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HOUSE BILL NO. 2195

Offered January 13, 2025

Prefiled January 7, 2025

A *BILL to amend and reenact §§ 54.1-300, 54.1-500, 54.1-500.1, 54.1-501, 54.1-516, and 59.1-200, as it is currently effective and as it shall become effective, of the Code of Virginia, to amend the Code of Virginia by adding in Chapter 5 of Title 54.1 an article numbered 4, consisting of sections numbered 54.1-517.6, 54.1-517.7, and 54.1-517.8, relating to Department of Professional and Occupational Regulation; mold inspectors and mold remediators; emergency.*

Patrons—McQuinn, Wilt, Bennett-Parker, Clark, Cole, Convirs-Fowler, Cousins, Feggans, Henson, Jones, Keys-Gamarra, LeVere Bolling, Martinez, McClure, Mundon King, Owen and Seibold; Senator: Salim

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-300, 54.1-500, 54.1-500.1, 54.1-501, 54.1-516, and 59.1-200, as it is currently effective and as it shall become effective, of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 5 of Title 54.1 an article numbered 4, consisting of sections numbered 54.1-517.6, 54.1-517.7, and 54.1-517.8, as follows:

§ 54.1-300. Definitions.

As used in this chapter unless the context requires a different meaning:

"Board" means the Board for Professional and Occupational Regulation.

"Certification" means the process whereby the Department or any regulatory board issues a certificate on behalf of the Commonwealth to a person certifying that he possesses the character and minimum skills to engage properly in his profession or occupation.

"Department" means the Department of Professional and Occupational Regulation.

"Director" means the Director of the Department of Professional and Occupational Regulation.

"Inspection" means a method of regulation whereby a state agency periodically examines the activities and premises of practitioners of an occupation or profession to ascertain if the practitioner is carrying out his profession or occupation in a manner consistent with the public health, safety, and welfare.

"Licensure" means a method of regulation whereby the Commonwealth, through the issuance of a license, authorizes a person possessing the character and minimum skills to engage in the practice of a profession or occupation that is unlawful to practice without a license.

"Registration" means a method of regulation whereby any practitioner of a profession or occupation may be required to submit information concerning the location, nature and operation of his practice.

"Regulatory board" means the Auctioneers Board, Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, Board for Barbers and Cosmetology, Board for Branch Pilots, Board for Contractors, Board for Hearing Aid Specialists and Opticians, Board for Professional Soil Scientists, Wetland Professionals, and Geologists, Board for Waste Management Facility Operators, Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals, Cemetery Board, Real Estate Appraiser Board, Real Estate Board, Fair Housing Board, Virginia Board for Asbestos, Lead, *Mold*, and Home Inspectors, and Common Interest Community Board.

§ 54.1-500. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Accredited asbestos training program" means a training program that has been approved by the Board to provide training for individuals to engage in asbestos abatement, conduct asbestos inspections, prepare management plans, prepare project designs, or act as project monitors.

"Accredited lead training program" means a training program that has been approved by the Board to provide training for individuals to engage in lead-based paint activities.

"Asbestos" means the asbestiform varieties of actinolite, amosite, anthophyllite, chrysotile, crocidolite, and tremolite.

"Asbestos analytical laboratory license" means an authorization issued by the Board to perform phase contrast, polarized light, or transmission electron microscopy on material known or suspected to contain asbestos.

"Asbestos contractor's license" means an authorization issued by the Board permitting a person to enter into contracts to perform an asbestos abatement project.

"Asbestos-containing materials" or "ACM" means any material or product which contains more than 1.0 percent asbestos or such other percentage as established by EPA final rule.

"Asbestos inspector's license" means an authorization issued by the Board permitting a person to perform

58 on-site investigations to identify, classify, record, sample, test, and prioritize by exposure potential
59 asbestos-containing materials.

60 "Asbestos management plan" means a program designed to control or abate any potential risk to human
61 health from asbestos.

62 "Asbestos management planner's license" means an authorization issued by the Board permitting a person
63 to develop or alter an asbestos management plan.

64 "Asbestos project" or "asbestos abatement project" means an activity involving job set-up for
65 containment, removal, encapsulation, enclosure, encasement, renovation, repair, construction, or alteration of
66 an asbestos-containing material. An asbestos project or asbestos abatement project shall not include
67 nonfriable asbestos-containing roofing, flooring, and siding materials which when installed, encapsulated, or
68 removed do not become friable.

69 "Asbestos project designer's license" means an authorization issued by the Board permitting a person to
70 design an asbestos abatement project.

71 "Asbestos project monitor's license" means an authorization issued by the Board permitting a person to
72 monitor an asbestos project, subject to Department regulations.

73 "Asbestos supervisor" means any person so designated by an asbestos contractor who provides on-site
74 supervision and direction to the workers engaged in asbestos projects.

75 "Asbestos worker's license" means an authorization issued by the Board permitting an individual to work
76 on an asbestos project.

77 "Board" means the Virginia Board for Asbestos, Lead, *Mold*, and Home Inspectors.

78 "Friable" means that the material when dry may be crumbled, pulverized, or reduced to powder by hand
79 pressure and includes previously nonfriable material after such previously nonfriable material becomes
80 damaged to the extent that when dry it may be crumbled, pulverized, or reduced to powder by hand pressure.

81 "Home inspection" means any inspection of a residential building for compensation conducted by a
82 licensed home inspector. A home inspection shall include a written evaluation of the readily accessible
83 components of a residential building, including heating, cooling, plumbing, and electrical systems; structural
84 components; foundation; roof; masonry structure; exterior and interior components; and other related
85 residential housing components. A home inspection may be limited in scope as provided in a home inspection
86 contract, provided that such contract is not inconsistent with the provisions of this chapter or the regulations
87 of the Board. For purposes of this chapter, residential building energy analysis alone, as defined in §
88 54.1-1144, shall not be considered a home inspection.

89 "Home inspector" means a person who meets the criteria of education, experience, and testing required by
90 this chapter and regulations of the Board and who has been licensed by the Board to perform home
91 inspections.

92 "Lead abatement" means any measure or set of measures designed to permanently eliminate lead-based
93 paint hazards, including lead-contaminated dust or soil.

94 "Lead-based paint" means paint or other surface coatings that contain lead equal to or in excess of 1.0
95 milligrams per square centimeter or more than 0.5 percent by weight.

96 "Lead-based paint activity" means lead inspection, lead risk assessment, lead project design and
97 abatement of lead-based paint and lead-based paint hazards, including lead-contaminated dust and lead-
98 contaminated soil.

99 "Lead-contaminated soil" means bare soil that contains lead at or in excess of levels identified by the
100 Environmental Protection Agency.

101 "Lead contractor" means a person who has met the Board's requirements and has been issued a license by
102 the Board to enter into contracts to perform lead abatements.

103 "Lead inspection" means a surface-by-surface investigation to determine the presence of lead-based paint
104 and the provisions of a report explaining the results of the investigation.

105 "Lead inspector" means an individual who has been licensed by the Board to conduct lead inspections and
106 abatement clearance testing.

