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HOUSE BILL NO. 2374

Offered January 13, 2025

Prefiled January 8, 2025

A BILL to amend and reenact §§ 3.2-5145.2:1, 22.1-212.2:4, 23.1-408.1, 59.1-200, as it is currently effective and as it shall become effective, 59.1-203, and 59.1-206 of the Code of Virginia; to amend the Code of Virginia by adding a section numbered 59.1-200.2; and to repeal Chapter 5.2 (§§ 54.1-526 through 54.1-542) of Title 54.1 of the Code of Virginia, relating to Department of Professional and Occupational Regulation; deregulation of athlete agents.

Patron—Cherry

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.2-5145.2:1, 22.1-212.2:4, 23.1-408.1, 59.1-200, as it is currently effective and as it shall become effective, 59.1-203, and 59.1-206 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 59.1-200.2 as follows:

§ 3.2-5145.2:1. Sellers or manufacturers of industrial hemp extract; penalties.

A. Any person who manufactures, sells, or offers for sale an industrial hemp extract or food containing an industrial hemp extract shall be subject to the requirements of this chapter and regulations adopted pursuant to this chapter.

B. Any person who (i) manufactures, sells, or offers for sale an industrial hemp extract or food containing an industrial hemp extract without first obtaining a permit to do so from the Commissioner pursuant to § 3.2-5100, unless exempt from a permit pursuant to subdivision C 6 of § 3.2-5130; (ii) continues to manufacture, sell, or offer for sale an industrial hemp extract or food containing an industrial hemp extract after revocation or suspension of such permit; (iii) fails to disclose on a form prescribed by the Commissioner that he intends to manufacture, sell, or offer for sale a substance intended to be consumed orally that contains an industrial hemp-derived cannabinoid; (iv) sells or offers for sale at retail a food that (a) contains a total tetrahydrocannabinol concentration that is greater than 0.3 percent or (b) contains more than two milligrams of total tetrahydrocannabinol per package and does not contain an amount of cannabidiol that is at least 25 times greater than the amount of total tetrahydrocannabinol per package; (v) manufactures, offers for sale, or sells in violation of this chapter or a regulation adopted pursuant to this chapter a substance intended to be consumed orally that is advertised or labeled as containing an industrial hemp-derived cannabinoid; or (vi) otherwise violates any provision of this chapter or a regulation adopted pursuant to this chapter, in addition to any other penalties provided, is subject to a civil penalty not to exceed \$10,000 for each day a violation occurs. Such penalty shall be collected by the Commissioner and the proceeds shall be payable to the State Treasurer for remittance to the Department.

C. Any person who (i) manufactures, sells, or offers for sale an industrial hemp extract or food containing an industrial hemp extract without first obtaining a permit to do so from the Commissioner pursuant to § 3.2-5100, unless exempt from a permit pursuant to subdivision C 6 of § 3.2-5130; (ii) continues to manufacture, sell, or offer for sale an industrial hemp extract or food containing an industrial hemp extract after revocation or suspension of such permit; (iii) fails to disclose on a form prescribed by the Commissioner that he intends to manufacture, sell, or offer for sale a substance intended to be consumed orally that contains an industrial hemp-derived cannabinoid; (iv) manufactures, offers for sale, or sells in violation of this chapter or a regulation adopted pursuant to this chapter a substance intended to be consumed orally that is advertised or labeled as containing an industrial hemp-derived cannabinoid; or (v) otherwise violates any provision of this chapter or a regulation adopted pursuant to this chapter, in addition to any other penalties provided, is guilty of a Class 1 misdemeanor. Each day in which a violation occurs shall constitute a separate offense.

D. The Commissioner may, in accordance with the Administrative Process Act (§ 2.2-4000 et seq.), deny, suspend, or revoke a permit issued pursuant to § 3.2-5100 if the permitted entity is found to have violated subdivision A 68, 69, 70, 71, 72, or 73; ~~or 74~~ of § 59.1-200 by a court of competent jurisdiction.

E. This section shall not apply to products that are (i) approved for marketing by the U.S. Food and Drug Administration and scheduled in the Drug Control Act (§ 54.1-3400 et seq.) or (ii) dispensed pursuant to Article 4.2 (§ 54.1-3442.5 et seq.) of Chapter 34 of Title 54.1.

§ 22.1-212.2:4. Interscholastic athletics; student-athletes; compensation and representation for name, image, or likeness.

