) before an accepted applicant becomes a student in
 769 attendance pursuant to 20 U.S.C. § 1232g(a)(6) or (b) in the case of institutions with a rolling or
 770 instantaneous admissions policy, in accordance with guidelines developed by the Department of State Police
 771 in consultation with the Council.

772 B. Whenever it appears from the records of the Department of State Police that an accepted applicant has
 773 failed to comply with the duty to register, reregister, or verify his registration information pursuant to Chapter
 774 9 (§ 9.1-900 et seq.) of Title 9.1, the Department of State Police shall promptly investigate and, if there is
 775 probable cause to believe a violation has occurred, obtain a warrant or assist in obtaining an indictment
 776 charging a violation of § 18.2-472.1 in the jurisdiction in which the institution of higher education is located.

777 **§ 24.2-418. Application for registration.**

778 A. Each applicant to register shall provide, subject to felony penalties for making false statements
 779 pursuant to § 24.2-1016, the information necessary to complete the application to register. Unless physically
 780 disabled, he shall sign the application. The application to register shall be only on a form or forms prescribed
 781 by the State Board.

782 The form of the application to register shall require the applicant to provide the following information:
 783 full name; gender; date of birth; social security number, if any; whether the applicant is presently a United
 784 States citizen; address of residence in the precinct; place of last previous registration to vote; and whether the
 785 applicant has ever been adjudicated incapacitated and disqualified to vote or convicted of a felony, and if so,
 786 whether the applicant's right to vote has been restored. *The registration application shall permit the choice*
 787 *between "male," "female," or an "X" marker where the "X" means unspecified or other gender identity, as*
 788 *applicable, when designating the gender of the applicant.* The form shall contain a statement that whoever
 789 votes more than once in any election in the same or different jurisdictions is guilty of a Class 6 felony. Unless
 790 directed by the applicant or as permitted in § 24.2-411.2 or 24.2-411.3, the registration application shall not
 791 be pre-populated with information the applicant is required to provide.

792 The form of the application to register shall request that the applicant provide his telephone number and
 793 email address, but no application shall be denied for failure to provide such information.

794 B. The form shall permit any individual, as follows, or member of his household, to furnish, in addition to

795 his residence street address, a post office box address located within the Commonwealth to be included in
 796 lieu of his street address on the lists of registered voters and persons who voted, which are furnished pursuant
 797 to §§ 24.2-405 and 24.2-406, on voter registration records made available for public inspection pursuant to §
 798 24.2-444, or on lists of absentee voter applicants furnished pursuant to § 24.2-706 or 24.2-710. The voter
 799 shall comply with the provisions of § 24.2-424 for any change in the post office box address provided under
 800 this subsection.

801 1. Any active or retired law-enforcement officer, as defined in § 9.1-101 and in 5 U.S.C. § 8331(20), but
 802 excluding officers whose duties relate to detention as defined in 5 U.S.C. § 8331(20);

803 2. Any party granted a protective order issued by or under the authority of any court of competent
 804 jurisdiction, including but not limited to courts of the Commonwealth of Virginia;

805 3. Any party who has furnished a signed written statement by the party that he is in fear for his personal
 806 safety from another person who has threatened or stalked him;

807 4. Any party participating in the address confidentiality program pursuant to § 2.2-515.2;

808 5. Any active or retired federal or Virginia justice, judge, or magistrate and any active or retired attorney
 809 employed by the United States Attorney General or Virginia Attorney General; and

810 6. Any person who has been approved to be a foster parent pursuant to Chapter 9 (§ 63.2-900 et seq.) of
 811 Title 63.2.

812 C. If the applicant formerly resided in another state, the general registrar shall send the information
 813 contained in the applicant's registration application to the appropriate voter registration official or other
 814 authority of another state where the applicant formerly resided, as prescribed in subdivision 15 of § 24.2-114.

815 **§ 24.2-444. Duties of general registrars and Department of Elections as to voter registration**
 816 **records; public inspection; exceptions.**

817 A. Registration records shall be kept and preserved by the general registrar in compliance with §§ 2.2-
 818 3803, 2.2-3808, and 24.2-114. The Department shall provide to each general registrar, for each precinct in his
 819 county or city, lists of registered voters for inspection. The lists shall contain the name, address, year of birth,
 820 gender and all election districts applicable to each registered voter. *The lists shall use "male," "female," or an*
 821 *"X" marker where the "X" means unspecified or other gender identity, as applicable, when designating the*
 822 *gender of registered voters.* The lists shall be opened to public inspection at the office of the general registrar
 823 when the office is open for business. New lists shall be provided not less than once each year to all localities
 824 except those in which an updated list is made available electronically for public inspection, and supplements
 825 containing additions, deletions, and changes shall be provided not less than (i) weekly during the 60 days
 826 preceding any general election and (ii) monthly at other times. Notwithstanding any other provision of law
 827 regarding the retention of records, upon receipt of any new complete list, the general registrar shall destroy
 828 the obsolete list and its supplements. The Department shall provide to each general registrar lists of persons
 829 denied registration for public inspection. Such lists may be provided electronically through the Virginia voter
 830 registration system and produced in whole or in part upon a request for public inspection.

831 B. The general registrars shall maintain for at least two years and shall make available for public
 832 inspection and copying and, where available, photocopying at a reasonable cost, all records concerning the
 833 implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency
 834 of the registration records pursuant to §§ 24.2-427, 24.2-428 and 24.2-428.1, including lists of the names and
 835 addresses of all persons to whom notices are sent, and information concerning whether each person has
 836 responded to the notice as of the date that inspection of the records is made.

837 C. No list provided by the Department under subsection A nor any record made available for public
 838 inspection under subsection B shall contain any of the following information: (i) an individual's social
 839 security number, or any part thereof; (ii) the residence address of an individual who has furnished a post
 840 office box address in lieu of his residence address as authorized by subsection B of § 24.2-418; (iii) the
 841 declination by an individual to register to vote and related records; (iv) the identity of a voter registration
 842 agency through which a particular voter is registered; or (v) the day and month of birth of an individual. No
 843 voter registration records other than the lists provided by the Department under subsection A and the records
 844 made available under subsection B shall be open to public inspection.

845 **§ 30-394. Citizen commissioners; application process; qualifications; selection.**

846 A. Within three days following the selection of the fifth member of the Committee, the Committee shall
 847 adopt an application and process by which residents of the Commonwealth may apply to serve on the
 848 Commission as citizen commissioners. The Division of Legislative Services shall assist the Committee in the
 849 development of the application and process.

850 The application for service on the Commission shall require applicants to provide personal contact
 851 information and information regarding the applicant's race, ethnicity, gender, age, date of birth, education,
 852 and household income. *The application shall permit the choice between "male," "female," or an "X" marker*
 853 *where the "X" means unspecified or other gender identity, as applicable, when designating the gender of the*
 854 *applicant.* The application shall require an applicant to disclose, for the period of three years immediately
 855 preceding the application period, the applicant's (i) voter registration status; (ii) preferred political party

856 affiliation, if any, and any political party primary elections in which he has voted; (iii) history of any partisan
 857 public offices or political party offices held or sought; (iv) employment history, including any current or prior
 858 employment with the Congress of the United States or one of its members, the General Assembly or one of
 859 its members, any political party, or any campaign for a partisan public office, including a volunteer position;
 860 and (v) relevant leadership experience or involvements with professional, social, political, volunteer, and
 861 community organizations and causes.

862 The application shall require an applicant to disclose information regarding the partisan activities and
 863 employment history of the applicant's parent, spouse, child, sibling, parent-in-law, child-in-law, or sibling-in-
 864 law, or any person with whom the applicant is a cohabitating member of a household, for the period of three
 865 years immediately preceding the application period.

866 The Committee may require applicants to submit three letters of recommendation from individuals or
 867 organizations.

868 The application process shall provide for both paper and electronic or online applications. The Committee
 869 shall cause to be advertised throughout the Commonwealth information about the Commission and how
 870 interested persons may apply.

