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1 **HOUSE BILL NO. 1681**

2 Offered January 13, 2025

3 Prefiled January 3, 2025

4 *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,*  
5 *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,*  
6 *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,*  
7 *54.1-3319, 54.1-4108, 59.1-118, and 65.2-900 of the Code of Virginia, relating to undesignated sex or*  
8 *gender designation option.*

9 Patron—Cohen

10 Referred to Committee on General Laws

11 **Be it enacted by the General Assembly of Virginia:**12 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,  
13 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,  
14 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,  
15 and 65.2-900 of the Code of Virginia are amended and reenacted as follows:16 **§ 8.01-217. How name of person may be changed.**17 A. Any person desiring to change his own name, or that of his child or ward, may apply therefor to the  
18 circuit court of the county or city in which the person whose name is to be changed resides, or if no place of  
19 abode exists, such person may apply to any circuit court which shall consider such application if it finds that  
20 good cause exists therefor under the circumstances alleged. An incarcerated person may apply to the circuit  
21 court of the county or city in which such person is incarcerated. In case of a minor who has no living parent  
22 or guardian, the application may be made by his next friend. In case of a minor who has both parents living,  
23 the parent who does not join in the application shall be served with reasonable notice of the application  
24 pursuant to § 8.01-296 and, should such parent object to the change of name, a hearing shall be held to  
25 determine whether the change of name is in the best interest of the minor. It shall not be necessary to effect  
26 service upon any parent who files an answer to the application. If, after application is made on behalf of a  
27 minor and an ex parte hearing is held thereon, the court finds by clear and convincing evidence that such  
28 notice would present a serious threat to the health and safety of the applicant, the court may waive such  
29 notice.30 B. Every application shall be under oath and shall include the place of residence of the applicant, the  
31 names of both parents, including the maiden name of his mother, the date and place of birth of the applicant,  
32 the applicant's felony conviction record, if any, whether the applicant is a person for whom registration with  
33 the Sex Offender and Crimes Against Minors Registry is required pursuant to Chapter 9 (§ 9.1-900 et seq.) of  
34 Title 9.1, whether the applicant is presently incarcerated or a probationer with any court, and if the applicant  
35 has previously changed his name, his former name or names. *If such application requires the sex or gender of*  
36 *the applicant, the application shall permit the choice between "male," "female," or an "X" marker where the*  
37 *"X" means unspecified or other gender identity.*38 C. On any such application and hearing, if such be demanded, the court shall, unless the evidence shows  
39 that the change of name is sought for a fraudulent purpose or would otherwise infringe upon the rights of  
40 others or, in a case involving a minor, that the change of name is not in the best interest of the minor, order a  
41 change of name.42 D. No application shall be accepted by a court for a change of name of a probationer, person for whom  
43 registration with the Sex Offender and Crimes Against Minors Registry is required pursuant to Chapter 9 (§  
44 9.1-900 et seq.) of Title 9.1, or incarcerated person unless the court finds that good cause exists for  
45 consideration of such application under the reasons alleged in the application for the requested change of  
46 name. If the court accepts the application, the court shall mail or deliver a copy of the application to the  
47 attorney for the Commonwealth for the jurisdiction where the application was filed and the attorney for the  
48 Commonwealth for any jurisdiction in the Commonwealth where a conviction occurred that resulted in the  
49 applicant's probation, registration with the Sex Offender and Crimes Against Minors Registry pursuant to  
50 Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, or incarceration. The attorney for the Commonwealth where the  
51 application was filed shall be entitled to respond and represent the interests of the Commonwealth by filing a  
52 response within 30 days after the mailing or delivery of a copy of the application. The court shall conduct a  
53 hearing on the application and may order a change of name if, after receiving and considering evidence  
54 concerning the circumstances regarding the requested change of name, the court determines that the change  
55 of name (i) would not frustrate a legitimate law-enforcement purpose, (ii) is not sought for a fraudulent  
56 purpose, and (iii) would not otherwise infringe upon the rights of others. Such order shall contain written  
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59 findings stating the court's basis for granting the order.

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

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

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

93 **§ 16.1-331. Petition for emancipation.**

94 Any minor who has reached his sixteenth birthday and is residing in this Commonwealth, or any parent or  
95 guardian of such minor, may petition the juvenile and domestic relations district court for the county or city  
96 in which either the minor or his parents or guardian resides for a determination that the minor named in the  
97 petition be emancipated. The petition shall contain, in addition to the information required by § 16.1-262, the  
98 gender of the minor and, if the petitioner is not the minor, the name of the petitioner and the relationship of the  
99 petitioner to the minor. *The petition shall permit the choice between "male," "female," or an "X" marker  
100 where the "X" means unspecified or other gender identity when designating the gender of the minor.*

101 **§ 18.2-308.04. Processing of the application and issuance of a concealed handgun permit.**

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

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

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

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

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

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

128 **§ 18.2-308.06. Nonresident concealed handgun permits.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

185 **§ 18.2-308.2:2. Criminal history record information check required for the transfer of certain  
186 firearms.**

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

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

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

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

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

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

251 3. Except as required by subsection D of § 9.1-132, the State Police shall not maintain records longer than  
 252 30 days, except for multiple handgun transactions for which records shall be maintained for 12 months, from  
 253 any dealer's request for a criminal history record information check pertaining to a buyer or transferee who is  
 254 not found to be prohibited from possessing and transporting a firearm under state or federal law. However,  
 255 the log on requests made may be maintained for a period of 12 months, and such log shall consist of the name  
 256 of the purchaser, the dealer identification number, the unique approval number, and the transaction date.

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

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

269 6. For the purposes of this subsection, the phrase "dealer's fifth business day" does not include December  
 270 25.

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

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

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

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

294 F. For purposes of this section:

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

297 "Antique firearm" means:

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

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

303 readily available in the ordinary channels of commercial trade;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

446 **§ 18.2-308.2:4. Firearm verification check; penalty.**

447 A. For the purposes of this section:

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

449 "Department" means the Department of State Police.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

500 **§ 19.2-13. Special conservators of the peace; authority; jurisdiction; registration; liability of  
 501 employers; penalty; report.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

676 J. A special conservator of the peace may possess simultaneous registration with the Department of  
677 Criminal Justice Services as an armed security officer pursuant to Article 4 (§ 9.1-138 et seq.) of Chapter 1 of  
678 Title 9.1 and shall maintain the rights, requirements, and restrictions contained therein.

679 **§ 20-88.54. Pleadings and accompanying documents.**

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

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

694 **§ 22.1-287.1. Directory information.**

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

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

718 **§ 23.1-405. Student records and personal information; social media.**

719 A. As used in this section:

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

727 B. Each public institution of higher education and private institution of higher education may require any  
728 student who attends, or any applicant who has been accepted to and has committed to attend, such institution  
729 to provide, to the extent available, from the originating secondary school and, if applicable, any institution of

higher education he has attended a complete student record, including any mental health records held by the previous school or institution. Such records shall be kept confidential as required by state and federal law, including the federal Family Educational Rights and Privacy Act (20 U.S.C. § 1232g)(FERPA).

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

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

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

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

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

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

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

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

The form of the application to register shall require the applicant to provide the following information: full name; gender; date of birth; social security number, if any; whether the applicant is presently a United States citizen; address of residence in the precinct; place of last previous registration to vote; and whether the applicant has ever been adjudicated incapacitated and disqualified to vote or convicted of a felony, and if so, whether the applicant's right to vote has been restored. *The registration application shall permit the choice between "male," "female," or an "X" marker where the "X" means unspecified or other gender identity, as applicable, when designating the gender of the applicant.* The form shall contain a statement that whoever votes more than once in any election in the same or different jurisdictions is guilty of a Class 6 felony. Unless

791 directed by the applicant or as permitted in § 24.2-411.2 or 24.2-411.3, the registration application shall not  
792 be pre-populated with information the applicant is required to provide.

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

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

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

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

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

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

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

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

813 7. Any person who is or has been one of the Commonwealth's electors for President and Vice President of  
814 the United States; and

815 8. Any person who is or has been a member of the State Board of Elections, the Commissioner of  
816 Elections, an employee of the Department of Elections, a member of a local electoral board pursuant to §  
817 24.2-106, a general registrar pursuant to § 24.2-110, a deputy registrar or employee in the office of the  
818 general registrar pursuant to § 24.2-112, or an officer of election pursuant to § 24.2-115.