A. As used in this section:

"Athlete agent" means an individual who holds a valid certificate of registration as an athlete agent issued pursuant to Chapter 5.2 (§ 54.1-526 et seq.) of Title 54.1 (i) directly or indirectly recruits or solicits a

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student-athlete to enter into an agency contract or, for compensation, procures or offers, promises, attempts, or negotiates to obtain employment for a student-athlete as a professional athlete or member of a professional sports team or organization; (ii) for compensation or in anticipation of compensation related to a student-athlete's participation in athletics (a) serves the student-athlete in an advisory capacity on a matter related to finances, business pursuits, or career management decisions, unless the individual is an employee of an educational institution acting exclusively as an employee of the institution for the benefit of the institution or (b) manages the business affairs of the student-athlete by providing assistance with bills, payments, contracts, or taxes; (iii) in anticipation of representing a student-athlete for a purpose related to the student-athlete's participation in athletics (a) gives consideration to the student-athlete or another person; (b) serves the student-athlete in an advisory capacity on a matter related to finances, business pursuits, or career management decisions; or (c) manages the business affairs of the student-athlete by providing assistance with bills, payments, contracts, or taxes; or (iv) represents a student-athlete in connection with issues related to name, image, or likeness, including negotiating, securing, obtaining, arranging, and managing name, image, or likeness opportunities. "Athlete agent" does not include an individual who (a) acts solely on behalf of a professional sports team or organization or (b) is a licensed, registered, or certified professional who offers or provides services to a student-athlete customarily provided by members of the profession, unless the individual (1) also recruits or solicits the student-athlete to enter into an agency contract; (2) also, for compensation, procures or offers, promises, attempts, or negotiates to obtain employment for the student-athlete as a professional athlete or member of a professional sports team or organization; or (3) receives consideration for providing the services calculated using a different method than for an individual who is not a student-athlete.

"Attorney" means an attorney licensed to practice law in the Commonwealth.

"Compensation" means any type of remuneration or anything of value. "Compensation" does not include any (i) scholarship provided to a student-athlete that covers some or all of the cost of attendance at a high school at which the student-athlete is enrolled or (ii) benefit a student-athlete may receive in accordance with the rules of the relevant athletic association or conference.

"High school" means any public or private high school in the Commonwealth.

"Student-athlete" means an individual enrolled at a high school who participates in interscholastic athletics.

B. No high school or agent thereof, athletic association, athletic conference, or other organization with authority over interscholastic athletics shall:

1. Prohibit or prevent a student-athlete from earning compensation for the use of his name, image, or likeness, except as otherwise permitted in this section;

2. Prohibit or prevent a student-athlete from obtaining professional representation by an athlete agent or legal representation by an attorney in connection with issues related to name, image, or likeness; or

3. Declare a student-athlete ineligible for interscholastic athletic competition because he earns compensation for the use of his name, image, or likeness or obtains professional representation by an athlete agent or legal representation by an attorney in connection with issues related to name, image, or likeness.

C. No athletic association, athletic conference, or other organization with authority over interscholastic athletics shall prohibit or prevent a high school from becoming a member of the association, conference, or organization or participating in interscholastic athletics sponsored by such association, conference, or organization as a consequence of any student-athlete earning compensation for the use of his name, image, or likeness or obtaining representation by an athlete agent or attorney in connection with issues related to name, image, or likeness.

D. No student-athlete shall earn compensation for the use of his name, image, or likeness in connection with any of the following:

1. Alcohol and alcoholic beverages;

2. Adult entertainment;

3. Cannabis, cannabinoids, cannabidiol, or other derivatives, not including hemp or hemp products;

4. Controlled substances, as defined in § 54.1-3401;

5. Performance enhancing drugs or substances such as steroids or human growth hormone;

6. Drug paraphernalia, as defined in § 18.2-265.1;

7. Tobacco, tobacco products, alternative nicotine products, nicotine vapor products, and similar products and devices;

8. Weapons, including firearms and ammunition for firearms; and

9. Casinos or gambling, including sports betting.

E. Any high school may prohibit a student-athlete from earning compensation for the use of his name, image, or likeness while the student-athlete is engaged in academic, official team, or athletic program activities, including class, tutoring, competition, practice, travel, academic services, community service, promotional activities, and other athletic program activities.

F. No student-athlete shall use a high school's facilities; apparel; equipment; uniforms; or intellectual

property, including logos, indicia, registered and unregistered trademarks, and products protected by copyright, for any opportunity to earn compensation for the use of his name, image, or likeness, unless otherwise permitted by such high school.