107 "Lead project design" means any descriptive form written as instructions or drafted as a plan describing
108 the construction or setting up of a lead abatement project area and the work practices to be utilized during the
109 lead abatement project.

110 "Lead project designer" means an individual who has been licensed by the Board to prepare lead project
111 designs.

112 "Lead risk assessment" means (i) an on-site investigation to determine the existence, nature, severity, and
113 location of lead-based paint hazards and (ii) the provision of a report by the individual or the firm conducting
114 the risk assessment, explaining the results of the investigation and options for reducing lead-based paint
115 hazards.

116 "Lead risk assessor" means an individual who has been licensed by the Board to conduct lead inspections,
117 lead risk assessments, and abatement clearance testing.

118 "Lead supervisor" means an individual who has been licensed by the Board to supervise lead abatements.

119 "Lead worker" or "lead abatement worker" means an individual who has been licensed by the Board to

120 perform lead abatement.

121 *"Mold" means any living or dead fungi or related products or parts, including spores, hyphae, and*
 122 *spore-producing structures.*

123 *"Mold analysis" means the examination of a sample collected during a mold inspection for the purpose of*
 124 *(i) determining the amount or presence of or identifying the genus, species, or functional grouping of any liv*
 125 *ing or dead mold present in the sample or (ii) identifying or determining the amount or presence of any*
 126 *fungus products, including mycotoxins and fungal volatile organic compounds present in the sample.*

127 *"Mold inspection" includes (i) an inspection, investigation, or survey of a dwelling or other structure to*
 128 *determine the presence of mold; (ii) the development of a mold management plan or mold remediation*
 129 *protocol; or (iii) the collection or analysis of a mold sample.*

130 *"Mold inspector" means an individual who has been licensed by the Board to perform mold inspections.*

131 *"Mold remediation" means cleaning mold from building material surfaces or the removal of contaminated*
 132 *building materials that are unsalvageable and other activities, including applying biocides or antimicrobial*
 133 *compounds and sanitization protocols, intended to prevent future mold contamination.*

134 *"Mold remediator" means an individual licensed by the Board to perform mold remediation.*

135 "Person" means a corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, or
 136 any other individual or entity.

137 "Principal instructor" means the individual who has the primary responsibility for organizing and teaching
 138 an accredited asbestos training program, an accredited lead training program, or any combination thereof.

139 "Residential building" means, for the purposes of home inspection, a structure consisting of one to four
 140 dwelling units used or occupied, or intended to be used or occupied, for residential purposes.

141 "Training manager" means the individual responsible for administering a training program and monitoring
 142 the performance of instructors for an accredited asbestos training or accredited lead training program.

143 **§ 54.1-500.1. Virginia Board for Asbestos, Lead, Mold, and Home Inspectors; membership;**
 144 **meetings; offices; quorum.**

145 The Virginia Board for Asbestos, Lead, *Mold*, and Home Inspectors shall be appointed by the Governor
 146 and composed of ~~12~~ 13 members as follows: (i) one shall be a representative of a Virginia-licensed asbestos
 147 contractor, (ii) one shall be a representative of a Virginia-licensed lead contractor, (iii) one shall be either a
 148 Virginia-licensed asbestos inspector or project monitor, (iv) one shall be a Virginia-licensed lead risk
 149 assessor, (v) one shall be a representative of a Virginia-licensed asbestos analytical laboratory, (vi) one shall
 150 be a representative of an asbestos or lead training program, (vii) one shall be a member of the Board for
 151 Contractors, (viii) three shall be Virginia-licensed home inspectors, ~~and~~ (ix) *one shall be a licensed mold*
 152 *inspector or a licensed mold remediator, and (x) two shall be citizen members.* After the initial staggering of
 153 terms, the terms of members of the Board shall be four years, except that vacancies may be filled for the
 154 remainder of the unexpired term. The home inspector members appointed to the Board shall have practiced as
 155 a home inspector for at least five consecutive years immediately prior to appointment. *The mold inspector or*
 156 *mold remediator member appointed to the Board shall have practiced as a mold inspector or mold*
 157 *remediator for at least three consecutive years immediately prior to appointment.*

158 The Board shall meet at least once each year and other such times as it deems necessary. The Board shall
 159 elect from its membership a chairman and a vice-chairman to serve for a period of one year. Seven members
 160 of the Board shall constitute a quorum. The Board is vested with the powers and duties necessary to execute
 161 the purposes of this chapter.

162 **§ 54.1-501. Powers and duties of the Board.**

163 The Board shall administer and enforce this chapter. The Board shall:

164 1. Promulgate regulations necessary to carry out the requirements of this chapter in accordance with the
 165 provisions of the Administrative Process Act (§ 2.2-4000 et seq.) to include but not be limited to the
 166 prescription of fees, procedures, and qualifications for the issuance and renewal of asbestos and lead licenses,
 167 and governing conflicts of interest among various categories of asbestos and lead licenses;

168 2. Approve the criteria for accredited asbestos training programs, accredited lead training programs,
 169 training managers, and principal instructors;

170 3. Approve accredited asbestos training programs, accredited lead training programs, examinations, and
 171 the grading system for testing applicants for asbestos and lead licensure;

172 4. Promulgate regulations governing the licensing of and establishing performance criteria applicable to
 173 asbestos analytical laboratories;

174 5. Promulgate regulations governing the functions and duties of project monitors on asbestos projects,
 175 circumstances in which project monitors shall be required for asbestos projects, and training requirements for
 176 project monitors;

177 6. Promulgate, in accordance with the Administrative Process Act (§ 2.2-4000 et seq.), regulations
 178 necessary to establish procedures and requirements for the: (i) approval of accredited lead training programs,
 179 (ii) licensure of individuals and firms to engage in lead-based paint activities, and (iii) establishment of
 180 standards for performing lead-based paint activities consistent with the Residential Lead-based Paint Hazard

181 Reduction Act and ~~United States~~ U.S. Environmental Protection Agency regulations. If the ~~United States~~ U.S.
 182 Environmental Protection Agency (EPA) has adopted, prior to the promulgation of any related regulations by
 183 the Board, any final regulations relating to lead-based paint activities, then the related regulations of the
 184 Board shall not be more stringent than the EPA regulations in effect as of the date of such promulgation. In
 185 addition, if the EPA shall have outstanding any proposed regulations relating to lead-based paint activities
 186 (other than as amendments to existing EPA regulations), as of the date of promulgation of any related
 187 regulations by the Board, then the related regulations of the Board shall not be more stringent than the
 188 proposed EPA regulations. In the event that the EPA shall adopt any final regulations subsequent to the
 189 promulgation by the Board of related regulations, then the Board shall, as soon as practicable, amend its
 190 existing regulations so as to be not more stringent than such EPA regulations; ~~and~~

191 7. Promulgate regulations for the licensing of home inspectors not inconsistent with this chapter regarding
 192 the professional qualifications of home inspectors applicants, the requirements necessary for passing home
 193 inspectors examinations, the proper conduct of its examinations, the proper conduct of the home inspectors
 194 licensed by the Board, and the proper discharge of its duties; *and*