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

822 **§ 24.2-444. Duties of general registrars and Department of Elections as to voter registration  
823 records; public inspection; exceptions.**

824 A. Registration records shall be kept and preserved by the general registrar in compliance with §§  
825 2.2-3803, 2.2-3808, and 24.2-114. The Department shall provide to each general registrar, for each precinct in  
826 his county or city, lists of registered voters for inspection. The lists shall contain the name, address, year of  
827 birth, gender and all election districts applicable to each registered voter. *The lists shall use "male," "female,"*  
828 *or an "X" marker where the "X" means unspecified or other gender identity, as applicable, when designating*  
829 *the gender of each registered voter.* The lists shall be opened to public inspection at the office of the general  
830 registrar when the office is open for business. New lists shall be provided not less than once each year to all  
831 localities except those in which an updated list is made available electronically for public inspection, and  
832 supplements containing additions, deletions, and changes shall be provided not less than (i) weekly during the  
833 60 days preceding any general election and (ii) monthly at other times. Notwithstanding any other provision  
834 of law regarding the retention of records, upon receipt of any new complete list, the general registrar shall  
835 destroy the obsolete list and its supplements. The Department shall provide to each general registrar lists of  
836 persons denied registration for public inspection. Such lists may be provided electronically through the  
837 Virginia voter registration system and produced in whole or in part upon a request for public inspection.

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

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

852 **§ 30-394. Citizen commissioners; application process; qualifications; selection.**

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

857       The application for service on the Commission shall require applicants to provide personal contact  
 858       information and information regarding the applicant's race, ethnicity, gender, age, date of birth, education,  
 859       and household income. *The application shall permit the choice between "male," "female," or an "X" marker  
 860       where the "X" means unspecified or other gender identity, as applicable, when designating the gender of the  
 861       applicant.* The application shall require an applicant to disclose, for the period of three years immediately  
 862       preceding the application period, the applicant's (i) voter registration status; (ii) preferred political party  
 863       affiliation, if any, and any political party primary elections in which he has voted; (iii) history of any partisan  
 864       public offices or political party offices held or sought; (iv) employment history, including any current or prior  
 865       employment with the Congress of the United States or one of its members, the General Assembly or one of  
 866       its members, any political party, or any campaign for a partisan public office, including a volunteer position;  
 867       and (v) relevant leadership experience or involvements with professional, social, political, volunteer, and  
 868       community organizations and causes.

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

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

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

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

- 882       1. Holds, has held, or has sought partisan public office or political party office;
- 883       2. Is employed by or has been employed by a member of the Congress of the United States or of the  
 884       General Assembly or is employed directly by or has been employed directly by the United States Congress or  
 885       by the General Assembly;
- 886       3. Is employed by or has been employed by any federal, state, or local campaign;
- 887       4. Is employed by or has been employed by any political party or is a member of a political party central  
 888       committee;

889       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  
 890       principal as defined in § 2.2-419 or has been such a lobbyist or lobbyist's principal in the previous five years;  
 891       or

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

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

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

901       D. Within two days of the close of the application period, the Division of Legislative Services shall  
 902       provide to the Speaker of the House of Delegates, the leader in the House of Delegates of the political party  
 903       having the next highest number of members in the House of Delegates, the President pro tempore of the  
 904       Senate of Virginia, and the leader in the Senate of Virginia of the political party having the next highest  
 905       number of members in the Senate of Virginia the applications and documentation submitted by those  
 906       applicants who are eligible for service on the Commission pursuant to subsection B and submitted complete  
 907       applications, including any required documentation.

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

912       They shall notify the Division of Legislative Services of the citizen candidates submitted to the  
 913       Committee for consideration, and the Division of Legislative Services shall promptly provide to the

914 Committee the applications and documentation for each citizen candidate being considered. Only the  
915 applications and documentation for each citizen candidate shall be maintained as public records.

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

922 No member of the Committee shall communicate with a member of the General Assembly or the United  
923 States Congress, or any person acting on behalf of a member of the General Assembly or the United States  
924 Congress, about any matter related to the selection of citizen commissioners after receipt of the lists  
925 submitted pursuant to subsection E.

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

931 **§ 32.1-261. New certificate of birth established on proof of adoption, legitimization, or determination  
932 of paternity, or change of sex.**

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

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

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

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

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

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

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

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

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

975 D. Upon receipt of notice or decree of annulment of adoption, the original certificate of birth shall be

976 restored to its place in the files and the new certificate and evidence shall not be subject to inspection except  
 977 upon order of a court of the Commonwealth or in accordance with § 32.1-252.

978 E. The State Registrar shall, upon request, establish and register a Virginia certificate of birth for a person  
 979 born in a foreign country (i) upon receipt of a report of adoption for an adoption finalized pursuant to the  
 980 laws of the foreign country as provided in subsection B of § 63.2-1200.1 or (ii) upon receipt of a report or  
 981 final order of adoption entered in a court of the Commonwealth as provided in § 32.1-262; however, a  
 982 Virginia certificate of birth shall not be established or registered if so requested by the court decreeing the  
 983 adoption, the adoptive parents or the adopted person if 18 years of age or older. If a circuit court of the  
 984 Commonwealth corrects or establishes a date of birth for a person born in a foreign country during the  
 985 adoption proceedings or upon a petition to amend a certificate of foreign birth, the State Registrar shall issue  
 986 a certificate showing the date of birth established by the court. After registration of the birth certificate in the  
 987 new name of the adopted person, the State Registrar shall seal and file the report of adoption which shall not  
 988 be subject to inspection except upon order of a court of the Commonwealth or in accordance with § 32.1-252.  
 989 The birth certificate shall (i) show the true or probable foreign country of birth and (ii) state that the  
 990 certificate is not evidence of United States citizenship for the child for whom it is issued or for the adoptive  
 991 parents. However, for any adopted person who has attained United States citizenship, the State Registrar  
 992 shall, upon request and receipt of evidence demonstrating such citizenship, establish and register a new  
 993 certificate of birth that does not contain the statement required by clause (ii).

994 F. If no certificate of birth is on file for the person for whom a new certificate is to be established under  
 995 this section, a delayed certificate of birth shall be filed with the State Registrar as provided in § 32.1-259 or  
 996 32.1-260 before a new certificate of birth is established, except that when the date and place of birth and  
 997 parentage have been established in the adoption proceedings, a delayed certificate shall not be required.

998 G. When a new certificate of birth is established pursuant to subdivision A 1, the State Registrar shall  
 999 issue along with the new certificate of birth a document, furnished by the Department of Social Services  
 1000 pursuant to § 63.2-1220, listing all post-adoption services available to adoptive families.

1001 H. When a new certificate of birth is established pursuant to subdivision A 1, and (i) at least one adoptive  
 1002 parent is an active duty or retired member of the military or military reserves and (ii) the filer notifies the  
 1003 clerk of court in writing that an adoptive parent has military status as required herein, the clerk of the court  
 1004 decreeing the adoption shall deliver the adoption records and a standardized confirmation of active duty or  
 1005 retired military or military reserves membership of either adoptive parent to the State Registrar no later than  
 1006 five business days after receipt by such clerk of the final decree from the judge who entered such decree. The  
 1007 State Registrar shall expedite the issuance of the new certificate of birth to the adoptive parents upon receipt  
 1008 of (a) adoption records as provided for in § 32.1-261, (b) standardized notice from the court that finalized the  
 1009 adoption that at least one adoptive parent is an active duty or retired member of the military or military  
 1010 reserves, and (c) a completed request to the Virginia Department of Health that a new certificate of birth for  
 1011 the registrant be prepared. Requirements set forth in §§ 32.1-271, 32.1-272, and 32.1-273 shall apply to the  
 1012 disclosure of information or issuance of the adopted registrant's new certificate of birth.

1013 **§ 32.1-267. Records of marriages; duties of officer issuing marriage license and person officiating at  
 1014 ceremony; blocking of social security number.**

1015 A. For each marriage performed in the Commonwealth, a record showing personal data, including the age  
 1016 of the married parties, the marriage license, and the certifying statement of the facts of marriage, shall be filed  
 1017 with the State Registrar as provided in this section. *If such record requires the sex or gender of the parties to  
 1018 the marriage, the record shall use "male," "female," or an "X" marker where the "X" means unspecified or  
 1019 other gender identity, as applicable, when designating the sex or gender of the parties to the marriage.*

1020 B. The officer issuing a marriage license shall prepare the record based on the information obtained under  
 1021 oath or by affidavit from the parties to be married. The parties shall also include their social security numbers  
 1022 or other control numbers issued by the Department of Motor Vehicles pursuant to § 46.2-342 and affix their  
 1023 signatures to the application for such license.