871 B. To be eligible for service on the Commission, a person shall have been a resident of the
 872 Commonwealth and a registered voter in the Commonwealth for three years immediately preceding the
 873 application period. He shall have voted in at least two of the previous three general elections. No person shall
 874 be eligible for service on the Commission who:

875 1. Holds, has held, or has sought partisan public office or political party office;
 876 2. Is employed by or has been employed by a member of the Congress of the United States or of the
 877 General Assembly or is employed directly by or has been employed directly by the United States Congress or
 878 by the General Assembly;

879 3. Is employed by or has been employed by any federal, state, or local campaign;

880 4. Is employed by or has been employed by any political party or is a member of a political party central
 881 committee;

882 5. Is a lobbyist registered pursuant to Article 3 (§ 2.2-418 et seq.) of Chapter 4 of Title 2.2 or a lobbyist's
 883 principal as defined in § 2.2-419 or has been such a lobbyist or lobbyist's principal in the previous five years;
 884 or

885 6. Is a parent, spouse, child, sibling, parent-in-law, child-in-law, or sibling-in-law of a person described in
 886 subdivisions 1 through 5, or is a cohabitating member of a household with such a person.

887 C. The application period shall begin no later than December 1 of the year ending in zero and shall end
 888 four weeks after the beginning date. During this period, interested persons shall submit a completed
 889 application and any required documentation to the Division of Legislative Services. All applications shall be
 890 reviewed by the Division of Legislative Services to ensure an applicant's eligibility for service pursuant to
 891 subsection B, and any applicant who is ineligible for service shall be removed from the applicant pool.

892 The Division of Legislative Services shall make available the application for persons to use when
 893 submitting a paper application and shall provide electronic access for electronic submission of applications.

894 D. Within two days of the close of the application period, the Division of Legislative Services shall
 895 provide to the Speaker of the House of Delegates, the leader in the House of Delegates of the political party
 896 having the next highest number of members in the House of Delegates, the President pro tempore of the
 897 Senate of Virginia, and the leader in the Senate of Virginia of the political party having the next highest
 898 number of members in the Senate of Virginia the applications and documentation submitted by those
 899 applicants who are eligible for service on the Commission pursuant to subsection B and submitted complete
 900 applications, including any required documentation.

901 E. By January 1 of the year ending in one, those persons receiving the applications pursuant to subsection
 902 D shall each submit to the Committee a list of at least 16 citizen candidates for service on the Commission. In
 903 selecting citizen candidates, they shall give consideration to the racial, ethnic, geographic, and gender
 904 diversity of the Commonwealth.

905 They shall notify the Division of Legislative Services of the citizen candidates submitted to the
 906 Committee for consideration, and the Division of Legislative Services shall promptly provide to the
 907 Committee the applications and documentation for each citizen candidate being considered. Only the
 908 applications and documentation for each citizen candidate shall be maintained as public records.

909 F. Within two weeks of receipt of the lists of citizen candidates and related materials pursuant to
 910 subsection E, but no later than January 15, the Committee shall select, by a majority vote in a public meeting,
 911 two citizen members from each list submitted. In making its selections, the Committee shall ensure the
 912 citizen commissioners are, as a whole, representative of the racial, ethnic, geographic, and gender diversity of
 913 the Commonwealth. The Committee shall promptly notify those eight citizens of their selection to serve as a
 914 citizen commissioner of the Commission.

915 No member of the Committee shall communicate with a member of the General Assembly or the United
 916 States Congress, or any person acting on behalf of a member of the General Assembly or the United States

917 Congress, about any matter related to the selection of citizen commissioners after receipt of the lists
918 submitted pursuant to subsection E.

919 G. Notwithstanding the provisions of § 1-210 regarding the computation of time, if an act required by this
920 section is to be performed on a Saturday, Sunday, or legal holiday, or any day or part of a day on which the
921 government office where the act to be performed is closed, the act required shall be performed on the first
922 business day immediately preceding the Saturday, Sunday, or legal holiday, or day on which the government
923 office is closed.

924 **§ 32.1-261. New certificate of birth established on proof of adoption, legitimation or determination**
925 **of paternity, or change of sex.**

926 A. The State Registrar shall establish a new certificate of birth for a person born in the Commonwealth
927 upon receipt of the following:

928 1. An adoption report as provided in § 32.1-262, a report of adoption prepared and filed in accordance
929 with the laws of another state or foreign country, or a certified copy of the decree of adoption together with
930 the information necessary to identify the original certificate of birth and to establish a new certificate of birth;
931 except that a new certificate of birth shall not be established if so requested by the court decreeing the
932 adoption, the adoptive parents, or the adopted person if 18 years of age or older.

933 2. A request that a new certificate be established and such evidence as may be required by regulation of
934 the Board proving that such person has been legitimated or that a court of the Commonwealth has, by final
935 order, determined the paternity of such person. The request shall state that no appeal has been taken from the
936 final order and that the time allowed to perfect an appeal has expired.

937 3. An order entered pursuant to subsection D of § 20-160. The order shall contain sufficient information to
938 identify the original certificate of birth and to establish a new certificate of birth in the names of the intended
939 parents.

940 4. A surrogate consent and report form as authorized by § 20-162. The report shall contain sufficient
941 information to identify the original certificate of birth and to establish a new certificate of birth in the names
942 of the intended parents.

943 5. Upon request of a person and in accordance with requirements of the Board, the State Registrar shall
944 issue a new certificate of birth to show a change of sex of the person and, if a certified copy of a court order
945 changing the person's name is submitted, to show a new name. Requirements related to obtaining a new
946 certificate of birth to show a change of sex shall include a requirement that the person requesting the new
947 certificate of birth submit a form furnished by the State Registrar and completed by a health care provider
948 from whom the person has received treatment stating that the person has undergone clinically appropriate
949 treatment for gender transition. Requirements related to obtaining a new certificate of birth to show a change
950 of sex shall not include any requirement for evidence or documentation of any medical procedure. *Applicants*
951 *for a new certificate of birth to show a change of sex shall be permitted to choose between "male," "female,"*
952 *or an "X" marker where the "X" means unspecified or other gender identity, as applicable, when designating*
953 *the sex of such applicant.*

954 6. Nothing in this section shall deprive the circuit court of equitable jurisdiction to adjudicate, upon
955 application of a person, that the sex of such person residing within the territorial jurisdiction of the circuit
956 court has been changed. In such an action, the person may petition for the application of the standard of the
957 person's jurisdiction of birth; otherwise, the requirements of this section shall apply.

958 B. When a new certificate of birth is established pursuant to subsection A, the actual place and date of
959 birth shall be shown. It shall be substituted for the original certificate of birth. Thereafter, the original
960 certificate and the evidence of adoption, paternity or legitimation shall be sealed and filed and not be subject
961 to inspection except upon order of a court of the Commonwealth or in accordance with § 32.1-252. However,
962 upon receipt of notice of a decision or order granting an adult adopted person access to identifying
963 information regarding his birth parents from the Commissioner of Social Services or a circuit court, and proof
964 of identification and payment, the State Registrar shall mail an adult adopted person a copy of the original
965 certificate of birth.

966 C. Upon receipt of a report of an amended decree of adoption, the certificate of birth shall be amended as
967 provided by regulation.

968 D. Upon receipt of notice or decree of annulment of adoption, the original certificate of birth shall be
969 restored to its place in the files and the new certificate and evidence shall not be subject to inspection except
970 upon order of a court of the Commonwealth or in accordance with § 32.1-252.

971 E. The State Registrar shall, upon request, establish and register a Virginia certificate of birth for a person
972 born in a foreign country (i) upon receipt of a report of adoption for an adoption finalized pursuant to the
973 laws of the foreign country as provided in subsection B of § 63.2-1200.1, or (ii) upon receipt of a report or
974 final order of adoption entered in a court of the Commonwealth as provided in § 32.1-262; however, a
975 Virginia certificate of birth shall not be established or registered if so requested by the court decreeing the
976 adoption, the adoptive parents or the adopted person if 18 years of age or older. If a circuit court of the
977 Commonwealth corrects or establishes a date of birth for a person born in a foreign country during the

978 adoption proceedings or upon a petition to amend a certificate of foreign birth, the State Registrar shall issue
 979 a certificate showing the date of birth established by the court. After registration of the birth certificate in the
 980 new name of the adopted person, the State Registrar shall seal and file the report of adoption which shall not
 981 be subject to inspection except upon order of a court of the Commonwealth or in accordance with § 32.1-252.
 982 The birth certificate shall (i) show the true or probable foreign country of birth and (ii) state that the
 983 certificate is not evidence of United States citizenship for the child for whom it is issued or for the adoptive
 984 parents. However, for any adopted person who has attained United States citizenship, the State Registrar
 985 shall, upon request and receipt of evidence demonstrating such citizenship, establish and register a new
 986 certificate of birth that does not contain the statement required by clause (ii).