195 8. *Promulgate regulations for the licensing of mold inspectors and mold remediators not inconsistent with*
 196 *this chapter regarding the professional qualifications of such applicants, the requirements necessary for*
 197 *passing applicable examinations in whole or in part, the proper conduct of its examinations, the proper*
 198 *conduct of the mold inspectors and mold remediators licensed by the Board, the implementation of*
 199 *exemptions from licensure requirements, and the proper discharge of its duties. The Board shall have the*
 200 *discretion to impose different requirements for the licensure of mold inspectors and mold remediators.*

201 **§ 54.1-516. Disciplinary actions.**

202 A. The Board may reprimand, fine, suspend, or revoke (i) the license of a lead contractor, lead inspector,
 203 lead risk assessor, lead project designer, lead supervisor, lead worker, asbestos contractor, asbestos
 204 supervisor, asbestos inspector, asbestos analytical laboratory, asbestos management planner, asbestos project
 205 designer, asbestos project monitor, asbestos worker, or home inspector or (ii) the approval of an accredited
 206 asbestos training program, accredited lead training program, training manager or principal instructor, if the
 207 licensee or approved person or program:

- 208 1. Fraudulently or deceptively obtains or attempts to obtain a license or approval;
- 209 2. Fails at any time to meet the qualifications for a license or approval or to comply with the requirements
- 210 of this chapter or any regulation adopted by the Board; or
- 211 3. Fails to meet any applicable federal or state standard when performing an asbestos project or service or
- 212 performing lead-based paint activities.

213 B. The Board may reprimand, fine, suspend, or revoke the license of *any* (i) ~~any~~ asbestos contractor who
 214 employs or permits an individual without an asbestos supervisor's or worker's license to work on an asbestos
 215 project ~~or~~, (ii) ~~any~~ lead contractor who employs or permits an individual without a lead supervisor's or lead
 216 worker's license to work on a lead abatement project, (iii) *home inspector, or (iv) mold inspector or mold*
 217 *remediator.*

218 ~~C. The Board may reprimand, fine, suspend or revoke the license of a home inspector.~~

219 *Article 4.*

220 *Mold Inspectors and Mold Remediators.*

221 **§ 54.1-517.6. License required.**

222 *No individual shall offer to perform or perform mold inspection or mold remediation without a valid*
 223 *license issued by the Board, except as provided in § 54.1-517.7.*

224 **§ 54.1-517.7. Exemptions from licensure.**

225 *The provisions of this article shall not apply to:*

- 226 1. *An individual performing mold inspection or mold remediation in an area in which the mold*
 227 *contamination for the total project affects a total surface area of less than 10 square feet;*
- 228 2. *An owner, or the managing agent or employee of an owner performing mold inspection or mold*
 229 *remediation on the owner's residential property, provided such property contains no more than four*
 230 *residential dwelling units; or*
- 231 3. *A tenant performing mold inspection or mold remediation on the dwelling unit in which such tenant*
 232 *resides.*

233 **§ 54.1-517.8. Requirements for licensure.**

234 A. *The Board may issue a license to perform mold inspection or mold remediation in the Commonwealth*
 235 *to any applicant who has submitted satisfactory evidence that he has successfully completed any educational,*
 236 *experience, or examination requirements issued by the Board.*

237 B. *The Board may issue a license to perform mold inspection or mold remediation to any applicant who is*
 238 *certified by a national or state professional mold inspector or mold remediator association approved by the*
 239 *Board, provided that the requirements for the applicant's class of membership in such association are equal*
 240 *to or exceed the requirements established by the Board for all applicants.*

241 **§ 59.1-200. (Effective until July 1, 2025) Prohibited practices.**

242 A. The following fraudulent acts or practices committed by a supplier in connection with a consumer

243 transaction are hereby declared unlawful:

- 244 1. Misrepresenting goods or services as those of another;
- 245 2. Misrepresenting the source, sponsorship, approval, or certification of goods or services;
- 246 3. Misrepresenting the affiliation, connection, or association of the supplier, or of the goods or services,
247 with another;
- 248 4. Misrepresenting geographic origin in connection with goods or services;
- 249 5. Misrepresenting that goods or services have certain quantities, characteristics, ingredients, uses, or
250 benefits;
- 251 6. Misrepresenting that goods or services are of a particular standard, quality, grade, style, or model;
- 252 7. Advertising or offering for sale goods that are used, secondhand, repossessed, defective, blemished,
253 deteriorated, or reconditioned, or that are "seconds," irregulars, imperfects, or "not first class," without clearly
254 and unequivocally indicating in the advertisement or offer for sale that the goods are used, secondhand,
255 repossessed, defective, blemished, deteriorated, reconditioned, or are "seconds," irregulars, imperfects, or
256 "not first class";
- 257 8. Advertising goods or services with intent not to sell them as advertised, or with intent not to sell at the
258 price or upon the terms advertised.
- 259 In any action brought under this subdivision, the refusal by any person, or any employee, agent, or servant
260 thereof, to sell any goods or services advertised or offered for sale at the price or upon the terms advertised or
261 offered, shall be prima facie evidence of a violation of this subdivision. This paragraph shall not apply when
262 it is clearly and conspicuously stated in the advertisement or offer by which such goods or services are
263 advertised or offered for sale, that the supplier or offeror has a limited quantity or amount of such goods or
264 services for sale, and the supplier or offeror at the time of such advertisement or offer did in fact have or
265 reasonably expected to have at least such quantity or amount for sale;
- 266 9. Making false or misleading statements of fact concerning the reasons for, existence of, or amounts of
267 price reductions;
- 268 10. Misrepresenting that repairs, alterations, modifications, or services have been performed or parts
269 installed;
- 270 11. Misrepresenting by the use of any written or documentary material that appears to be an invoice or bill
271 for merchandise or services previously ordered;
- 272 12. Notwithstanding any other provision of law, using in any manner the words "wholesale,"
273 "wholesaler," "factory," or "manufacturer" in the supplier's name, or to describe the nature of the supplier's
274 business, unless the supplier is actually engaged primarily in selling at wholesale or in manufacturing the
275 goods or services advertised or offered for sale;
- 276 13. Using in any contract or lease any liquidated damage clause, penalty clause, or waiver of defense, or
277 attempting to collect any liquidated damages or penalties under any clause, waiver, damages, or penalties that
278 are void or unenforceable under any otherwise applicable laws of the Commonwealth, or under federal
279 statutes or regulations;
- 280 13a. Failing to provide to a consumer, or failing to use or include in any written document or material
281 provided to or executed by a consumer, in connection with a consumer transaction any statement, disclosure,
282 notice, or other information however characterized when the supplier is required by 16 C.F.R. Part 433 to so
283 provide, use, or include the statement, disclosure, notice, or other information in connection with the
284 consumer transaction;
- 285 14. Using any other deception, fraud, false pretense, false promise, or misrepresentation in connection
286 with a consumer transaction;
- 287 15. Violating any provision of § 3.2-6509, 3.2-6512, 3.2-6513, 3.2-6513.1, 3.2-6514, 3.2-6515, 3.2-6516,
288 or 3.2-6519 is a violation of this chapter;
- 289 16. Failing to disclose all conditions, charges, or fees relating to:
- 290 a. The return of goods for refund, exchange, or credit. Such disclosure shall be by means of a sign
291 attached to the goods, or placed in a conspicuous public area of the premises of the supplier, so as to be
292 readily noticeable and readable by the person obtaining the goods from the supplier. If the supplier does not
293 permit a refund, exchange, or credit for return, he shall so state on a similar sign. The provisions of this
294 subdivision shall not apply to any retail merchant who has a policy of providing, for a period of not less than
295 20 days after date of purchase, a cash refund or credit to the purchaser's credit card account for the return of
296 defective, unused, or undamaged merchandise upon presentation of proof of purchase. In the case of
297 merchandise paid for by check, the purchase shall be treated as a cash purchase and any refund may be
298 delayed for a period of 10 banking days to allow for the check to clear. This subdivision does not apply to
299 sale merchandise that is obviously distressed, out of date, post season, or otherwise reduced for clearance; nor
300 does this subdivision apply to special order purchases where the purchaser has requested the supplier to order
301 merchandise of a specific or unusual size, color, or brand not ordinarily carried in the store or the store's
302 catalog; nor shall this subdivision apply in connection with a transaction for the sale or lease of motor
303 vehicles, farm tractors, or motorcycles as defined in § 46.2-100;
- 304 b. A layaway agreement. Such disclosure shall be furnished to the consumer (i) in writing at the time of