1024 C. Every person who officiates at a marriage ceremony shall certify to the facts of marriage and file the  
 1025 record in duplicate with the officer who issued the marriage license within five days after the ceremony. In  
 1026 the event such officiant dies or becomes incapacitated before completing the certificate of marriage, the  
 1027 official who issued the marriage license shall complete the certificate of marriage upon the order of the court  
 1028 to which is submitted proof that the marriage was performed.

1029 D. Every officer issuing marriage licenses shall on or before the tenth day of each calendar month forward  
 1030 to the State Registrar a record of each marriage filed with him during the preceding calendar month.

1031 E. The State Registrar shall furnish forms for the marriage license, marriage certificate, and application  
 1032 for marriage license used in the Commonwealth. Such forms shall be configured so as to cause the social  
 1033 security number or control number required pursuant to the provisions of subsection B to appear only on the  
 1034 application for marriage license retained by the officer issuing the marriage license and the copy of such  
 1035 license forwarded to the State Registrar pursuant to the provisions of subsection D.

1036 F. Applications for marriage licenses filed on and after July 1, 1997, and marriage registers recording such

1037 applications, which have not been configured to prevent disclosure of the social security number or control  
1038 number required pursuant to the provisions of subsection B shall not be available for general public  
1039 inspection in the offices of clerks of the circuit courts. The clerk shall make such applications and registers  
1040 available for inspection only (i) upon the order of the circuit court within which such application was made or  
1041 register is maintained, (ii) pursuant to a lawful subpoena duces tecum issued to the clerk, (iii) upon the  
1042 written authorization of either of the applicants, or (iv) upon the request of a law-enforcement officer or duly  
1043 authorized representative of the Division of Child Support Enforcement in the course of performing his  
1044 official duties. Nothing in this subsection shall be construed to restrict public access to marriage licenses or to  
1045 prohibit the clerk from making available to the public applications for marriage licenses and marriage  
1046 registers stored in any electronic medium or other format that permits the blocking of the field containing the  
1047 social security or control number required pursuant to the provisions of subsection B, so long as access to  
1048 such number is blocked.

1049 **§ 32.1-269.1. Amending death certificates; change and correction of demographic information by  
1050 affidavit or court order.**

1051 A. Notwithstanding § 32.1-276, a death certificate registered under this chapter may be amended only in  
1052 accordance with this section and such regulations as may be adopted by the Board to protect the integrity and  
1053 accuracy of such death certificate. Such regulations shall specify the minimum evidence required for a change  
1054 in any such death certificate.

1055 B. A death certificate that is amended under this section shall be marked "amended," and the date of  
1056 amendment and a summary description of the evidence submitted in support of the amendment shall be  
1057 endorsed on or made a part of the death certificate. The Board shall prescribe by regulation the conditions  
1058 under which omissions or errors on death certificates may be corrected.

1059 C. The State Registrar, upon receipt of an affidavit and supporting evidence testifying to corrected  
1060 information on a death certificate within 45 days of the filing of a death certificate, shall amend such death  
1061 certificate to reflect the new information and evidence.

1062 D. The State Registrar, upon receipt of an affidavit and supporting evidence testifying to corrected  
1063 information on a death certificate more than 45 days after the filing of a death certificate, including the  
1064 correct spelling of the name of the deceased, the deceased's parent or spouse, or the informant; the sex, age,  
1065 race, date of birth, place of birth, citizenship, social security number, education, occupation or kind or type of  
1066 business, military status, or date of death of the deceased; the place of residence of the deceased, if located  
1067 within the Commonwealth; the name of the institution; the county, city, or town where the death occurred; or  
1068 the street or place where the death occurred, shall amend such death certificate to reflect the new information  
1069 and evidence. *The State Registrar shall permit the choice between "male," "female," or an "X" marker where  
1070 the "X" means unspecified or other gender identity, as applicable, when designating the sex of the deceased.*

1071 E. For death certificate amendments received more than 45 days after the filing of a death certificate,  
1072 other than the correction of information by the State Registrar pursuant to subsection D, the surviving spouse  
1073 or immediate family, as defined by the regulations of the Board, of the deceased; attending funeral service  
1074 licensee; or other reporting source may file a petition with the circuit court of the county or city in which the  
1075 decedent resided as of the date of his death, or the Circuit Court of the City of Richmond, requesting an order  
1076 to amend a death certificate, along with an affidavit sworn to under oath that supports such request. A copy of  
1077 the petition shall be served upon (i) the State Registrar pursuant to Chapter 8 (§ 8.01-285 et seq.) of Title 8.01  
1078 and (ii) any person listed as an informant on the death certificate, unless such person provides an affidavit in  
1079 support of such petition. The clerk shall submit such petition and any evidence received with the petition to  
1080 the judge for entry of an order without the necessity of a hearing, unless the judge decides a hearing is  
1081 necessary. The clerk shall transmit a certified copy of the court's order to the State Registrar, who shall  
1082 amend such death certificate in accordance with the order. The matters for which a petition may be filed  
1083 include changing the name of the deceased, the deceased's parent or spouse, or the informant; the marital  
1084 status of the deceased; or the place of residence of the deceased, when the place of residence is outside the  
1085 Commonwealth.

1086 F. When an applicant, as defined by the regulations of the Board, does not submit the minimum  
1087 documentation required by regulation to amend a death certificate or when the State Registrar finds reason to  
1088 question the validity or sufficiency of the evidence, the death certificate shall not be amended and the State  
1089 Registrar shall so advise the applicant. An aggrieved applicant may petition the circuit court of the county or  
1090 city in which he resides, or the Circuit Court of the City of Richmond, for an order compelling the State  
1091 Registrar to amend the death certificate; an aggrieved applicant who is currently residing out of state may  
1092 petition any circuit court in the Commonwealth for such an order. A copy of the petition shall be served upon  
1093 (i) the State Registrar pursuant to Chapter 8 (§ 8.01-285 et seq.) of Title 8.01 and (ii) any person listed as an  
1094 informant on the death certificate, unless such person provides an affidavit in support of such petition. The  
1095 clerk shall submit such petition and any evidence received with the petition to the judge for entry of an order  
1096 without the necessity of a hearing, unless the judge decides a hearing is necessary. The State Registrar or his  
1097 authorized representative may appear and testify in such proceeding. The clerk shall transmit a certified copy

1098 of the court's order to the State Registrar, who shall amend such death certificate in accordance with the  
 1099 order.

1100 **§ 32.1-292.2. The Virginia Donor Registry.**

1101 A. In order to save lives by reducing the shortage of organs and tissues for transplantation and to  
 1102 implement cost savings for patients and various state agencies by eliminating needless bureaucracy, there is  
 1103 hereby established the Virginia Donor Registry (*hereinafter referred to as* the Registry), which shall be  
 1104 created, compiled, operated, maintained, and modified as necessary by the Virginia Transplant Council in  
 1105 accordance with the regulations of the Board of Health and the administration of the Department of Health.  
 1106 At its sole discretion, the Virginia Transplant Council may contract with a third party or parties to create,  
 1107 compile, operate, maintain, or modify the Registry. Pertinent information on all Virginians who have  
 1108 indicated a willingness to donate organs and tissues in accordance with the Revised Uniform Anatomical Gift  
 1109 Act (§ 32.1-291.1 et seq.) shall be compiled, maintained, and modified as necessary in the Registry by the  
 1110 Virginia Transplant Council.

1111 B. The Registry and all information therein shall be confidential and subject to access only by personnel  
 1112 of the Department of Health and designated organ procurement organizations, eye banks, and tissue banks,  
 1113 operating in or serving Virginia that are members of the Virginia Transplant Council, for the purpose of  
 1114 identifying and determining the suitability of a potential donor according to the provisions of subdivision B 4  
 1115 of § 32.1-127 or subsection G of § 46.2-342.

1116 C. The purpose of the Registry shall include, but not be limited to:

1117 1. Providing a means of recovering an anatomical gift for transplantation, therapy, education or research  
 1118 as authorized by the Revised Uniform Anatomical Gift Act (§ 32.1-291.1 et seq.) and subsection G of §  
 1119 46.2-342; and

1120 2. Collecting data to develop and evaluate the effectiveness of educational initiatives promoting organ,  
 1121 eye, and tissue donation that are conducted or coordinated by the Virginia Transplant Council or its members.