987 F. If no certificate of birth is on file for the person for whom a new certificate is to be established under
 988 this section, a delayed certificate of birth shall be filed with the State Registrar as provided in § 32.1-259 or
 989 32.1-260 before a new certificate of birth is established, except that when the date and place of birth and
 990 parentage have been established in the adoption proceedings, a delayed certificate shall not be required.

991 G. When a new certificate of birth is established pursuant to subdivision A 1, the State Registrar shall
 992 issue along with the new certificate of birth a document, furnished by the Department of Social Services
 993 pursuant to § 63.2-1220, listing all post-adoption services available to adoptive families.

994 **§ 32.1-267. Records of marriages; duties of officer issuing marriage license and person officiating at**
 995 **ceremony; blocking of social security number.**

996 A. For each marriage performed in the Commonwealth, a record showing personal data, including the age
 997 of the married parties, the marriage license, and the certifying statement of the facts of marriage, shall be filed
 998 with the State Registrar as provided in this section. *If such record requires the sex or gender of the parties to*
 999 *the marriage, the record shall use "male," "female," or an "X" marker where the "X" means unspecified or*
 1000 *other gender identity, as applicable, when designating the sex or gender of the parties to the marriage.*

1001 B. The officer issuing a marriage license shall prepare the record based on the information obtained under
 1002 oath or by affidavit from the parties to be married. The parties shall also include their social security numbers
 1003 or other control numbers issued by the Department of Motor Vehicles pursuant to § 46.2-342 and affix their
 1004 signatures to the application for such license.

1005 C. Every person who officiates at a marriage ceremony shall certify to the facts of marriage and file the
 1006 record in duplicate with the officer who issued the marriage license within five days after the ceremony. In
 1007 the event such officiant dies or becomes incapacitated before completing the certificate of marriage, the
 1008 official who issued the marriage license shall complete the certificate of marriage upon the order of the court
 1009 to which is submitted proof that the marriage was performed.

1010 D. Every officer issuing marriage licenses shall on or before the tenth day of each calendar month forward
 1011 to the State Registrar a record of each marriage filed with him during the preceding calendar month.

1012 E. The State Registrar shall furnish forms for the marriage license, marriage certificate, and application
 1013 for marriage license used in the Commonwealth. Such forms shall be configured so as to cause the social
 1014 security number or control number required pursuant to the provisions of subsection B to appear only on the
 1015 application for marriage license retained by the officer issuing the marriage license and the copy of such
 1016 license forwarded to the State Registrar pursuant to the provisions of subsection D.

1017 F. Applications for marriage licenses filed on and after July 1, 1997, and marriage registers recording such
 1018 applications, which have not been configured to prevent disclosure of the social security number or control
 1019 number required pursuant to the provisions of subsection B shall not be available for general public
 1020 inspection in the offices of clerks of the circuit courts. The clerk shall make such applications and registers
 1021 available for inspection only (i) upon the order of the circuit court within which such application was made or
 1022 register is maintained, (ii) pursuant to a lawful subpoena duces tecum issued to the clerk, (iii) upon the
 1023 written authorization of either of the applicants, or (iv) upon the request of a law-enforcement officer or duly
 1024 authorized representative of the Division of Child Support Enforcement in the course of performing his
 1025 official duties. Nothing in this subsection shall be construed to restrict public access to marriage licenses or to
 1026 prohibit the clerk from making available to the public applications for marriage licenses and marriage
 1027 registers stored in any electronic medium or other format that permits the blocking of the field containing the
 1028 social security or control number required pursuant to the provisions of subsection B, so long as access to
 1029 such number is blocked.

1030 **§ 32.1-269.1. Amending death certificates; change and correction of demographic information by**
 1031 **affidavit or court order.**

1032 A. Notwithstanding § 32.1-276, a death certificate registered under this chapter may be amended only in
 1033 accordance with this section and such regulations as may be adopted by the Board to protect the integrity and
 1034 accuracy of such death certificate. Such regulations shall specify the minimum evidence required for a change
 1035 in any such death certificate.

1036 B. A death certificate that is amended under this section shall be marked "amended," and the date of
 1037 amendment and a summary description of the evidence submitted in support of the amendment shall be
 1038 endorsed on or made a part of the death certificate. The Board shall prescribe by regulation the conditions

1039 under which omissions or errors on death certificates may be corrected.

1040 C. The State Registrar, upon receipt of an affidavit and supporting evidence testifying to corrected
1041 information on a death certificate within 45 days of the filing of a death certificate, shall amend such death
1042 certificate to reflect the new information and evidence.

1043 D. The State Registrar, upon receipt of an affidavit and supporting evidence testifying to corrected
1044 information on a death certificate more than 45 days after the filing of a death certificate, including the
1045 correct spelling of the name of the deceased, the deceased's parent or spouse, or the informant; the sex, age,
1046 race, date of birth, place of birth, citizenship, social security number, education, occupation or kind or type of
1047 business, military status, or date of death of the deceased; the place of residence of the deceased, if located
1048 within the Commonwealth; the name of the institution; the county, city, or town where the death occurred; or
1049 the street or place where the death occurred, shall amend such death certificate to reflect the new information
1050 and evidence. *The State Registrar shall permit the choice between "male," "female," or an "X" marker where*
1051 *the "X" means unspecified or other gender identity, as applicable, when designating the sex of the deceased.*

1052 E. For death certificate amendments received more than 45 days after the filing of a death certificate,
1053 other than the correction of information by the State Registrar pursuant to subsection D, the surviving spouse
1054 or immediate family, as defined by the regulations of the Board, of the deceased; attending funeral service
1055 licensee; or other reporting source may file a petition with the circuit court of the county or city in which the
1056 decedent resided as of the date of his death, or the Circuit Court of the City of Richmond, requesting an order
1057 to amend a death certificate, along with an affidavit sworn to under oath that supports such request. A copy of
1058 the petition shall be served upon (i) the State Registrar pursuant to Chapter 8 (§ 8.01-285 et seq.) of Title 8.01
1059 and (ii) any person listed as an informant on the death certificate, unless such person provides an affidavit in
1060 support of such petition. The clerk shall submit such petition and any evidence received with the petition to
1061 the judge for entry of an order without the necessity of a hearing, unless the judge decides a hearing is
1062 necessary. The clerk shall transmit a certified copy of the court's order to the State Registrar, who shall
1063 amend such death certificate in accordance with the order. The matters for which a petition may be filed
1064 include changing the name of the deceased, the deceased's parent or spouse, or the informant; the marital
1065 status of the deceased; or the place of residence of the deceased, when the place of residence is outside the
1066 Commonwealth.

1067 F. When an applicant, as defined by the regulations of the Board, does not submit the minimum
1068 documentation required by regulation to amend a death certificate or when the State Registrar finds reason to
1069 question the validity or sufficiency of the evidence, the death certificate shall not be amended and the State
1070 Registrar shall so advise the applicant. An aggrieved applicant may petition the circuit court of the county or
1071 city in which he resides, or the Circuit Court of the City of Richmond, for an order compelling the State
1072 Registrar to amend the death certificate; an aggrieved applicant who is currently residing out of state may
1073 petition any circuit court in the Commonwealth for such an order. A copy of the petition shall be served upon
1074 (i) the State Registrar pursuant to Chapter 8 (§ 8.01-285 et seq.) of Title 8.01 and (ii) any person listed as an
1075 informant on the death certificate, unless such person provides an affidavit in support of such petition. The
1076 clerk shall submit such petition and any evidence received with the petition to the judge for entry of an order
1077 without the necessity of a hearing, unless the judge decides a hearing is necessary. The State Registrar or his
1078 authorized representative may appear and testify in such proceeding. The clerk shall transmit a certified copy
1079 of the court's order to the State Registrar, who shall amend such death certificate in accordance with the
1080 order.