G. Prior to executing an agreement concerning the use of his name, image, or likeness, a student-athlete shall disclose such agreement to the high school at which he is enrolled in a manner designated by the high school. If a student-athlete discloses a potential agreement that conflicts with an existing high school agreement, the high school shall disclose the relevant terms of the conflicting agreement to the student-athlete.

H. A high school may prohibit a student-athlete from using his name, image, or likeness to earn compensation if the proposed use conflicts with an existing high school agreement relating to interscholastic athletics.

I. No high school shall, except as otherwise permitted in this section, enter into, renew, or modify any agreement that prohibits a student-athlete from using his name, image, or likeness to earn compensation while the student-athlete is engaged in non-academic, unofficial team, or non-athletic program activities.

J. Nothing in this section shall be construed to impact the employment status of a student-athlete or qualify a student-athlete as an employee of a high school solely because the student-athlete engages in name, image, or likeness opportunities.

K. Any student-athlete who is aggrieved by any action of a high school or agent thereof, athletic association, athletic conference, or other organization with authority over interscholastic athletics in violation of any provision of this section may bring an action for injunctive relief.

L. The Department shall publish in a publicly accessible format on its website information about laws that are applicable to any contract entered into by a student-athlete relating to compensation for the use of his name, image, or likeness.

§ 23.1-408.1. Intercollegiate athletics; student-athletes; compensation and representation for name, image, or likeness.

A. As used in this section:

"Athlete agent" means ~~an individual who holds a valid certificate of registration as an athlete agent issued pursuant to Chapter 5.2 (§ 54.1-526 et seq.) of Title 54.1~~ *the same as that term is defined in § 22.1-212.2:4.*

"Attorney" means an attorney licensed to practice law in the Commonwealth.

"Compensation" means any type of remuneration or anything of value. "Compensation" does not include any (i) scholarship provided to a student-athlete that covers some or all of the cost of attendance at an institution at which the student-athlete is enrolled or (ii) benefit a student-athlete may receive in accordance with the rules of the relevant athletic association or conference.

"Institution" means a private institution of higher education, associate-degree-granting public institution of higher education, or baccalaureate public institution of higher education.

"Student-athlete" means an individual enrolled at an institution who participates in intercollegiate athletics.

"Student fees" means any fees assessed by an institution against a student that are used to support any of the institution's intercollegiate athletics programs.

B. No institution or agent thereof, athletic association, athletic conference, or other organization with authority over intercollegiate athletics shall:

1. Prohibit or prevent a student-athlete from earning compensation for the use of his name, image, or likeness, except as otherwise permitted in this section;

2. Prohibit or prevent a student-athlete from obtaining professional representation by an athlete agent or legal representation by an attorney in connection with issues related to name, image, or likeness;

3. Declare a student-athlete ineligible for intercollegiate athletic competition because he earns compensation for the use of his name, image, or likeness or obtains professional representation by an athlete agent or attorney in connection with issues related to name, image, or likeness; or

4. Reduce, cancel, revoke, or not renew an athletic scholarship because a student-athlete earns compensation for the use of his name, image, or likeness or obtains professional representation by an athlete agent or attorney in connection with issues related to name, image, or likeness.

C. No athletic association, athletic conference, or other organization with authority over intercollegiate athletics shall:

1. Prohibit or prevent an institution from becoming a member of the association, conference, or organization or participating in intercollegiate athletics sponsored by such association, conference, or organization as a consequence of any student-athlete earning compensation for the use of his name, image, or likeness or obtaining representation by an athlete agent or attorney in connection with issues related to name, image, or likeness;

2. Entertain a complaint, open an investigation, or take any other adverse action against an institution, its supporting foundations, or an entity acting on its behalf, for activity permitted under this section;

3. Penalize an institution or a student-athlete or prevent an institution or a student-athlete from

181 participating in intercollegiate athletics because an individual or entity whose purpose includes supporting or
182 benefiting the institution or student-athletes violates its rules or regulations concerning name, image, or
183 likeness;

184 4. Prevent an institution from compensating a student-athlete for the use of his name, image, or likeness;
185 or

186 5. Prevent an institution, its supporting foundations, or an entity acting on its behalf from identifying,
187 creating, negotiating, facilitating, supporting, engaging with, assisting with, or otherwise enabling a name,
188 image, or likeness opportunity for a student-athlete.