1122 D. The Board, in consultation with the Virginia Transplant Council, shall promulgate regulations  
 1123 necessary to create, compile, operate, maintain, modify as necessary, and administer the Virginia Donor  
 1124 Registry. The regulations shall include, but not be limited to:

1125 1. Recording the data subject's full name, address, sex, birth date, age, driver's license number or unique  
 1126 identifying number, and other pertinent identifying personal information. *Such regulations shall permit the*  
*1127 choice between "male," "female," or an "X" marker where the "X" means unspecified or other gender*  
*1128 identity, as applicable, when designating the sex of the data subject;*

1129 2. Authorizing the Virginia Transplant Council to analyze Registry data under research protocols that are  
 1130 designed to identify and assess the effectiveness of mechanisms to promote and increase organ, eye, and  
 1131 tissue donation within the Commonwealth; and

1132 3. Providing that any Virginian whose name has been placed in the registry may have his name deleted by  
 1133 filing an appropriate form with the Virginia Transplant Council or in accordance with the Revised Uniform  
 1134 Anatomical Gift Act (§ 32.1-291.1 et seq.).

1135 **§ 40.1-96. Contents of employment certificates.**

1136 The employment certificate required to be issued shall state the name, sex, date of birth, and place of  
 1137 residence of the child. *The employment certificate shall permit the choice between "male," "female," or an*  
*1138 "X" marker where the "X" means unspecified or other gender identity, as applicable, when designating the*  
*1139 sex of the child.* It shall certify that all the conditions and requirements for issuing an employment certificate  
 1140 under the provisions of this chapter have been fulfilled and shall be signed by the Commissioner. It shall state  
 1141 the kind of evidence of age accepted for the employment certificate. Except for work coming within one of  
 1142 the exceptions in § 40.1-79.01, the certificate shall show the name and address of the employer for whom and  
 1143 the nature of the specific occupation in which the employment certificate authorizes the child to be employed  
 1144 and shall be valid only for the occupation so designated. It shall bear a number, shall show the date of its  
 1145 issue, and shall be signed by the child for whom it is issued by means specified by the Commissioner. The  
 1146 employment certificate shall be issued to the employer, by means specified by the Commissioner, on or prior  
 1147 to the first day of employment. The employer and Commissioner shall retain a manual or electronic copy of  
 1148 the certificate, so long as the youth is employed or for a period of 36 months, whichever is longer.

1149 **§ 40.1-102. Issuance of theatrical permit.**

1150 No permit shall be issued unless the Commissioner is satisfied that the environment in which the drama,  
 1151 play, performance, concert or entertainment is to be produced is a proper environment for the child and that  
 1152 the conditions of such employment are not detrimental to the health or morals of such child and that the  
 1153 child's education will not be neglected or hampered by its participation in such drama, play, performance,  
 1154 concert or entertainment. Applications for permits and every permit granted shall specify the name, age and  
 1155 sex of each child, together with such other facts as may be necessary for the proper identification of each  
 1156 child and the dates when, and the theaters or other places of amusement in which such drama, play,  
 1157 performance, concert or entertainment is to be produced and shall specify the name of the drama, play,  
 1158 performance, concert or entertainment in which each child is permitted to participate. *Such application shall*

1159 *permit, and the permit shall reflect, the choice between "male," "female," or an "X" marker where the "X" means unspecified or other gender identity, as applicable, when designating the sex of each child.* Such application shall be filed with the Commissioner not less than five days before the date of such drama, play, performance, concert or entertainment. A permit shall be revocable by the Commissioner should it be found that the environment in which the drama, play, performance, concert or entertainment is being produced is not a proper environment for the child and that the conditions of such employment are detrimental to the health or morals of such child. The Commissioner shall prescribe and supply the forms required for carrying out the provisions of this section.

1167 **§ 46.2-323. Application for driver's license; proof of completion of driver education program; penalty.**

1169 A. Every application for a driver's license, temporary driver's permit, learner's permit, or motorcycle learner's permit shall be made on a form prescribed by the Department and the applicant shall write his usual signature in ink in the space provided on the form. The form shall include notice to the applicant of the duty to register with the Department of State Police as provided in Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, if the applicant has been convicted of an offense for which registration with the Sex Offender and Crimes Against Minors Registry is required.

1175 B. Every application shall state the full legal name, year, month, and date of birth, social security number, sex, and residence address of the applicant; whether or not the applicant has previously been licensed as a driver and, if so, when and by what state, and whether or not his license has ever been suspended or revoked and, if so, the date of and reason for such suspension or revocation. Applicants shall be permitted to choose 1179 between "male," "female," or "~~non-binary~~" an "X" marker where the "X" means unspecified or other gender 1180 identity, as applicable, when designating the applicant's sex on the driver's license application form. The 1181 Department, as a condition for the issuance of any driver's license, temporary driver's permit, learner's permit, 1182 or motorcycle learner's permit shall require the surrender of any driver's license or, in the case of a 1183 motorcycle learner's permit, a motorcycle license issued by another state and held by the applicant. The 1184 applicant shall also answer any questions on the application form or otherwise propounded by the Department 1185 incidental to the examination. The applicant may also be required to present proof of identity, residency, and 1186 social security number or non-work authorized status, if required to appear in person before the Department 1187 to apply.

1188 The Commissioner shall require that each application include a certification statement to be signed by the 1189 applicant under penalty of perjury, certifying that the information presented on the application is true and 1190 correct.

1191 If the applicant fails or refuses to sign the certification statement, the Department shall not issue the 1192 applicant a driver's license, temporary driver's permit, learner's permit or motorcycle learner's permit.

1193 Any applicant who knowingly makes a false certification or supplies false or fictitious evidence shall be 1194 punished as provided in § 46.2-348.

1195 C. Every application for a driver's license shall include a photograph of the applicant supplied under 1196 arrangements made by the Department. The photograph shall be processed by the Department so that the 1197 photograph can be made part of the issued license.

1198 D. Notwithstanding the provisions of § 46.2-334, every applicant for a driver's license who is under 18 1199 years of age shall furnish the Department with satisfactory proof of his successful completion of a driver 1200 education program approved by the State Department of Education.

1201 E. Every application for a driver's license submitted by a person less than 18 years old and attending a 1202 public school in the Commonwealth shall be accompanied by a document, signed by the applicant's parent or 1203 legal guardian, authorizing the principal, or his designee, of the school attended by the applicant to notify the 1204 juvenile and domestic relations district court within whose jurisdiction the minor resides when the applicant 1205 has had 10 or more unexcused absences from school on consecutive school days.

1206 F. The Department shall electronically transmit application information to the Department of State Police, 1207 in a format approved by the State Police, for comparison with information contained in the Virginia Criminal 1208 Information Network and National Crime Information Center Convicted Sexual Offender Registry Files, at 1209 the time of issuance of a driver's license, temporary driver's permit, learner's permit, or motorcycle learner's 1210 permit. Whenever it appears from the records of the State Police that a person has failed to comply with the 1211 duty to register, reregister, or verify his registration information pursuant to Chapter 9 (§ 9.1-900 et seq.) of 1212 Title 9.1, the State Police shall promptly investigate and, if there is probable cause to believe a violation has 1213 occurred, obtain a warrant or assist in obtaining an indictment charging a violation of § 18.2-472.1 in the 1214 jurisdiction in which the person made application of licensure.

1215 **§ 46.2-341.12. Application for commercial driver's license or commercial learner's permit.**

1216 A. No entry-level driver shall be eligible to (i) apply for a Virginia Class A or Class B commercial driver's 1217 license for the first time, (ii) upgrade to a Class A or Class B commercial driver's license for the first time, or 1218 (iii) apply for a hazardous materials, passenger, or school bus endorsement for the first time, unless he has 1219 completed an entry-level driver training course related to the license, classification, or endorsement he is

1220 applying for and the training is provided by a training provider. An individual is not required to complete an  
 1221 entry-level driver training course related to the license, classification, or endorsement he is applying for if he  
 1222 is exempted from such requirements under 49 C.F.R. § 380.603.

1223 B. Every application to the Department for a commercial driver's license or commercial learner's permit  
 1224 shall be made upon a form approved and furnished by the Department, and the applicant shall write his usual  
 1225 signature in ink in the space provided. The applicant shall provide the following information:

- 1226 1. Full legal name;
- 1227 2. Current mailing and residential addresses;
- 1228 3. Physical description including sex, height, weight, and eye and hair color;
- 1229 4. Year, month, and date of birth;
- 1230 5. Social security number;
- 1231 6. Domicile or, if not domiciled in the Commonwealth, proof of status as a member of the active duty  
 military, military reserves, National Guard, active duty United States Coast Guard, or Coast Guard Auxiliary  
 pursuant to 49 U.S.C. § 31311(a)(12); and
- 1234 7. Any other information required on the application form.