305 the layaway agreement, or (ii) by means of a sign placed in a conspicuous public area of the premises of the
306 supplier, so as to be readily noticeable and readable by the consumer, or (iii) on the bill of sale. Disclosure
307 shall include the conditions, charges, or fees in the event that a consumer breaches the agreement;

308 16a. Failing to provide written notice to a consumer of an existing open-end credit balance in excess of \$5
309 (i) on an account maintained by the supplier and (ii) resulting from such consumer's overpayment on such
310 account. Suppliers shall give consumers written notice of such credit balances within 60 days of receiving
311 overpayments. If the credit balance information is incorporated into statements of account furnished
312 consumers by suppliers within such 60-day period, no separate or additional notice is required;

313 17. If a supplier enters into a written agreement with a consumer to resolve a dispute that arises in
314 connection with a consumer transaction, failing to adhere to the terms and conditions of such an agreement;

315 18. Violating any provision of the Virginia Health Club Act, Chapter 24 (§ 59.1-294 et seq.);

316 19. Violating any provision of the Virginia Home Solicitation Sales Act, Chapter 2.1 (§ 59.1-21.1 et seq.);

317 20. Violating any provision of the Automobile Repair Facilities Act, Chapter 17.1 (§ 59.1-207.1 et seq.);

318 21. Violating any provision of the Virginia Lease-Purchase Agreement Act, Chapter 17.4 (§ 59.1-207.17
319 et seq.);

320 22. Violating any provision of the Prizes and Gifts Act, Chapter 31 (§ 59.1-415 et seq.);

321 23. Violating any provision of the Virginia Public Telephone Information Act, Chapter 32 (§ 59.1-424 et
322 seq.);

323 24. Violating any provision of § 54.1-1505;

324 25. Violating any provision of the Motor Vehicle Manufacturers' Warranty Adjustment Act, Chapter 17.6
325 (§ 59.1-207.34 et seq.);

326 26. Violating any provision of § 3.2-5627, relating to the pricing of merchandise;

327 27. Violating any provision of the Pay-Per-Call Services Act, Chapter 33 (§ 59.1-429 et seq.);

328 28. Violating any provision of the Extended Service Contract Act, Chapter 34 (§ 59.1-435 et seq.);

329 29. Violating any provision of the Virginia Membership Camping Act, Chapter 25 (§ 59.1-311 et seq.);

330 30. Violating any provision of the Comparison Price Advertising Act, Chapter 17.7 (§ 59.1-207.40 et
331 seq.);

332 31. Violating any provision of the Virginia Travel Club Act, Chapter 36 (§ 59.1-445 et seq.);

333 32. Violating any provision of §§ 46.2-1231 and 46.2-1233.1;

334 33. Violating any provision of Chapter 40 (§ 54.1-4000 et seq.) of Title 54.1;

335 34. Violating any provision of Chapter 10.1 (§ 58.1-1031 et seq.) of Title 58.1;

336 35. Using the consumer's social security number as the consumer's account number with the supplier, if
337 the consumer has requested in writing that the supplier use an alternate number not associated with the
338 consumer's social security number;

339 36. Violating any provision of Chapter 18 (§ 6.2-1800 et seq.) of Title 6.2;

340 37. Violating any provision of § 8.01-40.2;

341 38. Violating any provision of Article 7 (§ 32.1-212 et seq.) of Chapter 6 of Title 32.1;

342 39. Violating any provision of Chapter 34.1 (§ 59.1-441.1 et seq.);

343 40. Violating any provision of Chapter 20 (§ 6.2-2000 et seq.) of Title 6.2;

344 41. Violating any provision of the Virginia Post-Disaster Anti-Price Gouging Act, Chapter 46 (§ 59.1-525
345 et seq.). For the purposes of this subdivision, "consumer transaction" has the same meaning as provided in §
346 59.1-526;

347 42. Violating any provision of Chapter 47 (§ 59.1-530 et seq.);

348 43. Violating any provision of § 59.1-443.2;

349 44. Violating any provision of Chapter 48 (§ 59.1-533 et seq.);

350 45. Violating any provision of Chapter 25 (§ 6.2-2500 et seq.) of Title 6.2;

351 46. Violating the provisions of clause (i) of subsection B of § 54.1-1115;

352 47. Violating any provision of § 18.2-239;

353 48. Violating any provision of Chapter 26 (§ 59.1-336 et seq.);

354 49. Selling, offering for sale, or manufacturing for sale a children's product the supplier knows or has
355 reason to know was recalled by the U.S. Consumer Product Safety Commission. There is a rebuttable
356 presumption that a supplier has reason to know a children's product was recalled if notice of the recall has
357 been posted continuously at least 30 days before the sale, offer for sale, or manufacturing for sale on the
358 website of the U.S. Consumer Product Safety Commission. This prohibition does not apply to children's
359 products that are used, secondhand or "seconds";

360 50. Violating any provision of Chapter 44.1 (§ 59.1-518.1 et seq.);

361 51. Violating any provision of Chapter 22 (§ 6.2-2200 et seq.) of Title 6.2;

362 52. Violating any provision of § 8.2-317.1;

363 53. Violating subsection A of § 9.1-149.1;

364 54. Selling, offering for sale, or using in the construction, remodeling, or repair of any residential dwelling
365 in the Commonwealth, any drywall that the supplier knows or has reason to know is defective drywall. This

366 subdivision shall not apply to the sale or offering for sale of any building or structure in which defective
367 drywall has been permanently installed or affixed;