1081 **§ 32.1-292.2. The Virginia Donor Registry.**

1082 A. In order to save lives by reducing the shortage of organs and tissues for transplantation and to
1083 implement cost savings for patients and various state agencies by eliminating needless bureaucracy, there is
1084 hereby established the Virginia Donor Registry (~~hereinafter referred to as the Registry~~), which shall be
1085 created, compiled, operated, maintained, and modified as necessary by the Virginia Transplant Council in
1086 accordance with the regulations of the Board of Health and the administration of the Department of Health.
1087 At its sole discretion, the Virginia Transplant Council may contract with a third party or parties to create,
1088 compile, operate, maintain, or modify the Registry. Pertinent information on all Virginians who have
1089 indicated a willingness to donate organs and tissues in accordance with the Revised Uniform Anatomical Gift
1090 Act (§ 32.1-291.1 et seq.) shall be compiled, maintained, and modified as necessary in the Registry by the
1091 Virginia Transplant Council.

1092 B. The Registry and all information therein shall be confidential and subject to access only by personnel
1093 of the Department of Health and designated organ procurement organizations, eye banks, and tissue banks,
1094 operating in or serving Virginia that are members of the Virginia Transplant Council, for the purpose of
1095 identifying and determining the suitability of a potential donor according to the provisions of subdivision B 4
1096 of § 32.1-127 or subsection G of § 46.2-342.

1097 C. The purpose of the Registry shall include, but not be limited to:

1098 1. Providing a means of recovering an anatomical gift for transplantation, therapy, education, or research
1099 as authorized by the Revised Uniform Anatomical Gift Act (§ 32.1-291.1 et seq.) and subsection G of § 46.2-

1100 342; and

1101 2. Collecting data to develop and evaluate the effectiveness of educational initiatives promoting organ,
1102 eye, and tissue donation that are conducted or coordinated by the Virginia Transplant Council or its members.

1103 D. The Board, in consultation with the Virginia Transplant Council, shall promulgate regulations
1104 necessary to create, compile, operate, maintain, modify as necessary, and administer the Virginia Donor
1105 Registry. The regulations shall include, but not be limited to:

1106 1. Recording the data subject's full name, address, sex, birth date, age, driver's license number or unique
1107 identifying number, and other pertinent identifying personal information. *Such regulations shall permit the*
1108 *choice between "male," "female," or an "X" marker where the "X" means unspecified or other gender*
1109 *identity, as applicable, when designating the sex of the data subject;*

1110 2. Authorizing the Virginia Transplant Council to analyze Registry data under research protocols that are
1111 designed to identify and assess the effectiveness of mechanisms to promote and increase organ, eye, and
1112 tissue donation within the Commonwealth; and

1113 3. Providing that any Virginian whose name has been placed in the registry may have his name deleted by
1114 filing an appropriate form with the Virginia Transplant Council or in accordance with the Revised Uniform
1115 Anatomical Gift Act (§ 32.1-291.1 et seq.).

1116 **§ 40.1-96. Contents of employment certificates.**

1117 The employment certificate required to be issued shall state the name, sex, date of birth, and place of
1118 residence of the child. *The employment certificate shall permit the choice between "male," "female," or an*
1119 *"X" marker where the "X" means unspecified or other gender identity, as applicable, when designating the*
1120 *sex of the child.* It shall certify that all the conditions and requirements for issuing an employment certificate
1121 under the provisions of this chapter have been fulfilled and shall be signed by the Commissioner. It shall state
1122 the kind of evidence of age accepted for the employment certificate. Except for work coming within one of
1123 the exceptions in § 40.1-79.01, the certificate shall show the name and address of the employer for whom and
1124 the nature of the specific occupation in which the employment certificate authorizes the child to be employed
1125 and shall be valid only for the occupation so designated. It shall bear a number, shall show the date of its
1126 issue, and shall be signed by the child for whom it is issued by means specified by the Commissioner. The
1127 employment certificate shall be issued to the employer, by means specified by the Commissioner, on or prior
1128 to the first day of employment. The employer and Commissioner shall retain a manual or electronic copy of
1129 the certificate, so long as the youth is employed or for a period of 36 months, whichever is longer.

1130 **§ 40.1-102. Issuance of theatrical permit.**

1131 No permit shall be issued unless the Commissioner is satisfied that the environment in which the drama,
1132 play, performance, concert or entertainment is to be produced is a proper environment for the child and that
1133 the conditions of such employment are not detrimental to the health or morals of such child and that the
1134 child's education will not be neglected or hampered by its participation in such drama, play, performance,
1135 concert or entertainment. Applications for permits and every permit granted shall specify the name, age and
1136 sex of each child, together with such other facts as may be necessary for the proper identification of each
1137 child and the dates when, and the theaters or other places of amusement in which such drama, play,
1138 performance, concert or entertainment is to be produced and shall specify the name of the drama, play,
1139 performance, concert or entertainment in which each child is permitted to participate. *Such application shall*
1140 *permit, and the permit shall reflect, the choice between "male," "female," or an "X" marker where the "X"*
1141 *means unspecified or other gender identity, as applicable, when designating the sex of the child.* Such
1142 application shall be filed with the Commissioner not less than five days before the date of such drama, play,
1143 performance, concert or entertainment. A permit shall be revocable by the Commissioner should it be found
1144 that the environment in which the drama, play, performance, concert or entertainment is being produced is
1145 not a proper environment for the child and that the conditions of such employment are detrimental to the
1146 health or morals of such child. The Commissioner shall prescribe and supply the forms required for carrying
1147 out the provisions of this section.

1148 **§ 46.2-323. Application for driver's license; proof of completion of driver education program;**
1149 **penalty.**

1150 A. Every application for a driver's license, temporary driver's permit, learner's permit, or motorcycle
1151 learner's permit shall be made on a form prescribed by the Department and the applicant shall write his usual
1152 signature in ink in the space provided on the form. The form shall include notice to the applicant of the duty
1153 to register with the Department of State Police as provided in Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, if the
1154 applicant has been convicted of an offense for which registration with the Sex Offender and Crimes Against
1155 Minors Registry is required.

1156 B. Every application shall state the full legal name, year, month, and date of birth, social security number,
1157 sex, and residence address of the applicant; whether or not the applicant has previously been licensed as a
1158 driver and, if so, when and by what state, and whether or not his license has ever been suspended or revoked
1159 and, if so, the date of and reason for such suspension or revocation. Applicants shall be permitted to choose
1160 between "male," "female," or ~~non-binary~~ an "X" marker where the "X" means unspecified or other gender

1161 *identity, as applicable*, when designating the applicant's sex on the driver's license application form. The
1162 Department, as a condition for the issuance of any driver's license, temporary driver's permit, learner's permit,
1163 or motorcycle learner's permit shall require the surrender of any driver's license or, in the case of a
1164 motorcycle learner's permit, a motorcycle license issued by another state and held by the applicant. The
1165 applicant shall also answer any questions on the application form or otherwise propounded by the Department
1166 incidental to the examination. The applicant may also be required to present proof of identity, residency, and
1167 social security number or non-work authorized status, if required to appear in person before the Department
1168 to apply.

1169 The Commissioner shall require that each application include a certification statement to be signed by the
1170 applicant under penalty of perjury, certifying that the information presented on the application is true and
1171 correct.

1172 If the applicant fails or refuses to sign the certification statement, the Department shall not issue the
1173 applicant a driver's license, temporary driver's permit, learner's permit or motorcycle learner's permit.

1174 Any applicant who knowingly makes a false certification or supplies false or fictitious evidence shall be
1175 punished as provided in § 46.2-348.

1176 C. Every application for a driver's license shall include a photograph of the applicant supplied under
1177 arrangements made by the Department. The photograph shall be processed by the Department so that the
1178 photograph can be made part of the issued license.

1179 D. Notwithstanding the provisions of § 46.2-334, every applicant for a driver's license who is under 18
1180 years of age shall furnish the Department with satisfactory proof of his successful completion of a driver
1181 education program approved by the State Department of Education.

1182 E. Every application for a driver's license submitted by a person less than 18 years old and attending a
1183 public school in the Commonwealth shall be accompanied by a document, signed by the applicant's parent or
1184 legal guardian, authorizing the principal, or his designee, of the school attended by the applicant to notify the
1185 juvenile and domestic relations district court within whose jurisdiction the minor resides when the applicant
1186 has had 10 or more unexcused absences from school on consecutive school days.