1235 Applicants shall be permitted to choose between "male," "female," or "~~non-binary~~" an "X" marker where  
 1236 the "X" means unspecified or other gender identity, as applicable, when designating the applicant's sex on the  
 1237 commercial driver's license or commercial learner's permit application form.

1238 The applicant's social security number shall be provided to the Commercial Driver's License Information  
 1239 System as required by 49 C.F.R. § 383.153.

1240 C. Every applicant for a commercial driver's license or commercial learner's permit shall also submit to  
 1241 the Department the following:

- 1242 1. A consent to release driving record information;
- 1243 2. Certifications that:
  - 1244 a. He either meets the federal qualification requirements of 49 C.F.R. Parts 383 and 391, or he is exempt  
 from or is not subject to such federal requirements;
  - 1246 b. He either meets the state qualification requirements established pursuant to § 52-8.4, or he is exempt  
 from or is not subject to such requirements;
  - 1248 c. The motor vehicle in which the applicant takes the skills test is representative of the class and, if  
 applicable, the type of motor vehicle for which the applicant seeks to be licensed;
  - 1250 d. He is not subject to any disqualification, suspension, revocation or cancellation of his driving  
 privileges;
  - 1252 e. He does not have more than one driver's license;
  - 1253 3. Other certifications required by the Department;
- 1254 4. Any evidence required by the Department to establish proof of identity, citizenship or lawful permanent  
 residency, domicile, and social security number notwithstanding the provisions of § 46.2-328.1 and pursuant  
 to 49 C.F.R. Part 383;

1257 5. A statement indicating whether (i) the applicant has previously been licensed to drive any type of motor  
 1258 vehicle during the previous 10 years and, if so, all states that licensed the applicant and the dates he was  
 1259 licensed, and (ii) whether or not he has ever been disqualified, or his license suspended, revoked or canceled  
 1260 and, if so, the date of and reason therefor; and

1261 6. An unexpired employment authorization document (EAD) issued by the U.S. Citizenship and  
 1262 Immigration Services (USCIS) or an unexpired foreign passport accompanied by an approved Form I-94  
 1263 documenting the applicant's most recent admittance into the United States for persons applying for a  
 1264 nondomiciled commercial driver's license or nondomiciled commercial learner's permit.

1265 D. Every application for a commercial driver's license shall include a photograph of the applicant supplied  
 1266 under arrangements made therefor by the Department in accordance with § 46.2-323.

1267 E. The Department shall disqualify any commercial driver for a period of one year when the records of the  
 1268 Department clearly show to the satisfaction of the Commissioner that such person has made a material false  
 1269 statement on any application or certification made for a commercial driver's license or commercial learner's  
 1270 permit. The Department shall take such action within 30 days after discovering such falsification.

1271 F. The Department shall review the driving record of any person who applies for a Virginia commercial  
 1272 driver's license or commercial learner's permit, for the renewal or reinstatement of such license or permit or  
 1273 for an additional commercial classification or endorsement, including the driving record from all jurisdictions  
 1274 where, during the previous 10 years, the applicant was licensed to drive any type of motor vehicle. Such  
 1275 review shall include checking the photograph on record whenever the applicant or holder appears in person to  
 1276 renew, upgrade, transfer, reinstate, or obtain a duplicate commercial driver's license or to renew, upgrade,  
 1277 reinstate, or obtain a duplicate commercial learner's permit. If appropriate, the Department shall incorporate  
 1278 information from such other jurisdictions' records into the applicant's Virginia driving record, and shall make  
 1279 a notation on the applicant's driving record confirming that such review has been completed and the date it  
 1280 was completed. The Department's review shall include (i) research through the Commercial Driver's License

1281 Information System established pursuant to the Commercial Motor Vehicle Safety Act and the National  
1282 Driver Register Problem Driver Pointer System in addition to the driver record maintained by the applicant's  
1283 previous jurisdictions of licensure and (ii) requesting information from the Drug and Alcohol Clearinghouse  
1284 in accordance with 49 C.F.R. § 382.725. This research shall be completed prior to the issuance, renewal,  
1285 transfer, or reinstatement of a commercial learner's permit, commercial driver's license or additional  
1286 commercial classification or endorsement.

1287 1. If the information the Department receives from the Drug and Alcohol Clearinghouse indicates that the  
1288 applicant is prohibited from operating a commercial motor vehicle, the Department shall deny the  
1289 application. If the applicant currently holds a commercial driver's license or a commercial learner's permit,  
1290 the Department must initiate a CDL downgrade of the applicant's commercial driver's license or commercial  
1291 learner's permit as defined in 49 C.F.R. § 383.5.

1292 2. If the FMCSA notifies the Department that an existing holder of a commercial driver's license or  
1293 commercial learner's permit is prohibited from operating a commercial motor vehicle pursuant to 49 C.F.R. §  
1294 382.501(a), the Department shall initiate a CDL downgrade of the driver's commercial driver's license or  
1295 commercial learner's permit as defined in 49 C.F.R. § 383.5 and record the CDL downgrade on the driver's  
1296 record on the Commercial Driver's License Information System within 60 days of receiving the notification.

1297 3. If the FMCSA notifies the Department that an existing holder of a commercial driver's license or  
1298 commercial learner's permit was erroneously identified as prohibited from operating a commercial motor  
1299 vehicle, the Department shall both reinstate the driver's commercial driver's license or commercial learner's  
1300 permit privilege and remove any reference to the driver's erroneous prohibited status from the driver's record  
1301 on the Commercial Driver's License Information System as expeditiously as possible, but no later than 10  
1302 days from receiving such notification from the FMCSA.

1303 G. The Department shall verify the name, date of birth, and social security number provided by the  
1304 applicant with the information on file with the Social Security Administration for initial issuance of a  
1305 commercial learner's permit or transfer of a commercial driver's license from another state. The Department  
1306 shall make a notation in the driver's record confirming that the necessary verification has been completed and  
1307 noting the date it was done. The Department shall also make a notation confirming that proof of citizenship or  
1308 lawful permanent residency has been presented and the date it was done.

1309 H. Every new applicant for a commercial driver's license or commercial learner's permit, including any  
1310 person applying for a commercial driver's license or permit after revocation of his driving privileges, who  
1311 certifies that he will operate a commercial motor vehicle in non-excepted interstate or intrastate commerce  
1312 shall provide the Department with an original or certified copy of a medical examiner's certificate prepared  
1313 by a medical examiner as defined in 49 C.F.R. § 390.5. Upon receipt of an appropriate medical examiner's  
1314 certificate, the Department shall post a certification status of "certified" on the driver's record on the  
1315 Commercial Driver's License Information System. Any new applicant for a commercial driver's license or  
1316 commercial learner's permit who fails to comply with the requirements of this subsection shall be denied the  
1317 issuance of a commercial driver's license or commercial learner's permit by the Department.

1318 I. Every existing holder of a commercial driver's license or commercial learner's permit who certifies that  
1319 he will operate a commercial motor vehicle in non-excepted interstate or intrastate commerce shall provide  
1320 the Department with an original or certified copy of a medical examiner's certificate prepared by a medical  
1321 examiner as defined in 49 C.F.R. § 390.5. Upon receipt of an appropriate medical examiner's certificate, the  
1322 Department shall post a certification status of "certified" and any other necessary information on the driver's  
1323 record on the Commercial Driver's License Information System. If an existing holder of a commercial driver's  
1324 license fails to provide the Department with a medical certificate as required by this subsection, the  
1325 Department shall post a certification status of "noncertified" on the driver's record on the Commercial  
1326 Driver's License Information System and initiate a CDL downgrade of his commercial driver's license as  
1327 defined in 49 C.F.R. § 383.5.

1328 J. Any person who provides a medical certificate to the Department pursuant to the requirements of  
1329 subsections H and I shall keep the medical certificate information current and shall notify the Department of  
1330 any change in the status of the medical certificate. If the Department determines that the medical certificate is  
1331 no longer valid, the Department shall initiate a CDL downgrade of the driver's commercial driver's license as  
1332 defined in 49 C.F.R. § 383.5.

1333 K. If the Department receives notice that the holder of a commercial driver's license has been issued a  
1334 medical variance as defined in 49 C.F.R. § 390.5, the Department shall indicate the existence of such medical  
1335 variance on the commercial driver's license document of the driver and on the driver's record on the  
1336 Commercial Driver's License Information System using the restriction code "V."