368 55. Engaging in fraudulent or improper or dishonest conduct as defined in § 54.1-1118 while engaged in a
369 transaction that was initiated (i) during a declared state of emergency as defined in § 44-146.16 or (ii) to
370 repair damage resulting from the event that prompted the declaration of a state of emergency, regardless of
371 whether the supplier is licensed as a contractor in the Commonwealth pursuant to Chapter 11 (§ 54.1-1100 et
372 seq.) of Title 54.1;

373 56. Violating any provision of Chapter 33.1 (§ 59.1-434.1 et seq.);

374 57. Violating any provision of § 18.2-178, 18.2-178.1, or 18.2-200.1;

375 58. Violating any provision of Chapter 17.8 (§ 59.1-207.45 et seq.). For the purposes of this subdivision,
376 "consumer transaction" also includes transactions involving an automatic renewal or continuous service offer
377 by a supplier to a small business, as those terms are defined in § 59.1-207.45;

378 59. Violating any provision of subsection E of § 32.1-126;

379 60. Violating any provision of § 54.1-111 relating to the unlicensed practice of a profession licensed under
380 Chapter 11 (§ 54.1-1100 et seq.) or Chapter 21 (§ 54.1-2100 et seq.) of Title 54.1;

381 61. Violating any provision of § 2.2-2001.5;

382 62. Violating any provision of Chapter 5.2 (§ 54.1-526 et seq.) of Title 54.1;

383 63. Violating any provision of § 6.2-312;

384 64. Violating any provision of Chapter 20.1 (§ 6.2-2026 et seq.) of Title 6.2;

385 65. Violating any provision of Chapter 26 (§ 6.2-2600 et seq.) of Title 6.2;

386 66. Violating any provision of Chapter 54 (§ 59.1-586 et seq.);

387 67. Knowingly violating any provision of § 8.01-27.5;

388 68. Failing to, in accordance with § 59.1-207.46, (i) make available a conspicuous online option to cancel
389 a recurring purchase of a good or service or (ii) with respect to a free trial lasting more than 30 days, notify a
390 consumer of his option to cancel such free trial within 30 days of the end of the trial period to avoid an
391 obligation to pay for the goods or services;

392 69. Selling or offering for sale any substance intended for human consumption, orally or by inhalation,
393 that contains a synthetic derivative of tetrahydrocannabinol. As used in this subdivision, "synthetic
394 derivative" means a chemical compound produced by man through a chemical transformation to turn a
395 compound into a different compound by adding or subtracting molecules to or from the original compound.
396 This subdivision shall not (i) apply to products that are approved for marketing by the U.S. Food and Drug
397 Administration and scheduled in the Drug Control Act (§ 54.1-3400 et seq.) or (ii) be construed to prohibit
398 any conduct permitted under Chapter 16 (§ 4.1-1600 et seq.) of Title 4.1;

399 70. Selling or offering for sale to a person younger than 21 years of age any substance intended for human
400 consumption, orally or by inhalation, that contains tetrahydrocannabinol. This subdivision shall not (i) apply
401 to products that are approved for marketing by the U.S. Food and Drug Administration and scheduled in the
402 Drug Control Act (§ 54.1-3400 et seq.) or (ii) be construed to prohibit any conduct permitted under Chapter
403 16 (§ 4.1-1600 et seq.) of Title 4.1;

404 71. Selling or offering for sale any substance intended for human consumption, orally or by inhalation,
405 that contains tetrahydrocannabinol, unless such substance is (i) contained in child-resistant packaging, as
406 defined in § 4.1-600; (ii) equipped with a label that states, in English and in a font no less than 1/16 of an
407 inch, (a) that the substance contains tetrahydrocannabinol and may not be sold to persons younger than 21
408 years of age, (b) all ingredients contained in the substance, (c) the amount of such substance that constitutes a
409 single serving, and (d) the total percentage and milligrams of tetrahydrocannabinol included in the substance
410 and the number of milligrams of tetrahydrocannabinol that are contained in each serving; and (iii)
411 accompanied by a certificate of analysis, produced by an independent laboratory that is accredited pursuant to
412 standard ISO/IEC 17025 of the International Organization of Standardization by a third-party accrediting
413 body, that states the tetrahydrocannabinol concentration of the substance or the tetrahydrocannabinol
414 concentration of the batch from which the substance originates. This subdivision shall not (i) apply to
415 products that are approved for marketing by the U.S. Food and Drug Administration and scheduled in the
416 Drug Control Act (§ 54.1-3400 et seq.) or (ii) be construed to prohibit any conduct permitted under Chapter
417 16 (§ 4.1-1600 et seq.) of Title 4.1;

418 72. Manufacturing, offering for sale at retail, or selling at retail an industrial hemp extract, as defined in §
419 3.2-5145.1, a food containing an industrial hemp extract, or a substance containing tetrahydrocannabinol that
420 depicts or is in the shape of a human, animal, vehicle, or fruit;

421 73. Selling or offering for sale any substance intended for human consumption, orally or by inhalation,
422 that contains tetrahydrocannabinol and, without authorized authorization, bears, is packaged in a container or wrapper
423 that bears, or is otherwise labeled to bear the trademark, trade name, famous mark as defined in 15 U.S.C. §
424 1125, or other identifying mark, imprint, or device, or any likeness thereof, of a manufacturer, processor,
425 packer, or distributor of a product intended for human consumption other than the manufacturer, processor,
426 packer, or distributor that did in fact so manufacture, process, pack, or distribute such substance;

427 74. Selling or offering for sale a topical hemp product, as defined in § 3.2-4112, that does not include a

428 label stating that the product is not intended for human consumption. This subdivision shall not (i) apply to
429 products that are approved for marketing by the U.S. Food and Drug Administration and scheduled in the
430 Drug Control Act (§ 54.1-3400 et seq.), (ii) be construed to prohibit any conduct permitted under Chapter 16
431 (§ 4.1-1600 et seq.) of Title 4.1, or (iii) apply to topical hemp products that were manufactured prior to July
432 1, 2023, provided that the person provides documentation of the date of manufacture if requested;

433 75. Violating any provision of § 59.1-466.8;

434 76. Violating subsection F of § 36-96.3:1;

435 77. Selling or offering for sale (i) any kratom product to a person younger than 21 years of age or (ii) any
436 kratom product that does not include a label listing all ingredients and with the following guidance: "This
437 product may be harmful to your health, has not been evaluated by the FDA, and is not intended to diagnose,
438 treat, cure, or prevent any disease." As used in this subdivision, "kratom" means any part of the leaf of the
439 plant *Mitragyna speciosa* or any extract thereof;

440 78. Advertising of any ignition interlock system in Virginia by an ignition interlock vendor not approved
441 by the Commission on the Virginia Alcohol Safety Action Program to operate in Virginia; targeted
442 advertising of any ignition interlock system to a person before determination of guilt; and any advertising,
443 whether before or after determination of guilt, without a conspicuous statement that such advertisement is not
444 affiliated with any government agency. For purposes of this subdivision, "ignition interlock system" has the
445 same meaning as ascribed to that term in § 18.2-270.1 and "targeted advertising" has the same meaning
446 ascribed to that term in § 59.1-575 and includes direct mailings to an individual. This provision shall not
447 apply to ignition interlock service vendor ads, pamphlets, or kiosk advertisements approved by the
448 Commission on the Virginia Alcohol Safety Action Program and provided at a Commission-approved
449 location;