1187 F. The Department shall electronically transmit application information to the Department of State Police,
1188 in a format approved by the State Police, for comparison with information contained in the Virginia Criminal
1189 Information Network and National Crime Information Center Convicted Sexual Offender Registry Files, at
1190 the time of issuance of a driver's license, temporary driver's permit, learner's permit, or motorcycle learner's
1191 permit. Whenever it appears from the records of the State Police that a person has failed to comply with the
1192 duty to register, reregister, or verify his registration information pursuant to Chapter 9 (§ 9.1-900 et seq.) of
1193 Title 9.1, the State Police shall promptly investigate and, if there is probable cause to believe a violation has
1194 occurred, obtain a warrant or assist in obtaining an indictment charging a violation of § 18.2-472.1 in the
1195 jurisdiction in which the person made application of licensure.

1196 **§ 46.2-341.12. Application for commercial driver's license or commercial learner's permit.**

1197 A. No entry-level driver shall be eligible to (i) apply for a Virginia Class A or Class B commercial driver's
1198 license for the first time, (ii) upgrade to a Class A or Class B commercial driver's license for the first time, or
1199 (iii) apply for a hazardous materials, passenger, or school bus endorsement for the first time, unless he has
1200 completed an entry-level driver training course related to the license, classification, or endorsement he is
1201 applying for and the training is provided by a training provider. An individual is not required to complete an
1202 entry-level driver training course related to the license, classification, or endorsement he is applying for if he
1203 is exempted from such requirements under 49 C.F.R. § 380.603.

1204 B. Every application to the Department for a commercial driver's license or commercial learner's permit
1205 shall be made upon a form approved and furnished by the Department, and the applicant shall write his usual
1206 signature in ink in the space provided. The applicant shall provide the following information:

1207 1. Full legal name;

1208 2. Current mailing and residential addresses;

1209 3. Physical description including sex, height, weight, and eye and hair color;

1210 4. Year, month, and date of birth;

1211 5. Social security number;

1212 6. Domicile or, if not domiciled in the Commonwealth, proof of status as a member of the active duty
1213 military, military reserves, National Guard, active duty United States Coast Guard, or Coast Guard Auxiliary
1214 pursuant to 49 U.S.C. § 31311(a)(12); and

1215 7. Any other information required on the application form.

1216 Applicants shall be permitted to choose between "male," "female," or ~~"non-binary"~~ an "X" marker where
1217 the "X" means *unspecified or other gender identity, as applicable*, when designating the applicant's sex on the
1218 commercial driver's license or commercial learner's permit application form.

1219 The applicant's social security number shall be provided to the Commercial Driver's License Information
1220 System as required by 49 C.F.R. § 383.153.

1221 C. Every applicant for a commercial driver's license or commercial learner's permit shall also submit to

1222 the Department the following:

1223 1. A consent to release driving record information;

1224 2. Certifications that:

1225 a. He either meets the federal qualification requirements of 49 C.F.R. Parts 383 and 391, or he is exempt

1226 from or is not subject to such federal requirements;

1227 b. He either meets the state qualification requirements established pursuant to § 52-8.4, or he is exempt

1228 from or is not subject to such requirements;

1229 c. The motor vehicle in which the applicant takes the skills test is representative of the class and, if

1230 applicable, the type of motor vehicle for which the applicant seeks to be licensed;

1231 d. He is not subject to any disqualification, suspension, revocation or cancellation of his driving

1232 privileges;

1233 e. He does not have more than one driver's license;

1234 3. Other certifications required by the Department;

1235 4. Any evidence required by the Department to establish proof of identity, citizenship or lawful permanent

1236 residency, domicile, and social security number notwithstanding the provisions of § 46.2-328.1 and pursuant

1237 to 49 C.F.R. Part 383;

1238 5. A statement indicating whether (i) the applicant has previously been licensed to drive any type of motor

1239 vehicle during the previous 10 years and, if so, all states that licensed the applicant and the dates he was

1240 licensed, and (ii) whether or not he has ever been disqualified, or his license suspended, revoked or canceled

1241 and, if so, the date of and reason therefor; and

1242 6. An unexpired employment authorization document (EAD) issued by the U.S. Citizenship and

1243 Immigration Services (USCIS) or an unexpired foreign passport accompanied by an approved Form I-94

1244 documenting the applicant's most recent admittance into the United States for persons applying for a

1245 nondomiciled commercial driver's license or nondomiciled commercial learner's permit.

1246 D. Every application for a commercial driver's license shall include a photograph of the applicant supplied

1247 under arrangements made therefor by the Department in accordance with § 46.2-323.

1248 E. The Department shall disqualify any commercial driver for a period of one year when the records of the

1249 Department clearly show to the satisfaction of the Commissioner that such person has made a material false

1250 statement on any application or certification made for a commercial driver's license or commercial learner's

1251 permit. The Department shall take such action within 30 days after discovering such falsification.

1252 F. The Department shall review the driving record of any person who applies for a Virginia commercial

1253 driver's license or commercial learner's permit, for the renewal or reinstatement of such license or permit or

1254 for an additional commercial classification or endorsement, including the driving record from all jurisdictions

1255 where, during the previous 10 years, the applicant was licensed to drive any type of motor vehicle. Such

1256 review shall include checking the photograph on record whenever the applicant or holder appears in person to

1257 renew, upgrade, transfer, reinstate, or obtain a duplicate commercial driver's license or to renew, upgrade,

1258 reinstate, or obtain a duplicate commercial learner's permit. If appropriate, the Department shall incorporate

1259 information from such other jurisdictions' records into the applicant's Virginia driving record, and shall make

1260 a notation on the applicant's driving record confirming that such review has been completed and the date it

1261 was completed. The Department's review shall include (i) research through the Commercial Driver License

1262 Information System established pursuant to the Commercial Motor Vehicle Safety Act and the National

1263 Driver Register Problem Driver Pointer System in addition to the driver record maintained by the applicant's

1264 previous jurisdictions of licensure and (ii) requesting information from the Drug and Alcohol Clearinghouse

1265 in accordance with 49 C.F.R. § 382.725. This research shall be completed prior to the issuance, renewal,

1266 transfer, or reinstatement of a commercial driver's license or additional commercial classification or

1267 endorsement.

1268 The Department shall verify the name, date of birth, and social security number provided by the applicant

1269 with the information on file with the Social Security Administration for initial issuance of a commercial

1270 learner's permit or transfer of a commercial driver's license from another state. The Department shall make a

1271 notation in the driver's record confirming that the necessary verification has been completed and noting the

1272 date it was done. The Department shall also make a notation confirming that proof of citizenship or lawful

1273 permanent residency has been presented and the date it was done.

1274 G. Every new applicant for a commercial driver's license or commercial learner's permit, including any

1275 person applying for a commercial driver's license or permit after revocation of his driving privileges, who

1276 certifies that he will operate a commercial motor vehicle in non-excepted interstate or intrastate commerce

1277 shall provide the Department with an original or certified copy of a medical examiner's certificate prepared

1278 by a medical examiner as defined in 49 C.F.R. § 390.5. Upon receipt of an appropriate medical examiner's

1279 certificate, the Department shall post a certification status of "certified" on the record of the driver on the

1280 Commercial Driver's License Information System. Any new applicant for a commercial driver's license or

1281 commercial learner's permit who fails to comply with the requirements of this subsection shall be denied the

1282 issuance of a commercial driver's license or commercial learner's permit by the Department.

1283 H. Every existing holder of a commercial driver's license or commercial learner's permit who certifies that

1284 he will operate a commercial motor vehicle in non-excepted interstate or intrastate commerce shall provide
1285 the Department with an original or certified copy of a medical examiner's certificate prepared by a medical
1286 examiner as defined in 49 C.F.R. § 390.5. Upon receipt of an appropriate medical examiner's certificate, the
1287 Department shall post a certification status of "certified" and any other necessary information on the record of
1288 the driver on the Commercial Driver's License Information System. If an existing holder of a commercial
1289 driver's license fails to provide the Department with a medical certificate as required by this subsection, the
1290 Department shall post a certification status of "noncertified" on the record of the driver on the Commercial
1291 Driver's License Information System and initiate a downgrade of his commercial driver's license as defined in
1292 49 C.F.R. § 383.5.

1293 I. Any person who provides a medical certificate to the Department pursuant to the requirements of
1294 subsections G and H shall keep the medical certificate information current and shall notify the Department of
1295 any change in the status of the medical certificate. If the Department determines that the medical certificate is
1296 no longer valid, the Department shall initiate a downgrade of the driver's commercial driver's license as
1297 defined in 49 C.F.R. § 383.5.