1337 L. Any holder of a commercial driver's license who has been issued a medical variance shall keep the  
1338 medical variance information current and shall notify the Department of any change in the status of the  
1339 medical variance. If the Department determines that the medical variance is no longer valid, the Department  
1340 shall initiate a CDL downgrade of the driver's commercial driver's license as defined in 49 C.F.R. § 383.5.

1341 M. Any applicant applying for a hazardous materials endorsement must comply with Transportation

1342 Security Administration requirements in 49 C.F.R. Part 1572. A lawful permanent resident of the United  
 1343 States requesting a hazardous materials endorsement must additionally provide his U.S. Citizenship and  
 1344 Immigration Services (USCIS) alien registration number.

1345 N. Notwithstanding the provisions of § 46.2-208, the Department may release to the FMCSA medical  
 1346 information relating to the issuance of a commercial driver's license or a commercial learner's permit  
 1347 collected by the Department pursuant to the provisions of subsections F, G, H, I, J, and K.

1348 **§ 46.2-345. Issuance of special identification cards; fee; confidentiality; penalties.**

1349 A. On the application of any person who is a resident of the Commonwealth, the parent of any such  
 1350 person who is under the age of 18, or the legal guardian of any such person, the Department shall issue a  
 1351 special identification card to the person, provided that:

1352 1. Application is made on a form prescribed by the Department and includes the applicant's full legal  
 1353 name; year, month, and date of birth; social security number; sex; and residence address. Applicants shall be  
 1354 permitted to choose between "male," "female," or "non-binary" *an "X" marker where the "X" means  
 1355 unspecified or other gender identity, as applicable*, when designating the applicant's sex on the application  
 1356 form;

1357 2. The applicant presents, when required by the Department, proof of identity, legal presence, residency,  
 1358 and social security number or non-work authorized status;

1359 3. The Department is satisfied that the applicant needs an identification card or the applicant shows he has  
 1360 a bona fide need for such a card; and

1361 4. The applicant does not hold a driver's license, commercial driver's license, temporary driver's permit,  
 1362 learner's permit, motorcycle learner's permit, or special identification card without a photograph.

1363 Persons 70 years of age or older may exchange a valid Virginia driver's license for a special identification  
 1364 card at no fee. Special identification cards subsequently issued to such persons shall be subject to the regular  
 1365 fees for special identification cards.

1366 B. The fee for the issuance of an original, duplicate, reissue, or renewal special identification card is \$2  
 1367 per year, with a \$10 minimum fee. Persons 21 years old or older may be issued a scenic special identification  
 1368 card for an additional fee of \$5.

1369 C. Every special identification card shall expire on the applicant's birthday at the end of the period of  
 1370 years for which a special identification card has been issued. At no time shall any special identification card  
 1371 be issued for less than three nor more than eight years, except under the provisions of subsection B of §  
 1372 46.2-328.1 and except that those cards issued to children under the age of 15 shall expire on the child's  
 1373 sixteenth birthday. Notwithstanding these limitations, the Commissioner may extend the validity period of an  
 1374 expiring card if (i) the Department is unable to process an application for renewal due to circumstances  
 1375 beyond its control, (ii) the extension has been authorized under a directive from the Governor, and (iii) the  
 1376 card was not issued as a temporary special identification card under the provisions of subsection B of §  
 1377 46.2-328.1. However, in no event shall the validity period be extended more than 90 days per occurrence of  
 1378 such conditions. Any special identification card issued to a person required to register pursuant to Chapter 9  
 1379 (§ 9.1-900 et seq.) of Title 9.1 shall expire on the applicant's birthday in years which the applicant attains an  
 1380 age equally divisible by five. For each person required to register pursuant to Chapter 9 of Title 9.1, the  
 1381 Department may not waive the requirement that each such person shall appear for each renewal or the  
 1382 requirement to obtain a photograph in accordance with subsection C of § 46.2-323.

1383 D. A special identification card issued under this section may be similar in size, shape, and design to a  
 1384 driver's license, and include a photograph of its holder, but the card shall be readily distinguishable from a  
 1385 driver's license and shall clearly state that it does not authorize the person to whom it is issued to drive a  
 1386 motor vehicle. Every applicant for a special identification card shall appear in person before the Department  
 1387 to apply for a renewal, duplicate or reissue unless specifically permitted by the Department to apply in  
 1388 another manner.

1389 E. Special identification cards, for persons at least 15 years old but less than 21 years old, shall be  
 1390 immediately and readily distinguishable from those issued to persons 21 years old or older. Distinguishing  
 1391 characteristics shall include unique design elements of the document and descriptors within the photograph  
 1392 area to identify persons who are at least 15 years old but less than 21 years old. These descriptors shall  
 1393 include the month, day, and year when the person will become 21 years old.

1394 F. Special identification cards for persons under age 15 shall bear a full face photograph. The special  
 1395 identification card issued to persons under age 15 shall be readily distinguishable from a driver's license and  
 1396 from other special identification cards issued by the Department. Such cards shall clearly indicate that it does  
 1397 not authorize the person to whom it is issued to drive a motor vehicle.

1398 G. Unless otherwise prohibited by law, a valid Virginia driver's license shall be surrendered upon  
 1399 application for a special identification card without the applicant's having to present proof of legal presence  
 1400 as required by § 46.2-328.1 if the Virginia driver's license is unexpired and it has not been revoked,  
 1401 suspended, or cancelled. The special identification card shall be considered a reissue and the expiration date  
 1402 shall be the last day of the month of the surrendered driver's license's month of expiration.

1403 H. Any personal information, as identified in § 2.2-3801, which is retained by the Department from an

1404 application for the issuance of a special identification card is confidential and shall not be divulged to any  
1405 person, association, corporation, or organization, public or private, except to the legal guardian or the  
1406 attorney of the applicant or to a person, association, corporation, or organization nominated in writing by the  
1407 applicant, his legal guardian, or his attorney. This subsection shall not prevent the Department from  
1408 furnishing the application or any information thereon to any law-enforcement agency.

1409 I. Any person who uses a false or fictitious name or gives a false or fictitious address in any application  
1410 for an identification card or knowingly makes a false statement or conceals a material fact or otherwise  
1411 commits a fraud in any such application shall be guilty of a Class 2 misdemeanor. However, where the name  
1412 or address is given, or false statement is made, or fact is concealed, or fraud committed, with the intent to  
1413 purchase a firearm or where the identification card is obtained for the purpose of committing any offense  
1414 punishable as a felony, a violation of this section shall constitute a Class 4 felony.

1415 J. The Department shall utilize the various communications media throughout the Commonwealth to  
1416 inform Virginia residents of the provisions of this section and to promote and encourage the public to take  
1417 advantage of its provisions.

1418 K. The Department shall electronically transmit application information to the Department of State Police,  
1419 in a format approved by the State Police, for comparison with information contained in the Virginia Criminal  
1420 Information Network and National Crime Information Center Convicted Sexual Offender Registry Files, at  
1421 the time of issuance of a special identification card. Whenever it appears from the records of the State Police  
1422 that a person has failed to comply with the duty to register, reregister, or verify his registration information  
1423 pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, the State Police shall promptly investigate and, if there  
1424 is probable cause to believe a violation has occurred, obtain a warrant or assist in obtaining an indictment  
1425 charging a violation of § 18.2-472.1 in the jurisdiction in which the person made application for the special  
1426 identification card.

1427 L. When requested by the applicant, the applicant's parent if the applicant is a minor, or the applicant's  
1428 guardian, and upon presentation of a signed statement by a licensed physician confirming the applicant's  
1429 condition, the Department shall indicate on the applicant's special identification card that the applicant has  
1430 any condition listed in subsection K of § 46.2-342 or that the applicant is blind or vision impaired.

1431 M. The Department shall establish a method by which an applicant for an original, reissued, or renewed  
1432 special identification card may indicate his blood type. If the applicant chooses to indicate his blood type, the  
1433 Department shall make a notation of this designation on his special identification card and in his record. Such  
1434 notation on the special identification card shall only be used by emergency medical services agencies in  
1435 providing emergency medical support. Upon written request of the license holder or his legal guardian to  
1436 have the designation removed, the Department shall issue the special identification card without such  
1437 designation upon the payment of applicable fees.