189 D. Each institution shall develop and submit to the institution's governing board or similar governing body
190 for approval institutional policies or procedures that govern the compensation of a student-athlete for the use
191 of his name, image, or likeness. Such institutional policies or procedures shall not inhibit a student-athlete
192 from participating in activities that are not related to intercollegiate athletics, as long as participation in such
193 activities has no impact on the student-athlete's eligibility for intercollegiate athletics. Each institution may
194 enforce such approved policies or procedures and the provisions of this section. No student fees shall be used
195 to compensate student-athletes for the use of their name, image, or likeness.

196 E. An institution may provide assets, resources, or benefits as an incentive to individuals, companies, or
197 other entities to provide money, benefits, opportunities, or services to an outside entity that supports name,
198 image, or likeness opportunities for the institution's student-athletes.

199 F. No student-athlete shall earn compensation for the use of his name, image, or likeness in connection
200 with any of the following:

201 1. Alcohol and alcoholic beverages;

202 2. Adult entertainment;

203 3. Cannabis, cannabinoids, cannabidiol, or other derivatives, not including hemp or hemp products;

204 4. Controlled substances, as defined in § 54.1-3401;

205 5. Performance enhancing drugs or substances such as steroids or human growth hormone;

206 6. Drug paraphernalia, as defined in § 18.2-265.1;

207 7. Tobacco, tobacco products, alternative nicotine products, nicotine vapor products, and similar products
208 and devices;

209 8. Weapons, including firearms and ammunition for firearms; and

210 9. Casinos or gambling, including sports betting.

211 G. An institution may prohibit a student-athlete from earning compensation for the use of his name,
212 image, or likeness while the student-athlete is engaged in academic, official team, or athletic department
213 activities, including class, tutoring, competition, practice, travel, academic services, community service,
214 promotional activities, and other athletic department activities.

215 H. No student-athlete shall use an institution's facilities; apparel; equipment; uniforms; or intellectual
216 property, including logos, indicia, registered and unregistered trademarks, and products protected by
217 copyright, for any opportunity to earn compensation for the use of his name, image, or likeness, unless
218 otherwise permitted by the institution.

219 I. Prior to executing an agreement concerning the use of his name, image, or likeness, a student-athlete
220 shall disclose such agreement to the institution at which he is enrolled in a manner designated by the
221 institution. If a student-athlete discloses a potential agreement that conflicts with an existing institutional
222 agreement, the institution shall disclose the relevant terms of the conflicting agreement to the student-athlete.

223 J. An institution may prohibit a student-athlete from using his name, image, or likeness to earn
224 compensation if the proposed use conflicts with an existing institutional agreement or its institutional policies
225 or procedures developed and approved pursuant to subsection D.

226 K. No institution shall, except as otherwise permitted in this section, enter into, renew, or modify any
227 agreement that prohibits a student-athlete from using his name, image, or likeness to earn compensation while
228 the student-athlete is engaged in non-academic, unofficial team, or non-athletic department activities.

229 L. Nothing in this section shall be construed to impact the employment status of a student-athlete or
230 qualify a student-athlete as an employee of an institution solely because the student-athlete engages in name,
231 image, or likeness opportunities.

232 M. Any student-athlete who is aggrieved by any action of an institution or agent thereof, athletic
233 association, athletic conference, or other organization with authority over intercollegiate athletics in violation
234 of any provision of this section may bring an action for injunctive relief.

235 N. No employee of an institution, its supporting foundations, or any entity acting on its behalf shall be
236 liable for any damages to a student-athlete's ability to earn compensation for the use of his name, image, or
237 likeness resulting from decisions and actions routinely taken in the course of intercollegiate athletics.

238 O. An institution, its supporting foundations, or an entity acting on its behalf that is subjected to any
239 actual or threatened complaint, investigation, penalty, or other adverse action of an athletic association,
240 athletic conference, or other organization with authority over intercollegiate athletics for engaging in
241 activities permitted under this section may bring an action to recover actual damages and reasonable attorney

fees and may seek injunctive relief and any other remedy available at law or in equity.