1298 J. If the Department receives notice that the holder of a commercial driver's license has been issued a
1299 medical variance as defined in 49 C.F.R. § 390.5, the Department shall indicate the existence of such medical
1300 variance on the commercial driver's license document of the driver and on the record of the driver on the
1301 Commercial Driver's License Information System using the restriction code "V."

1302 K. Any holder of a commercial driver's license who has been issued a medical variance shall keep the
1303 medical variance information current and shall notify the Department of any change in the status of the
1304 medical variance. If the Department determines that the medical variance is no longer valid, the Department
1305 shall initiate a downgrade of the driver's commercial driver's license as defined in 49 C.F.R. § 383.5.

1306 L. Any applicant applying for a hazardous materials endorsement must comply with Transportation
1307 Security Administration requirements in 49 C.F.R. Part 1572. A lawful permanent resident of the United
1308 States requesting a hazardous materials endorsement must additionally provide his U.S. Citizenship and
1309 Immigration Services (USCIS) alien registration number.

1310 M. Notwithstanding the provisions of § 46.2-208, the Department may release to the FMCSA medical
1311 information relating to the issuance of a commercial driver's license or a commercial learner's permit
1312 collected by the Department pursuant to the provisions of subsections F, G, H, I, and J.

1313 **§ 46.2-345. Issuance of special identification cards; fee; confidentiality; penalties.**

1314 A. On the application of any person who is a resident of the Commonwealth, the parent of any such
1315 person who is under the age of 18, or the legal guardian of any such person, the Department shall issue a
1316 special identification card to the person, provided that:

1317 1. Application is made on a form prescribed by the Department and includes the applicant's full legal
1318 name; year, month, and date of birth; social security number; sex; and residence address. Applicants shall be
1319 permitted to choose between "male," "female," or ~~"non-binary"~~ *an "X" marker where the "X" means*
1320 *unspecified or other gender identity, as applicable*, when designating the applicant's sex on the application
1321 form;

1322 2. The applicant presents, when required by the Department, proof of identity, legal presence, residency,
1323 and social security number or non-work authorized status;

1324 3. The Department is satisfied that the applicant needs an identification card or the applicant shows he has
1325 a bona fide need for such a card; and

1326 4. The applicant does not hold a driver's license, commercial driver's license, temporary driver's permit,
1327 learner's permit, motorcycle learner's permit, or special identification card without a photograph.

1328 Persons 70 years of age or older may exchange a valid Virginia driver's license for a special identification
1329 card at no fee. Special identification cards subsequently issued to such persons shall be subject to the regular
1330 fees for special identification cards.

1331 B. The fee for the issuance of an original, duplicate, reissue, or renewal special identification card is \$2
1332 per year, with a \$10 minimum fee. Persons 21 years old or older may be issued a scenic special identification
1333 card for an additional fee of \$5.

1334 C. Every special identification card shall expire on the applicant's birthday at the end of the period of
1335 years for which a special identification card has been issued. At no time shall any special identification card
1336 be issued for less than three nor more than eight years, except under the provisions of subsection B of § 46.2-
1337 328.1 and except that those cards issued to children under the age of 15 shall expire on the child's sixteenth
1338 birthday. Notwithstanding these limitations, the Commissioner may extend the validity period of an expiring
1339 card if (i) the Department is unable to process an application for renewal due to circumstances beyond its
1340 control, (ii) the extension has been authorized under a directive from the Governor, and (iii) the card was not
1341 issued as a temporary special identification card under the provisions of subsection B of § 46.2-328.1.
1342 However, in no event shall the validity period be extended more than 90 days per occurrence of such
1343 conditions. Any special identification card issued to a person required to register pursuant to Chapter 9 (§ 9.1-
1344 900 et seq.) of Title 9.1 shall expire on the applicant's birthday in years which the applicant attains an age

1345 equally divisible by five. For each person required to register pursuant to Chapter 9 of Title 9.1, the
 1346 Department may not waive the requirement that each such person shall appear for each renewal or the
 1347 requirement to obtain a photograph in accordance with subsection C of § 46.2-323.

1348 D. A special identification card issued under this section may be similar in size, shape, and design to a
 1349 driver's license, and include a photograph of its holder, but the card shall be readily distinguishable from a
 1350 driver's license and shall clearly state that it does not authorize the person to whom it is issued to drive a
 1351 motor vehicle. Every applicant for a special identification card shall appear in person before the Department
 1352 to apply for a renewal, duplicate or reissue unless specifically permitted by the Department to apply in
 1353 another manner.

1354 E. Special identification cards, for persons at least 15 years old but less than 21 years old, shall be
 1355 immediately and readily distinguishable from those issued to persons 21 years old or older. Distinguishing
 1356 characteristics shall include unique design elements of the document and descriptors within the photograph
 1357 area to identify persons who are at least 15 years old but less than 21 years old. These descriptors shall
 1358 include the month, day, and year when the person will become 21 years old.

1359 F. Special identification cards for persons under age 15 shall bear a full face photograph. The special
 1360 identification card issued to persons under age 15 shall be readily distinguishable from a driver's license and
 1361 from other special identification cards issued by the Department. Such cards shall clearly indicate that it does
 1362 not authorize the person to whom it is issued to drive a motor vehicle.

1363 G. Unless otherwise prohibited by law, a valid Virginia driver's license shall be surrendered upon
 1364 application for a special identification card without the applicant's having to present proof of legal presence
 1365 as required by § 46.2-328.1 if the Virginia driver's license is unexpired and it has not been revoked,
 1366 suspended, or cancelled. The special identification card shall be considered a reissue and the expiration date
 1367 shall be the last day of the month of the surrendered driver's license's month of expiration.

1368 H. Any personal information, as identified in § 2.2-3801, which is retained by the Department from an
 1369 application for the issuance of a special identification card is confidential and shall not be divulged to any
 1370 person, association, corporation, or organization, public or private, except to the legal guardian or the
 1371 attorney of the applicant or to a person, association, corporation, or organization nominated in writing by the
 1372 applicant, his legal guardian, or his attorney. This subsection shall not prevent the Department from
 1373 furnishing the application or any information thereon to any law-enforcement agency.

1374 I. Any person who uses a false or fictitious name or gives a false or fictitious address in any application
 1375 for an identification card or knowingly makes a false statement or conceals a material fact or otherwise
 1376 commits a fraud in any such application shall be guilty of a Class 2 misdemeanor. However, where the name
 1377 or address is given, or false statement is made, or fact is concealed, or fraud committed, with the intent to
 1378 purchase a firearm or where the identification card is obtained for the purpose of committing any offense
 1379 punishable as a felony, a violation of this section shall constitute a Class 4 felony.

1380 J. The Department shall utilize the various communications media throughout the Commonwealth to
 1381 inform Virginia residents of the provisions of this section and to promote and encourage the public to take
 1382 advantage of its provisions.

1383 K. The Department shall electronically transmit application information to the Department of State Police,
 1384 in a format approved by the State Police, for comparison with information contained in the Virginia Criminal
 1385 Information Network and National Crime Information Center Convicted Sexual Offender Registry Files, at
 1386 the time of issuance of a special identification card. Whenever it appears from the records of the State Police
 1387 that a person has failed to comply with the duty to register, reregister, or verify his registration information
 1388 pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, the State Police shall promptly investigate and, if there
 1389 is probable cause to believe a violation has occurred, obtain a warrant or assist in obtaining an indictment
 1390 charging a violation of § 18.2-472.1 in the jurisdiction in which the person made application for the special
 1391 identification card.

1392 L. When requested by the applicant, the applicant's parent if the applicant is a minor, or the applicant's
 1393 guardian, and upon presentation of a signed statement by a licensed physician confirming the applicant's
 1394 condition, the Department shall indicate on the applicant's special identification card that the applicant has
 1395 any condition listed in subsection K of § 46.2-342 or that the applicant is blind or vision impaired.

1396 M. The Department shall establish a method by which an applicant for an original, reissued, or renewed
 1397 special identification card may indicate his blood type. If the applicant chooses to indicate his blood type, the
 1398 Department shall make a notation of this designation on his special identification card and in his record. Such
 1399 notation on the special identification card shall only be used by emergency medical services agencies in
 1400 providing emergency medical support. Upon written request of the license holder or his legal guardian to
 1401 have the designation removed, the Department shall issue the special identification card without such
 1402 designation upon the payment of applicable fees.