1438 Notwithstanding any other provision of law, the Department shall not disclose any data collected pursuant  
1439 to this subsection except to the subject of the information and by designation on the special identification  
1440 card. Nothing herein shall require the Department to verify any information provided for the designation. No  
1441 action taken by any person, whether private citizen or public officer or employee, with regard to any blood  
1442 type designation displayed on a special identification card, shall create a warranty of the reliability or  
1443 accuracy of the document or electronic image, nor shall it create any liability on the part of the  
1444 Commonwealth or of any department, office, or agency or of any officer, employee, or agent thereof.

1445 **§ 46.2-345.2. Issuance of special identification cards without photographs; fee; confidentiality; penalties.**

1447 A. On the application of any person with a sincerely held religious belief prohibiting the taking of a  
1448 photograph who is a resident of the Commonwealth and who is at least 15 years of age, the Department shall  
1449 issue a special identification card without a photograph to the person, provided that:

1450 1. Application is made on a form prescribed by the Department and includes the applicant's full legal  
1451 name; year, month, and date of birth; social security number; sex; and residence address. Applicants shall be  
1452 permitted to choose between "male," "female," or "~~non-binary~~" an "X" marker where the "X" means  
1453 *unspecified or other gender identity, as applicable*, when designating the applicant's sex on the application  
1454 form;

1455 2. The applicant presents, when required by the Department, proof of identity, legal presence, residency,  
1456 and social security number or non-work authorized status;

1457 3. The applicant presents an approved and signed U.S. Department of the Treasury Internal Revenue  
1458 Service (IRS) Form 4029 or if such applicant is a minor, the applicant's parent or legal guardian presents an  
1459 approved and signed IRS Form 4029; and

1460 4. The applicant does not hold a driver's license, commercial driver's license, temporary driver's permit,  
1461 learner's permit, motorcycle learner's permit, or special identification card.

1462 B. The fee for the issuance of an original, duplicate, reissue, or renewal special identification card without  
1463 a photograph is \$2 per year, with a \$10 minimum fee.

1464 C. Every special identification card without a photograph shall expire on the applicant's birthday at the

1465 end of the period of years for which a special identification card without a photograph has been issued. At no  
 1466 time shall any special identification card without a photograph be issued for more than eight years.  
 1467 Notwithstanding these limitations, the Commissioner may extend the validity period of an expiring card if (i)  
 1468 the Department is unable to process an application for re-issue due to circumstances beyond its control or (ii)  
 1469 the extension has been authorized under a directive from the Governor. However, in no event shall the  
 1470 validity period be extended more than 90 days per occurrence of such conditions.

1471 D. A special identification card without a photograph issued under this section may be similar in size,  
 1472 shape, and design to a driver's license and shall not include a photograph of its holder. The card shall be  
 1473 readily distinguishable from a driver's license and shall clearly state that federal limits apply, that the card is  
 1474 not valid identification to vote, and that the card does not authorize the person to whom it is issued to drive a  
 1475 motor vehicle. Every applicant for a special identification card without a photograph shall appear in person  
 1476 before the Department to apply for a duplicate or reissue unless specifically permitted by the Department to  
 1477 apply in another manner.

1478 E. Unless otherwise prohibited by law, a valid Virginia driver's license or special identification card shall  
 1479 be surrendered for a special identification card without a photograph without the applicant's having to present  
 1480 proof of legal presence as required by § 46.2-328.1 if the Virginia driver's license or special identification  
 1481 card is unexpired and has not been revoked, suspended, or canceled. The special identification card without a  
 1482 photograph shall be considered a reissue, and the expiration date shall be the last day of the month of the  
 1483 surrendered driver's license's or special identification card's month of expiration.

1484 F. Any personal information, as identified in § 2.2-3801, that is retained by the Department from an  
 1485 application for the issuance of a special identification card without a photograph is confidential and shall not  
 1486 be divulged to any person, association, corporation, or organization, public or private, except to the legal  
 1487 guardian or the attorney of the applicant or to a person, association, corporation, or organization nominated in  
 1488 writing by the applicant, his legal guardian, or his attorney. This subsection shall not prevent the Department  
 1489 from furnishing the application or any information thereon to any law-enforcement agency.

1490 G. Any person who uses a false or fictitious name or gives a false or fictitious address in any application  
 1491 for a special identification card without a photograph or knowingly makes a false statement or conceals a  
 1492 material fact or otherwise commits a fraud in any such application is guilty of a Class 2 misdemeanor.  
 1493 However, where the special identification card without a photograph is obtained for the purpose of  
 1494 committing any offense punishable as a felony, a violation of this section shall constitute a Class 4 felony.

1495 H. When requested by the applicant, the applicant's parent if the applicant is a minor, or the applicant's  
 1496 guardian, and upon presentation of a signed statement by a licensed physician confirming the applicant's  
 1497 condition, the Department shall indicate on the applicant's special identification card without a photograph  
 1498 that the applicant has any condition listed in subsection K of § 46.2-342.

1499 I. The Department shall establish a method by which an applicant for an original, reissued, or renewed  
 1500 special identification card without a photograph may indicate his blood type. If the applicant chooses to  
 1501 indicate his blood type, the Department shall make a notation of this designation on his special identification  
 1502 card without a photograph and in his record. Such notation on the special identification card without a  
 1503 photograph shall only be used by emergency medical services agencies in providing emergency medical  
 1504 support. Upon written request of the license holder or his legal guardian to have the designation removed, the  
 1505 Department shall issue the special identification card without a photograph without such designation upon the  
 1506 payment of applicable fees.

1507 Notwithstanding any other provision of law, the Department shall not disclose any data collected pursuant  
 1508 to this subsection except to the subject of the information and by designation on the special identification card  
 1509 without a photograph. Nothing herein shall require the Department to verify any information provided for the  
 1510 designation. No action taken by any person, whether private citizen or public officer or employee, with regard  
 1511 to any blood type designation displayed on a special identification card without a photograph, shall create a  
 1512 warranty of the reliability or accuracy of the document or electronic image, nor shall it create any liability on  
 1513 the part of the Commonwealth or of any department, office, or agency or of any officer, employee, or agent  
 1514 thereof.

1515 J. Unless the Code specifies that a photograph is required, a special identification card without a  
 1516 photograph shall be treated as a special identification card.

1517 **§ 46.2-2906. Application for escort vehicle driver certificate; driving record; proof of completion of  
 1518 escort vehicle driver training; fee.**

1519 A. Every application for an escort vehicle driver certificate shall be made on a form prescribed by the  
 1520 Department, and the applicant shall write his usual signature in ink in the space provided on the form. A  
 1521 person who applies for an escort vehicle driver certificate must meet the following requirements:

- 1522 1. Be at least 18 years of age;
- 1523 2. Hold a valid Virginia driver's license or a valid driver's license for another state;
- 1524 3. Authorize the Department to review his driving record;
- 1525 4. Present satisfactory proof of successful completion of an eight-hour escort vehicle driver certification

1526 training course, as required by § 46.2-2904;  
1527 5. Pass the escort vehicle driver certification knowledge test as required by § 46.2-2905 with a score of 80  
1528 percent or higher; and

1529 6. Pay the appropriate fee for certificate issuance.  
1530 B. Every application shall state the applicant's full legal name; year, month, and date of birth; social  
1531 security number; sex; and residence address. *Applicants shall be permitted to choose between "male,"*  
1532 *"female," or an "X" marker where the "X" means unspecified or other gender identity, as applicable, when*  
1533 *designating the applicant's sex on the application.* The applicant shall also answer any questions on the  
1534 application form, or otherwise propounded, and provide any other information as required by the Department  
1535 incidental to the application.

1536 C. The Commissioner shall require that each application include a certification statement, to be signed by  
1537 the applicant under penalty of perjury, certifying that the information presented on the application is true and  
1538 correct. If the applicant fails or refuses to sign the certification statement, the Department shall not issue the  
1539 applicant an escort vehicle driver certificate.

1540 Any applicant who knowingly makes a false certification or supplies false or fictitious evidence shall be  
1541 punished as provided in § 46.2-348.

1542 **§ 54.1-3319. Counseling.**

1543 A. A pharmacist shall conduct a prospective drug review before each new prescription is dispensed or  
1544 delivered to a patient or a person acting on behalf of the patient. Such review shall include screening for  
1545 potential drug therapy problems due to therapeutic duplication, drug-disease contraindications, drug-drug  
1546 interactions, including serious interactions with nonprescription or over-the-counter drugs, incorrect drug  
1547 dosage or duration of drug treatment, drug-allergy interactions, and clinical abuse or misuse. A pharmacist  
1548 may conduct a prospective drug review before refilling a prescription to the extent the pharmacist deems  
1549 appropriate in his professional judgment.