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

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

1. Misrepresenting goods or services as those of another;
2. Misrepresenting the source, sponsorship, approval, or certification of goods or services;
3. Misrepresenting the affiliation, connection, or association of the supplier, or of the goods or services, with another;
4. Misrepresenting geographic origin in connection with goods or services;
5. Misrepresenting that goods or services have certain quantities, characteristics, ingredients, uses, or benefits;
6. Misrepresenting that goods or services are of a particular standard, quality, grade, style, or model;
7. Advertising or offering for sale goods that are used, secondhand, repossessed, defective, blemished, deteriorated, or reconditioned, or that are "seconds," irregulars, imperfects, or "not first class," without clearly and unequivocally indicating in the advertisement or offer for sale that the goods are used, secondhand, repossessed, defective, blemished, deteriorated, reconditioned, or are "seconds," irregulars, imperfects, or "not first class";
8. Advertising goods or services with intent not to sell them as advertised, or with intent not to sell at the price or upon the terms advertised.

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

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

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

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

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

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

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

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

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, or 3.2-6519 is a violation of this chapter;

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

- a. The return of goods for refund, exchange, or credit. Such disclosure shall be by means of a sign attached to the goods, or placed in a conspicuous public area of the premises of the supplier, so as to be readily noticeable and readable by the person obtaining the goods from the supplier. If the supplier does not permit a refund, exchange, or credit for return, he shall so state on a similar sign. The provisions of this subdivision shall not apply to any retail merchant who has a policy of providing, for a period of not less than 20 days after date of purchase, a cash refund or credit to the purchaser's credit card account for the return of defective, unused, or undamaged merchandise upon presentation of proof of purchase. In the case of merchandise paid for by check, the purchase shall be treated as a cash purchase and any refund may be delayed for a period of 10 banking days to allow for the check to clear. This subdivision does not apply to sale merchandise that is obviously distressed, out of date, post season, or otherwise reduced for clearance; nor does this subdivision apply to special order purchases where the purchaser has requested the supplier to order

merchandise of a specific or unusual size, color, or brand not ordinarily carried in the store or the store's catalog; nor shall this subdivision apply in connection with a transaction for the sale or lease of motor vehicles, farm tractors, or motorcycles as defined in § 46.2-100;

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

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

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

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

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

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

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

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

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

24. Violating any provision of § 54.1-1505;

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

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

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

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

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

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

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

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

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

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

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

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

37. Violating any provision of § 8.01-40.2;

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

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

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

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

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

43. Violating any provision of § 59.1-443.2;

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

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

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

47. Violating any provision of § 18.2-239;

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

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

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

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

52. Violating any provision of § 8.2-317.1;

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

366 54. Selling, offering for sale, or using in the construction, remodeling, or repair of any residential dwelling

367 in the Commonwealth, any drywall that the supplier knows or has reason to know is defective drywall. This

368 subdivision shall not apply to the sale or offering for sale of any building or structure in which defective

369 drywall has been permanently installed or affixed;

370 55. Engaging in fraudulent or improper or dishonest conduct as defined in § 54.1-1118 while engaged in a

371 transaction that was initiated (i) during a declared state of emergency as defined in § 44-146.16 or (ii) to

372 repair damage resulting from the event that prompted the declaration of a state of emergency, regardless of

373 whether the supplier is licensed as a contractor in the Commonwealth pursuant to Chapter 11 (§ 54.1-1100 et

374 seq.) of Title 54.1;

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

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

377 58. Violating any provision of Chapter 17.8 (§ 59.1-207.45 et seq.). For the purposes of this subdivision,

378 "consumer transaction" also includes transactions involving an automatic renewal or continuous service offer

379 by a supplier to a small business, as those terms are defined in § 59.1-207.45;

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

381 60. Violating any provision of § 54.1-111 relating to the unlicensed practice of a profession licensed under

382 Chapter 11 (§ 54.1-1100 et seq.) or Chapter 21 (§ 54.1-2100 et seq.) of Title 54.1;

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

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

385 ~~63. Violating any provision of § 6.2-312;~~

386 ~~64. 63. Violating any provision of Chapter 20.1 (§ 6.2-2026 et seq.) of Title 6.2;~~

387 ~~65. 64. Violating any provision of Chapter 26 (§ 6.2-2600 et seq.) of Title 6.2;~~

388 ~~66. 65. Violating any provision of Chapter 54 (§ 59.1-586 et seq.);~~

389 ~~67. 66. Knowingly violating any provision of § 8.01-27.5;~~

390 ~~68. 67. Failing to, in accordance with § 59.1-207.46, (i) make available a conspicuous online option to~~

391 ~~cancel a recurring purchase of a good or service or (ii) with respect to a free trial lasting more than 30 days,~~

392 ~~notify a consumer of his option to cancel such free trial within 30 days of the end of the trial period to avoid~~