450 79. Failing to disclose the total cost of a good or continuous service, as defined in § 59.1-207.45, to a
451 consumer, including any mandatory fees or charges, prior to entering into an agreement for the sale of any
452 such good or provision of any such continuous service;

453 80. Violating any provision of the Unfair Real Estate Service Agreement Act (§ 55.1-3200 et seq.); *and*

454 ~~81. Selling or offering for sale services as a professional mold remediator to be performed upon any~~
455 ~~residential dwelling without holding a mold remediation certification from the Institute of Inspection,~~
456 ~~Cleaning and Restoration Certification (IICRC); and~~

457 ~~82. Willfully violating any provision of § 59.1-444.4.~~

458 B. Nothing in this section shall be construed to invalidate or make unenforceable any contract or lease
459 solely by reason of the failure of such contract or lease to comply with any other law of the Commonwealth
460 or any federal statute or regulation, to the extent such other law, statute, or regulation provides that a violation
461 of such law, statute, or regulation shall not invalidate or make unenforceable such contract or lease.

462 **§ 59.1-200. (Effective July 1, 2025) Prohibited practices.**

463 A. The following fraudulent acts or practices committed by a supplier in connection with a consumer
464 transaction are hereby declared unlawful:

465 1. Misrepresenting goods or services as those of another;

466 2. Misrepresenting the source, sponsorship, approval, or certification of goods or services;

467 3. Misrepresenting the affiliation, connection, or association of the supplier, or of the goods or services,
468 with another;

469 4. Misrepresenting geographic origin in connection with goods or services;

470 5. Misrepresenting that goods or services have certain quantities, characteristics, ingredients, uses, or
471 benefits;

472 6. Misrepresenting that goods or services are of a particular standard, quality, grade, style, or model;

473 7. Advertising or offering for sale goods that are used, secondhand, repossessed, defective, blemished,
474 deteriorated, or reconditioned, or that are "seconds," irregulars, imperfects, or "not first class," without clearly
475 and unequivocally indicating in the advertisement or offer for sale that the goods are used, secondhand,
476 repossessed, defective, blemished, deteriorated, reconditioned, or are "seconds," irregulars, imperfects, or
477 "not first class";

478 8. Advertising goods or services with intent not to sell them as advertised, or with intent not to sell at the
479 price or upon the terms advertised.

480 In any action brought under this subdivision, the refusal by any person, or any employee, agent, or servant
481 thereof, to sell any goods or services advertised or offered for sale at the price or upon the terms advertised or
482 offered, shall be prima facie evidence of a violation of this subdivision. This paragraph shall not apply when
483 it is clearly and conspicuously stated in the advertisement or offer by which such goods or services are
484 advertised or offered for sale, that the supplier or offeror has a limited quantity or amount of such goods or
485 services for sale, and the supplier or offeror at the time of such advertisement or offer did in fact have or
486 reasonably expected to have at least such quantity or amount for sale;

487 9. Making false or misleading statements of fact concerning the reasons for, existence of, or amounts of
488 price reductions;

489 10. Misrepresenting that repairs, alterations, modifications, or services have been performed or parts

490 installed;

491 11. Misrepresenting by the use of any written or documentary material that appears to be an invoice or bill
492 for merchandise or services previously ordered;

493 12. Notwithstanding any other provision of law, using in any manner the words "wholesale,"
494 "wholesaler," "factory," or "manufacturer" in the supplier's name, or to describe the nature of the supplier's
495 business, unless the supplier is actually engaged primarily in selling at wholesale or in manufacturing the
496 goods or services advertised or offered for sale;

497 13. Using in any contract or lease any liquidated damage clause, penalty clause, or waiver of defense, or
498 attempting to collect any liquidated damages or penalties under any clause, waiver, damages, or penalties that
499 are void or unenforceable under any otherwise applicable laws of the Commonwealth, or under federal
500 statutes or regulations;

501 13a. Failing to provide to a consumer, or failing to use or include in any written document or material
502 provided to or executed by a consumer, in connection with a consumer transaction any statement, disclosure,
503 notice, or other information however characterized when the supplier is required by 16 C.F.R. Part 433 to so
504 provide, use, or include the statement, disclosure, notice, or other information in connection with the
505 consumer transaction;

506 14. Using any other deception, fraud, false pretense, false promise, or misrepresentation in connection
507 with a consumer transaction;

508 15. Violating any provision of § 3.2-6509, 3.2-6512, 3.2-6513, 3.2-6513.1, 3.2-6514, 3.2-6515, 3.2-6516,
509 or 3.2-6519 is a violation of this chapter;

510 16. Failing to disclose all conditions, charges, or fees relating to:

511 a. The return of goods for refund, exchange, or credit. Such disclosure shall be by means of a sign
512 attached to the goods, or placed in a conspicuous public area of the premises of the supplier, so as to be
513 readily noticeable and readable by the person obtaining the goods from the supplier. If the supplier does not
514 permit a refund, exchange, or credit for return, he shall so state on a similar sign. The provisions of this
515 subdivision shall not apply to any retail merchant who has a policy of providing, for a period of not less than
516 20 days after date of purchase, a cash refund or credit to the purchaser's credit card account for the return of
517 defective, unused, or undamaged merchandise upon presentation of proof of purchase. In the case of
518 merchandise paid for by check, the purchase shall be treated as a cash purchase and any refund may be
519 delayed for a period of 10 banking days to allow for the check to clear. This subdivision does not apply to
520 sale merchandise that is obviously distressed, out of date, post season, or otherwise reduced for clearance; nor
521 does this subdivision apply to special order purchases where the purchaser has requested the supplier to order
522 merchandise of a specific or unusual size, color, or brand not ordinarily carried in the store or the store's
523 catalog; nor shall this subdivision apply in connection with a transaction for the sale or lease of motor
524 vehicles, farm tractors, or motorcycles as defined in § 46.2-100;

525 b. A layaway agreement. Such disclosure shall be furnished to the consumer (i) in writing at the time of
526 the layaway agreement, or (ii) by means of a sign placed in a conspicuous public area of the premises of the
527 supplier, so as to be readily noticeable and readable by the consumer, or (iii) on the bill of sale. Disclosure
528 shall include the conditions, charges, or fees in the event that a consumer breaches the agreement;

529 16a. Failing to provide written notice to a consumer of an existing open-end credit balance in excess of \$5
530 (i) on an account maintained by the supplier and (ii) resulting from such consumer's overpayment on such
531 account. Suppliers shall give consumers written notice of such credit balances within 60 days of receiving
532 overpayments. If the credit balance information is incorporated into statements of account furnished
533 consumers by suppliers within such 60-day period, no separate or additional notice is required;

534 17. If a supplier enters into a written agreement with a consumer to resolve a dispute that arises in
535 connection with a consumer transaction, failing to adhere to the terms and conditions of such an agreement;

536 18. Violating any provision of the Virginia Health Club Act, Chapter 24 (§ 59.1-294 et seq.);