1550 B. A pharmacist shall offer to counsel any person who presents a new prescription for filling. The offer to  
1551 counsel may be made in any manner the pharmacist deems appropriate in his professional judgment, and may  
1552 include any one or a combination of the following:

- 1553 1. Face-to-face communication with the pharmacist or the pharmacist's designee;
- 1554 2. A sign posted in such a manner that it can be seen by patients;
- 1555 3. A notation affixed to or written on the bag in which the prescription is to be delivered;
- 1556 4. A notation contained on the prescription container; or
- 1557 5. By telephone.

1558 For the purposes of medical assistance and other third-party reimbursement or payment programs, any of  
1559 the above methods, or a combination thereof, shall constitute an acceptable offer to provide counseling,  
1560 except to the extent this subsection is inconsistent with regulations promulgated by the federal Health Care  
1561 Financing Administration governing 42 U.S.C. § 1396r-8 (g)(2)(A)(ii). A pharmacist may offer to counsel  
1562 any person who receives a refill of a prescription to the extent deemed appropriate by the pharmacist in his  
1563 professional judgment.

1564 C. If the offer to counsel is accepted, the pharmacist shall counsel the person presenting the prescription to  
1565 the extent the pharmacist deems appropriate in his professional judgment. Such counseling shall be  
1566 performed by the pharmacist himself and may, but need not, include the following:

- 1567 1. The name and description of the medication;
- 1568 2. The dosage form, dosage, route of administration, and duration of drug therapy;
- 1569 3. Special directions and precautions for preparation, administration, and use by the patient;
- 1570 4. Common adverse or severe side effects or interactions and therapeutic contraindications that may be  
1571 encountered, including their avoidance, and the action required if they occur;
- 1572 5. Techniques for self-monitoring drug therapy;
- 1573 6. Proper storage and disposal;
- 1574 7. Prescription refill information; and
- 1575 8. Action to be taken in the event of a missed dose.

1576 Nothing in this section shall be construed as requiring a pharmacist to provide counseling when the person  
1577 presenting the prescription fails to accept the pharmacist's offer to counsel. If the prescription is delivered to a  
1578 person residing outside of the local telephone calling area of the pharmacy, the pharmacist shall either  
1579 provide a toll-free telephone number or accept reasonable collect calls from such person.

1580 D. Reasonable efforts shall be made to obtain, record, and maintain the following patient information  
1581 generated at the individual pharmacy:

- 1582 1. Name, address, telephone number, date of birth or age, and gender. *Patients shall be permitted to*  
1583 *choose between "male," "female," or an "X" marker where the "X" means unspecified or other gender*  
1584 *identity, as applicable, when designating the gender of the patient;*
- 1585 2. Individual history where significant, including known allergies and drug reactions, and a  
1586 comprehensive list of medications and relevant devices; and
- 1587 3. Any additional comments relevant to the patient's drug use, including any failure to accept the

1588 pharmacist's offer to counsel.

1589 Such information may be recorded in the patient's manual or electronic profile, or in the prescription  
 1590 signature log, or in any other system of records and may be considered by the pharmacist in the exercise of  
 1591 his professional judgment concerning both the offer to counsel and content of counseling. The absence of any  
 1592 record of a failure to accept the pharmacist's offer to counsel shall be presumed to signify that such offer was  
 1593 accepted and that such counseling was provided.

1594 E. This section shall not apply to any drug dispensed to an inpatient of a hospital or nursing home, except  
 1595 to the extent required by regulations promulgated by the federal Health Care Financing Administration  
 1596 implementing 42 U.S.C. § 1396r-8 (g)(2)(A).

**1597 § 54.1-4108. Permit required; method of obtaining permit; no convictions of certain crimes;  
 1598 approval of weighing devices; renewal; permanent location required.**

1599 A. No person shall engage in the activities of a dealer as defined in § 54.1-4100 without first obtaining a  
 1600 permit from the chief law-enforcement officer of each county, city, or town in which he proposes to engage in  
 1601 business.

1602 B. To obtain a permit, the dealer shall file with the proper chief law-enforcement officer an application  
 1603 form which includes the dealer's full name, any aliases, address, age, date of birth, sex, and fingerprints; the  
 1604 name, address, and telephone number of the applicant's employer, if any; and the location of the dealer's place  
 1605 of business. *Such form shall permit the choice between "male," "female," or an "X" marker where the "X"*  
 1606 *means unspecified or other gender identity, as applicable, when designating the sex of the dealer.* Upon filing  
 1607 this application and the payment of a \$200 application fee, the dealer shall be issued a permit by the chief  
 1608 law-enforcement officer or his designee, provided that the applicant has not been convicted of a felony or  
 1609 crime of moral turpitude within seven years prior to the date of application. The permit shall be denied if the  
 1610 applicant has been denied a permit or has had a permit revoked under any ordinance similar in substance to  
 1611 the provisions of this chapter.

1612 C. Before a permit may be issued, the dealer must have all weighing devices used in his business  
 1613 inspected and approved by local or state weights and measures officials and present written evidence of such  
 1614 approval to the proper chief law-enforcement officer.

1615 D. This permit shall be valid for one year from the date issued and may be renewed in the same manner as  
 1616 such permit was initially obtained with an annual permit fee of \$200. No permit shall be transferable.

1617 E. If the business of the dealer is not operated without interruption, with Saturdays, Sundays, and  
 1618 recognized holidays excepted, the dealer shall notify the proper chief law-enforcement officer of all closings  
 1619 and reopenings of such business. The business of a dealer shall be conducted only from the fixed and  
 1620 permanent location specified in his application for a permit.

1621 F. The chief law-enforcement officer may waive the permit fee for retail merchants that are not required to  
 1622 be licensed as pawnbrokers under Chapter 40 (§ 54.1-4000 et seq.), provided the retail merchant has a  
 1623 permanent place of business and purchases of precious metals and gems do not exceed five percent of the  
 1624 retail merchant's annual business.

**1625 § 59.1-118. Permit issued by chief of police or sheriff; revocation.**

1626 The chief of police of a city or the sheriff of a county may issue, to persons regularly engaged in the  
 1627 business of collecting secondhand building materials for resale, a semiannual or annual permit covering all  
 1628 sales and acquisitions made by such persons. The chief of police or sheriff may refuse to issue a permit, and  
 1629 may revoke any permit issued, to any person convicted of a felony or crime of moral turpitude within the  
 1630 three years prior to the request for the permit. The applicant shall file with the chief of police or sheriff, or his  
 1631 designee, an application form that shall include the applicant's full name, address, age, sex, and fingerprints;  
 1632 the name, address, and telephone number of the applicant's employer, if any; and the location of the  
 1633 applicant's place of business. *Such form shall permit the choice between "male," "female," or an "X" marker*  
 1634 *where the "X" means unspecified or other gender identity, as applicable, when designating the sex of the*  
 1635 *applicant.* A permit shall be valid for one year from the date of issuance and may be renewed in the same  
 1636 manner as such permit was initially obtained. A fee of not more than \$50 may be charged annually for the  
 1637 issuance of the permit.

**1638 § 65.2-900. Records and reports of accidents.**

1639 A. Every employer shall keep a record of all injuries or deaths of its employees which occur in the course  
 1640 of employment. Within ten days after the occurrence of such injury or death, and knowledge of injury as  
 1641 provided in § 65.2-600, a report of the injury or death shall be made and transmitted to the Commission by  
 1642 the employer, its representative or, in the case of an insured employer, its insurance carrier, in accordance  
 1643 with regulations adopted by the Commission which may authorize the transmission of such reports in written,  
 1644 magnetic, electronic, or facsimile media. The Commission shall provide forms and instructions for reporting  
 1645 as required by this section. The Commission shall provide the Department of Labor and Industry with such  
 1646 reports.

1647 B. The accident report shall contain the name, nature, and location of the business of the employer and the  
 1648 name, age, sex, and wages and occupation of the injured employee, and shall state the date and hour of the

1649 accident causing the injury and the nature and cause of the injury, together with such other information as  
1650 may be required by the Commission. *Such report shall permit the choice between "male," "female," or an "X"*  
1651 *marker where the "X" means unspecified or other gender identity, as applicable, when designating the sex of*  
1652 *the injured employee.* However, those injuries deemed minor by the Commission shall be reported in the  
1653 manner prescribed by the Commission.

1654 **2. That any state agency required to update a form, report, application, or other document pursuant to**  
1655 **the provisions of this act shall do so in due course, but in no case later than July 1, 2028.**