1403 Notwithstanding any other provision of law, the Department shall not disclose any data collected pursuant
 1404 to this subsection except to the subject of the information and by designation on the special identification
 1405 card. Nothing herein shall require the Department to verify any information provided for the designation. No

1406 action taken by any person, whether private citizen or public officer or employee, with regard to any blood
1407 type designation displayed on a special identification card, shall create a warranty of the reliability or
1408 accuracy of the document or electronic image, nor shall it create any liability on the part of the
1409 Commonwealth or of any department, office, or agency or of any officer, employee, or agent thereof.

1410 **§ 46.2-345.2. Issuance of special identification cards without photographs; fee; confidentiality;**
1411 **penalties.**

1412 A. On the application of any person with a sincerely held religious belief prohibiting the taking of a
1413 photograph who is a resident of the Commonwealth and who is at least 15 years of age, the Department shall
1414 issue a special identification card without a photograph to the person, provided that:

1415 1. Application is made on a form prescribed by the Department and includes the applicant's full legal
1416 name; year, month, and date of birth; social security number; sex; and residence address. Applicants shall be
1417 permitted to choose between "male," "female," or ~~"non-binary"~~ *an "X" marker where the "X" means*
1418 *unspecified or other gender identity, as applicable*, when designating the applicant's sex on the application
1419 form;

1420 2. The applicant presents, when required by the Department, proof of identity, legal presence, residency,
1421 and social security number or non-work authorized status;

1422 3. The applicant presents an approved and signed U.S. Department of the Treasury Internal Revenue
1423 Service (IRS) Form 4029 or if such applicant is a minor, the applicant's parent or legal guardian presents an
1424 approved and signed IRS Form 4029; and

1425 4. The applicant does not hold a driver's license, commercial driver's license, temporary driver's permit,
1426 learner's permit, motorcycle learner's permit, or special identification card.

1427 B. The fee for the issuance of an original, duplicate, or reissue special identification card without a
1428 photograph is \$10 per year, with a \$20 minimum fee.

1429 C. Every special identification card without a photograph shall expire on the applicant's birthday at the
1430 end of the period of years for which a special identification card without a photograph has been issued. At no
1431 time shall any special identification card without a photograph be issued for more than eight years.
1432 Notwithstanding these limitations, the Commissioner may extend the validity period of an expiring card if (i)
1433 the Department is unable to process an application for re-issue due to circumstances beyond its control or (ii)
1434 the extension has been authorized under a directive from the Governor. However, in no event shall the
1435 validity period be extended more than 90 days per occurrence of such conditions.

1436 D. A special identification card without a photograph issued under this section may be similar in size,
1437 shape, and design to a driver's license and shall not include a photograph of its holder. The card shall be
1438 readily distinguishable from a driver's license and shall clearly state that federal limits apply, that the card is
1439 not valid identification to vote, and that the card does not authorize the person to whom it is issued to drive a
1440 motor vehicle. Every applicant for a special identification card without a photograph shall appear in person
1441 before the Department to apply for a duplicate or reissue unless specifically permitted by the Department to
1442 apply in another manner.

1443 E. Unless otherwise prohibited by law, a valid Virginia driver's license or special identification card shall
1444 be surrendered for a special identification card without a photograph without the applicant's having to present
1445 proof of legal presence as required by § 46.2-328.1 if the Virginia driver's license or special identification
1446 card is unexpired and has not been revoked, suspended, or canceled. The special identification card without a
1447 photograph shall be considered a reissue, and the expiration date shall be the last day of the month of the
1448 surrendered driver's license's or special identification card's month of expiration.

1449 F. Any personal information, as identified in § 2.2-3801, that is retained by the Department from an
1450 application for the issuance of a special identification card without a photograph is confidential and shall not
1451 be divulged to any person, association, corporation, or organization, public or private, except to the legal
1452 guardian or the attorney of the applicant or to a person, association, corporation, or organization nominated in
1453 writing by the applicant, his legal guardian, or his attorney. This subsection shall not prevent the Department
1454 from furnishing the application or any information thereon to any law-enforcement agency.

1455 G. Any person who uses a false or fictitious name or gives a false or fictitious address in any application
1456 for a special identification card without a photograph or knowingly makes a false statement or conceals a
1457 material fact or otherwise commits a fraud in any such application is guilty of a Class 2 misdemeanor.
1458 However, where the special identification card without a photograph is obtained for the purpose of
1459 committing any offense punishable as a felony, a violation of this section shall constitute a Class 4 felony.

1460 H. When requested by the applicant, the applicant's parent if the applicant is a minor, or the applicant's
1461 guardian, and upon presentation of a signed statement by a licensed physician confirming the applicant's
1462 condition, the Department shall indicate on the applicant's special identification card without a photograph
1463 that the applicant has any condition listed in subsection K of § 46.2-342.

1464 I. The Department shall establish a method by which an applicant for an original, reissued, or renewed
1465 special identification card without a photograph may indicate his blood type. If the applicant chooses to
1466 indicate his blood type, the Department shall make a notation of this designation on his special identification

1467 card without a photograph and in his record. Such notation on the special identification card without a
1468 photograph shall only be used by emergency medical services agencies in providing emergency medical
1469 support. Upon written request of the license holder or his legal guardian to have the designation removed, the
1470 Department shall issue the special identification card without a photograph without such designation upon the
1471 payment of applicable fees.

1472 Notwithstanding any other provision of law, the Department shall not disclose any data collected pursuant
1473 to this subsection except to the subject of the information and by designation on the special identification card
1474 without a photograph. Nothing herein shall require the Department to verify any information provided for the
1475 designation. No action taken by any person, whether private citizen or public officer or employee, with regard
1476 to any blood type designation displayed on a special identification card without a photograph, shall create a
1477 warranty of the reliability or accuracy of the document or electronic image, nor shall it create any liability on
1478 the part of the Commonwealth or of any department, office, or agency or of any officer, employee, or agent
1479 thereof.

1480 J. Unless the Code specifies that a photograph is required, a special identification card without a
1481 photograph shall be treated as a special identification card.

1482 **§ 46.2-2906. Application for escort vehicle driver certificate; driving record; proof of completion of**
1483 **escort vehicle driver training; fee.**

1484 A. Every application for an escort vehicle driver certificate shall be made on a form prescribed by the
1485 Department, and the applicant shall write his usual signature in ink in the space provided on the form. A
1486 person who applies for an escort vehicle driver certificate must meet the following requirements:

- 1487 1. Be at least 18 years of age;
- 1488 2. Hold a valid Virginia driver's license or a valid driver's license for another state;
- 1489 3. Authorize the Department to review his driving record;
- 1490 4. Present satisfactory proof of successful completion of an eight-hour escort vehicle driver certification
1491 training course, as required by § 46.2-2904;
- 1492 5. Pass the escort vehicle driver certification knowledge test as required by § 46.2-2905 with a score of 80
1493 percent or higher; and
- 1494 6. Pay the appropriate fee for certificate issuance.

1495 B. Every application shall state the applicant's full legal name; year, month, and date of birth; social
1496 security number; sex; and residence address. *Applicants shall be permitted to choose between "male,"*
1497 *"female," or an "X" marker where the "X" means unspecified or other gender identity, as applicable, when*
1498 *designating the applicant's sex on the application.* The applicant shall also answer any questions on the
1499 application form, or otherwise propounded, and provide any other information as required by the Department
1500 incidental to the application.

1501 C. The Commissioner shall require that each application include a certification statement, to be signed by
1502 the applicant under penalty of perjury, certifying that the information presented on the application is true and
1503 correct. If the applicant fails or refuses to sign the certification statement, the Department shall not issue the
1504 applicant an escort vehicle driver certificate.

1505 Any applicant who knowingly makes a false certification or supplies false or fictitious evidence shall be
1506 punished as provided in § 46.2-348.

1507 **§ 54.1-3319. Counseling.**

1508 A. A pharmacist shall conduct a prospective drug review before each new prescription is dispensed or
1509 delivered to a patient or a person acting on behalf of the patient. Such review shall include screening for
1510 potential drug therapy problems due to therapeutic duplication, drug-disease contraindications, drug-drug
1511 interactions, including serious interactions with nonprescription or over-the-counter drugs, incorrect drug
1512 dosage or duration of drug treatment, drug-allergy interactions, and clinical abuse or misuse. A pharmacist
1513 may conduct a prospective drug review before refilling a prescription to the extent the pharmacist deems
1514 appropriate in his professional judgment.