537 19. Violating any provision of the Virginia Home Solicitation Sales Act, Chapter 2.1 (§ 59.1-21.1 et seq.);

538 20. Violating any provision of the Automobile Repair Facilities Act, Chapter 17.1 (§ 59.1-207.1 et seq.);

539 21. Violating any provision of the Virginia Lease-Purchase Agreement Act, Chapter 17.4 (§ 59.1-207.17
540 et seq.);

541 22. Violating any provision of the Prizes and Gifts Act, Chapter 31 (§ 59.1-415 et seq.);

542 23. Violating any provision of the Virginia Public Telephone Information Act, Chapter 32 (§ 59.1-424 et
543 seq.);

544 24. Violating any provision of § 54.1-1505;

545 25. Violating any provision of the Motor Vehicle Manufacturers' Warranty Adjustment Act, Chapter 17.6
546 (§ 59.1-207.34 et seq.);

547 26. Violating any provision of § 3.2-5627, relating to the pricing of merchandise;

548 27. Violating any provision of the Pay-Per-Call Services Act, Chapter 33 (§ 59.1-429 et seq.);

549 28. Violating any provision of the Extended Service Contract Act, Chapter 34 (§ 59.1-435 et seq.);

550 29. Violating any provision of the Virginia Membership Camping Act, Chapter 25 (§ 59.1-311 et seq.);

551 30. Violating any provision of the Comparison Price Advertising Act, Chapter 17.7 (§ 59.1-207.40 et

- 552 seq.);
- 553 31. Violating any provision of the Virginia Travel Club Act, Chapter 36 (§ 59.1-445 et seq.);
- 554 32. Violating any provision of §§ 46.2-1231 and 46.2-1233.1;
- 555 33. Violating any provision of Chapter 40 (§ 54.1-4000 et seq.) of Title 54.1;
- 556 34. Violating any provision of Chapter 10.1 (§ 58.1-1031 et seq.) of Title 58.1;
- 557 35. Using the consumer's social security number as the consumer's account number with the supplier, if
- 558 the consumer has requested in writing that the supplier use an alternate number not associated with the
- 559 consumer's social security number;
- 560 36. Violating any provision of Chapter 18 (§ 6.2-1800 et seq.) of Title 6.2;
- 561 37. Violating any provision of § 8.01-40.2;
- 562 38. Violating any provision of Article 7 (§ 32.1-212 et seq.) of Chapter 6 of Title 32.1;
- 563 39. Violating any provision of Chapter 34.1 (§ 59.1-441.1 et seq.);
- 564 40. Violating any provision of Chapter 20 (§ 6.2-2000 et seq.) of Title 6.2;
- 565 41. Violating any provision of the Virginia Post-Disaster Anti-Price Gouging Act, Chapter 46 (§ 59.1-525
- 566 et seq.). For the purposes of this subdivision, "consumer transaction" has the same meaning as provided in §
- 567 59.1-526;
- 568 42. Violating any provision of Chapter 47 (§ 59.1-530 et seq.);
- 569 43. Violating any provision of § 59.1-443.2;
- 570 44. Violating any provision of Chapter 48 (§ 59.1-533 et seq.);
- 571 45. Violating any provision of Chapter 25 (§ 6.2-2500 et seq.) of Title 6.2;
- 572 46. Violating the provisions of clause (i) of subsection B of § 54.1-1115;
- 573 47. Violating any provision of § 18.2-239;
- 574 48. Violating any provision of Chapter 26 (§ 59.1-336 et seq.);
- 575 49. Selling, offering for sale, or manufacturing for sale a children's product the supplier knows or has
- 576 reason to know was recalled by the U.S. Consumer Product Safety Commission. There is a rebuttable
- 577 presumption that a supplier has reason to know a children's product was recalled if notice of the recall has
- 578 been posted continuously at least 30 days before the sale, offer for sale, or manufacturing for sale on the
- 579 website of the U.S. Consumer Product Safety Commission. This prohibition does not apply to children's
- 580 products that are used, secondhand or "seconds";
- 581 50. Violating any provision of Chapter 44.1 (§ 59.1-518.1 et seq.);
- 582 51. Violating any provision of Chapter 22 (§ 6.2-2200 et seq.) of Title 6.2;
- 583 52. Violating any provision of § 8.2-317.1;
- 584 53. Violating subsection A of § 9.1-149.1;
- 585 54. Selling, offering for sale, or using in the construction, remodeling, or repair of any residential dwelling
- 586 in the Commonwealth, any drywall that the supplier knows or has reason to know is defective drywall. This
- 587 subdivision shall not apply to the sale or offering for sale of any building or structure in which defective
- 588 drywall has been permanently installed or affixed;
- 589 55. Engaging in fraudulent or improper or dishonest conduct as defined in § 54.1-1118 while engaged in a
- 590 transaction that was initiated (i) during a declared state of emergency as defined in § 44-146.16 or (ii) to
- 591 repair damage resulting from the event that prompted the declaration of a state of emergency, regardless of
- 592 whether the supplier is licensed as a contractor in the Commonwealth pursuant to Chapter 11 (§ 54.1-1100 et
- 593 seq.) of Title 54.1;
- 594 56. Violating any provision of Chapter 33.1 (§ 59.1-434.1 et seq.);
- 595 57. Violating any provision of § 18.2-178, 18.2-178.1, or 18.2-200.1;
- 596 58. Violating any provision of Chapter 17.8 (§ 59.1-207.45 et seq.). For the purposes of this subdivision,
- 597 "consumer transaction" also includes transactions involving an automatic renewal or continuous service offer
- 598 by a supplier to a small business, as those terms are defined in § 59.1-207.45;
- 599 59. Violating any provision of subsection E of § 32.1-126;
- 600 60. Violating any provision of § 54.1-111 relating to the unlicensed practice of a profession licensed under
- 601 Chapter 11 (§ 54.1-1100 et seq.) or Chapter 21 (§ 54.1-2100 et seq.) of Title 54.1;
- 602 61. Violating any provision of § 2.2-2001.5;
- 603 62. Violating any provision of Chapter 5.2 (§ 54.1-526 et seq.) of Title 54.1;
- 604 63. Violating any provision of § 6.2-312;
- 605 64. Violating any provision of Chapter 20.1 (§ 6.2-2026 et seq.) of Title 6.2;
- 606 65. Violating any provision of Chapter 26 (§ 6.2-2600 et seq.) of Title 6.2;
- 607 66. Violating any provision of Chapter 54 (§ 59.1-586 et seq.);
- 608 67. Knowingly violating any provision of § 8.01-27.5;
- 609 68. Failing to, in accordance with § 59.1-207.46, (i) make available a conspicuous online option to cancel
- 610 a recurring purchase of a good or service or (ii) with respect to a free trial lasting more than 30 days, notify a
- 611 consumer of his option to cancel such free trial within 30 days of the end of the trial period to avoid an
- 612 obligation to pay for the goods or services;
- 613 69. Selling or offering for sale any substance intended for human consumption, orally or by inhalation,

614 that contains a synthetic derivative of tetrahydrocannabinol. As used in this subdivision, "synthetic
 615 derivative" means a chemical compound produced by man through a chemical transformation to turn a
 616 compound into a different compound by adding or subtracting molecules to or from the original compound.
 617 This subdivision shall not (i) apply to products that are approved for marketing by the U.S. Food and Drug
 618 Administration and scheduled in the Drug Control Act (§ 54.1-3400 et seq.) or (ii) be construed to prohibit
 619 any conduct permitted under Chapter 16 (§ 4.1-1600 et seq.) of Title 4.1;

620 70. Selling or offering for sale to a person younger than 21 years of age any substance intended for human
 621 consumption, orally or by inhalation, that contains tetrahydrocannabinol. This subdivision shall not (i) apply
 622 to products that are approved for marketing by the U.S. Food and Drug Administration and scheduled in the
 623 Drug Control Act (§ 54.1-3400 et seq.) or (ii) be construed to prohibit any conduct permitted under Chapter
 624 16 (§ 4.1-1600 et seq.) of Title 4.1;

625 71. Selling or offering for sale any substance intended for human consumption, orally or by inhalation,
 626 that contains tetrahydrocannabinol, unless such substance is (i) contained in child-resistant packaging, as
 627 defined in § 4.1-600; (ii) equipped with a label that states, in English and in a font no less than 1/16 of an
 628 inch, (a) that the substance contains tetrahydrocannabinol and may not be sold to persons younger than 21
 629 years of age, (b) all ingredients contained in the substance, (c) the amount of such substance that constitutes a
 630 single serving, and (d) the total percentage and milligrams of tetrahydrocannabinol included in the substance
 631 and the number of milligrams of tetrahydrocannabinol that are contained in each serving; and (iii)
 632 accompanied by a certificate of analysis, produced by an independent laboratory that is accredited pursuant to
 633 standard ISO/IEC 17025 of the International Organization of Standardization by a third-party accrediting
 634 body, that states the tetrahydrocannabinol concentration of the substance or the tetrahydrocannabinol
 635 concentration of the batch from which the substance originates. This subdivision shall not (i) apply to
 636 products that are approved for marketing by the U.S. Food and Drug Administration and scheduled in the
 637 Drug Control Act (§ 54.1-3400 et seq.) or (ii) be construed to prohibit any conduct permitted under Chapter
 638 16 (§ 4.1-1600 et seq.) of Title 4.1;

639 72. Manufacturing, offering for sale at retail, or selling at retail an industrial hemp extract, as defined in §
 640 3.2-5145.1, a food containing an industrial hemp extract, or a substance containing tetrahydrocannabinol that
 641 depicts or is in the shape of a human, animal, vehicle, or fruit;

642 73. Selling or offering for sale any substance intended for human consumption, orally or by inhalation,
 643 that contains tetrahydrocannabinol and, without authorization, bears, is packaged in a container or wrapper
 644 that bears, or is otherwise labeled to bear the trademark, trade name, famous mark as defined in 15 U.S.C. §
 645 1125, or other identifying mark, imprint, or device, or any likeness thereof, of a manufacturer, processor,
 646 packer, or distributor of a product intended for human consumption other than the manufacturer, processor,
 647 packer, or distributor that did in fact so manufacture, process, pack, or distribute such substance;

648 74. Selling or offering for sale a topical hemp product, as defined in § 3.2-4112, that does not include a
 649 label stating that the product is not intended for human consumption. This subdivision shall not (i) apply to
 650 products that are approved for marketing by the U.S. Food and Drug Administration and scheduled in the
 651 Drug Control Act (§ 54.1-3400 et seq.), (ii) be construed to prohibit any conduct permitted under Chapter 16
 652 (§ 4.1-1600 et seq.) of Title 4.1, or (iii) apply to topical hemp products that were manufactured prior to July
 653 1, 2023, provided that the person provides documentation of the date of manufacture if requested;

654 75. Violating any provision of § 59.1-466.8;

655 76. Violating subsection F of § 36-96.3:1;

656 77. Selling or offering for sale (i) any kratom product to a person younger than 21 years of age or (ii) any
 657 kratom product that does not include a label listing all ingredients and with the following guidance: "This
 658 product may be harmful to your health, has not been evaluated by the FDA, and is not intended to diagnose,
 659 treat, cure, or prevent any disease." As used in this subdivision, "kratom" means any part of the leaf of the
 660 plant *Mitragyna speciosa* or any extract thereof;

661 78. Advertising of any ignition interlock system in Virginia by an ignition interlock vendor not approved
 662 by the Commission on the Virginia Alcohol Safety Action Program to operate in Virginia; targeted
 663 advertising of any ignition interlock system to a person before determination of guilt; and any advertising,
 664 whether before or after determination of guilt, without a conspicuous statement that such advertisement is not
 665 affiliated with any government agency. For purposes of this subdivision, "ignition interlock system" has the
 666 same meaning as ascribed to that term in § 18.2-270.1 and "targeted advertising" has the same meaning
 667 ascribed to that term in § 59.1-575 and includes direct mailings to an individual. This provision shall not
 668 apply to ignition interlock service vendor ads, pamphlets, or kiosk advertisements approved by the
 669 Commission on the Virginia Alcohol Safety Action Program and provided at a Commission-approved
 670 location;

671 79. Failing to disclose the total cost of a good or continuous service, as defined in § 59.1-207.45, to a
 672 consumer, including any mandatory fees or charges, prior to entering into an agreement for the sale of any
 673 such good or provision of any such continuous service;

674 80. Violating any provision of the Unfair Real Estate Service Agreement Act (§ 55.1-3200 et seq.);

675 81. Selling or offering for sale services as a professional mold remediator to be performed upon any

676 residential dwelling without holding a mold remediation certification from the Institute of Inspection,
677 Cleaning and Restoration Certification (HCRC);

678 82. Willfully violating any provision of § 59.1-444.4; and

679 83. 82. Violating any provision of Chapter 23.2 (§ 59.1-293.10 et seq.).

680 B. Nothing in this section shall be construed to invalidate or make unenforceable any contract or lease
681 solely by reason of the failure of such contract or lease to comply with any other law of the Commonwealth
682 or any federal statute or regulation, to the extent such other law, statute, or regulation provides that a violation
683 of such law, statute, or regulation shall not invalidate or make unenforceable such contract or lease.

684 **2. That an emergency exists and the provisions of § 59.1-200 of the Code of Virginia, as amended by**
685 **this act, are in force from its passage.**

686 **3. That the Virginia Board for Asbestos, Lead, Mold, and Home Inspectors shall promulgate**
687 **regulations to implement the provisions of the first enactment of this act to be effective within 280 days**
688 **of its enactment.**

689 **4. That notwithstanding the provisions of this act amending § 54.1-500.1, as amended by this act,**
690 **requiring the additional member of the Virginia Board for Asbestos, Lead, Mold, and Home Inspectors**
691 **to be a licensed mold inspector or a licensed mold remediator and to have practiced as such for at least**
692 **three consecutive years prior to appointment, shall not apply to the initial appointment of such**
693 **additional member. However, the individual initially appointed by the Governor shall hold a mold**
694 **remediation certification from a national, third-party accredited certifying body.**