1515 B. A pharmacist shall offer to counsel any person who presents a new prescription for filling. The offer to
1516 counsel may be made in any manner the pharmacist deems appropriate in his professional judgment, and may
1517 include any one or a combination of the following:

- 1518 1. Face-to-face communication with the pharmacist or the pharmacist's designee;
- 1519 2. A sign posted in such a manner that it can be seen by patients;
- 1520 3. A notation affixed to or written on the bag in which the prescription is to be delivered;
- 1521 4. A notation contained on the prescription container; or
- 1522 5. By telephone.

1523 For the purposes of medical assistance and other third-party reimbursement or payment programs, any of
1524 the above methods, or a combination thereof, shall constitute an acceptable offer to provide counseling,
1525 except to the extent this subsection is inconsistent with regulations promulgated by the federal Health Care
1526 Financing Administration governing 42 U.S.C. § 1396r-8 (g)(2)(A)(ii). A pharmacist may offer to counsel
1527 any person who receives a refill of a prescription to the extent deemed appropriate by the pharmacist in his

1528 professional judgment.

1529 C. If the offer to counsel is accepted, the pharmacist shall counsel the person presenting the prescription to
1530 the extent the pharmacist deems appropriate in his professional judgment. Such counseling shall be
1531 performed by the pharmacist himself and may, but need not, include the following:

1532 1. The name and description of the medication;

1533 2. The dosage form, dosage, route of administration, and duration of drug therapy;

1534 3. Special directions and precautions for preparation, administration, and use by the patient;

1535 4. Common adverse or severe side effects or interactions and therapeutic contraindications that may be
1536 encountered, including their avoidance, and the action required if they occur;

1537 5. Techniques for self-monitoring drug therapy;

1538 6. Proper storage and disposal;

1539 7. Prescription refill information; and

1540 8. Action to be taken in the event of a missed dose.

1541 Nothing in this section shall be construed as requiring a pharmacist to provide counseling when the person
1542 presenting the prescription fails to accept the pharmacist's offer to counsel. If the prescription is delivered to a
1543 person residing outside of the local telephone calling area of the pharmacy, the pharmacist shall either
1544 provide a toll-free telephone number or accept reasonable collect calls from such person.

1545 D. Reasonable efforts shall be made to obtain, record, and maintain the following patient information
1546 generated at the individual pharmacy:

1547 1. Name, address, telephone number, date of birth or age, and gender; *patients shall be permitted to*
1548 *choose between "male," "female," or an "X" marker where the "X" means unspecified or other gender*
1549 *identity, as applicable, when designating the gender of the patient;*

1550 2. Individual history where significant, including known allergies and drug reactions, and a
1551 comprehensive list of medications and relevant devices; and

1552 3. Any additional comments relevant to the patient's drug use, including any failure to accept the
1553 pharmacist's offer to counsel.

1554 Such information may be recorded in the patient's manual or electronic profile, or in the prescription
1555 signature log, or in any other system of records and may be considered by the pharmacist in the exercise of
1556 his professional judgment concerning both the offer to counsel and content of counseling. The absence of any
1557 record of a failure to accept the pharmacist's offer to counsel shall be presumed to signify that such offer was
1558 accepted and that such counseling was provided.

1559 E. This section shall not apply to any drug dispensed to an inpatient of a hospital or nursing home, except
1560 to the extent required by regulations promulgated by the federal Health Care Financing Administration
1561 implementing 42 U.S.C. § 1396r-8 (g)(2)(A).

1562 **§ 54.1-4108. Permit required; method of obtaining permit; no convictions of certain crimes;**
1563 **approval of weighing devices; renewal; permanent location required.**

1564 A. No person shall engage in the activities of a dealer as defined in § 54.1-4100 without first obtaining a
1565 permit from the chief law-enforcement officer of each county, city, or town in which he proposes to engage in
1566 business.

1567 B. To obtain a permit, the dealer shall file with the proper chief law-enforcement officer an application
1568 form which includes the dealer's full name, any aliases, address, age, date of birth, sex, and fingerprints; the
1569 name, address, and telephone number of the applicant's employer, if any; and the location of the dealer's place
1570 of business. *Such form shall permit the choice between "male," "female," or an "X" marker where the "X"*
1571 *means unspecified or other gender identity, as applicable, when designating the sex of the dealer.* Upon filing
1572 this application and the payment of a \$200 application fee, the dealer shall be issued a permit by the chief
1573 law-enforcement officer or his designee, provided that the applicant has not been convicted of a felony or
1574 crime of moral turpitude within seven years prior to the date of application. The permit shall be denied if the
1575 applicant has been denied a permit or has had a permit revoked under any ordinance similar in substance to
1576 the provisions of this chapter.

1577 C. Before a permit may be issued, the dealer must have all weighing devices used in his business
1578 inspected and approved by local or state weights and measures officials and present written evidence of such
1579 approval to the proper chief law-enforcement officer.

1580 D. This permit shall be valid for one year from the date issued and may be renewed in the same manner as
1581 such permit was initially obtained with an annual permit fee of \$200. No permit shall be transferable.

1582 E. If the business of the dealer is not operated without interruption, with Saturdays, Sundays, and
1583 recognized holidays excepted, the dealer shall notify the proper chief law-enforcement officer of all closings
1584 and reopenings of such business. The business of a dealer shall be conducted only from the fixed and
1585 permanent location specified in his application for a permit.

1586 F. The chief law-enforcement officer may waive the permit fee for retail merchants that are not required to
1587 be licensed as pawnbrokers under Chapter 40 (§ 54.1-4000 et seq.), provided the retail merchant has a
1588 permanent place of business and purchases of precious metals and gems do not exceed five percent of the

1589 retail merchant's annual business.

1590 **§ 59.1-118. Permit issued by chief of police or sheriff; revocation.**

1591 The chief of police of a city or the sheriff of a county may issue, to persons regularly engaged in the
 1592 business of collecting secondhand building materials for resale, a semiannual or annual permit covering all
 1593 sales and acquisitions made by such persons. The chief of police or sheriff may refuse to issue a permit, and
 1594 may revoke any permit issued, to any person convicted of a felony or crime of moral turpitude within the
 1595 three years prior to the request for the permit. The applicant shall file with the chief of police or sheriff, or his
 1596 designee, an application form that shall include the applicant's full name, address, age, sex, and fingerprints;
 1597 the name, address, and telephone number of the applicant's employer, if any; and the location of the
 1598 applicant's place of business. *Such form shall permit the choice between "male," "female," or an "X" marker*
 1599 *where the "X" means unspecified or other gender identity, as applicable, when designating the sex of the*
 1600 *applicant.* A permit shall be valid for one year from the date of issuance and may be renewed in the same
 1601 manner as such permit was initially obtained. A fee of not more than \$50 may be charged annually for the
 1602 issuance of the permit.

1603 **§ 65.2-900. Records and reports of accidents.**

1604 A. Every employer shall keep a record of all injuries or deaths of its employees which occur in the course
 1605 of employment. Within ten days after the occurrence of such injury or death, and knowledge of injury as
 1606 provided in § 65.2-600, a report of the injury or death shall be made and transmitted to the Commission by
 1607 the employer, its representative or, in the case of an insured employer, its insurance carrier, in accordance
 1608 with regulations adopted by the Commission which may authorize the transmission of such reports in written,
 1609 magnetic, electronic, or facsimile media. The Commission shall provide forms and instructions for reporting
 1610 as required by this section. The Commission shall provide the Department of Labor and Industry with such
 1611 reports.

1612 B. The accident report shall contain the name, nature, and location of the business of the employer and the
 1613 name, age, sex, and wages and occupation of the injured employee, and shall state the date and hour of the
 1614 accident causing the injury and the nature and cause of the injury, together with such other information as
 1615 may be required by the Commission. *Such report shall permit the choice between "male," "female," or an "X"*
 1616 *marker where the "X" means unspecified or other gender identity, as applicable, when designating the sex of*
 1617 *the injured employee.* However, those injuries deemed minor by the Commission shall be reported in the
 1618 manner prescribed by the Commission.

1619 **2. That any state agency required to update a form pursuant to this act shall have until July 1, 2026, to**
 1620 **comply with the provisions of this act.**