393 ~~an obligation to pay for the goods or services;~~

394 ~~69. 68. Selling or offering for sale any substance intended for human consumption, orally or by inhalation,~~

395 ~~that contains a synthetic derivative of tetrahydrocannabinol. As used in this subdivision, "synthetic~~

396 ~~derivative" means a chemical compound produced by man through a chemical transformation to turn a~~

397 ~~compound into a different compound by adding or subtracting molecules to or from the original compound.~~

398 ~~This subdivision shall not (i) apply to products that are approved for marketing by the U.S. Food and Drug~~

399 ~~Administration and scheduled in the Drug Control Act (§ 54.1-3400 et seq.) or (ii) be construed to prohibit~~

400 ~~any conduct permitted under Chapter 16 (§ 4.1-1600 et seq.) of Title 4.1;~~

401 ~~70. 69. Selling or offering for sale to a person younger than 21 years of age any substance intended for~~

402 ~~human consumption, orally or by inhalation, that contains tetrahydrocannabinol. This subdivision shall not (i)~~

403 ~~apply to products that are approved for marketing by the U.S. Food and Drug Administration and scheduled~~

404 ~~in the Drug Control Act (§ 54.1-3400 et seq.) or (ii) be construed to prohibit any conduct permitted under~~

405 ~~Chapter 16 (§ 4.1-1600 et seq.) of Title 4.1;~~

406 ~~71. 70. Selling or offering for sale any substance intended for human consumption, orally or by inhalation,~~

407 ~~that contains tetrahydrocannabinol, unless such substance is (i) contained in child-resistant packaging, as~~

408 ~~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~~

409 ~~inch, (a) that the substance contains tetrahydrocannabinol and may not be sold to persons younger than 21~~

410 ~~years of age, (b) all ingredients contained in the substance, (c) the amount of such substance that constitutes a~~

411 ~~single serving, and (d) the total percentage and milligrams of tetrahydrocannabinol included in the substance~~

412 ~~and the number of milligrams of tetrahydrocannabinol that are contained in each serving; and (iii)~~

413 ~~accompanied by a certificate of analysis, produced by an independent laboratory that is accredited pursuant to~~

414 ~~standard ISO/IEC 17025 of the International Organization of Standardization by a third-party accrediting~~

415 ~~body, that states the tetrahydrocannabinol concentration of the substance or the tetrahydrocannabinol~~

416 ~~concentration of the batch from which the substance originates. This subdivision shall not (i) apply to~~

417 ~~products that are approved for marketing by the U.S. Food and Drug Administration and scheduled in the~~

418 ~~Drug Control Act (§ 54.1-3400 et seq.) or (ii) be construed to prohibit any conduct permitted under Chapter~~

419 ~~16 (§ 4.1-1600 et seq.) of Title 4.1;~~

420 ~~72. 71. Manufacturing, offering for sale at retail, or selling at retail an industrial hemp extract, as defined~~

421 ~~in § 3.2-5145.1, a food containing an industrial hemp extract, or a substance containing tetrahydrocannabinol~~

422 ~~that depicts or is in the shape of a human, animal, vehicle, or fruit;~~

423 ~~73. 72. Selling or offering for sale any substance intended for human consumption, orally or by inhalation,~~

424 ~~that contains tetrahydrocannabinol and, without authorization, bears, is packaged in a container or wrapper~~

425 ~~that bears, or is otherwise labeled to bear the trademark, trade name, famous mark as defined in 15 U.S.C. §~~

1125, or other identifying mark, imprint, or device, or any likeness thereof, of a manufacturer, processor, packer, or distributor of a product intended for human consumption other than the manufacturer, processor, packer, or distributor that did in fact so manufacture, process, pack, or distribute such substance;

~~74- 73.~~ Selling or offering for sale a topical hemp product, as defined in § 3.2-4112, that does not include a label stating that the product is not intended for human consumption. This subdivision shall not (i) apply to products that are approved for marketing by the U.S. Food and Drug Administration and scheduled in the Drug Control Act (§ 54.1-3400 et seq.), (ii) be construed to prohibit any conduct permitted under Chapter 16 (§ 4.1-1600 et seq.) of Title 4.1, or (iii) apply to topical hemp products that were manufactured prior to July 1, 2023, provided that the person provides documentation of the date of manufacture if requested;

~~75- 74.~~ Violating any provision of § 59.1-466.8;

~~76- 75.~~ Violating subsection F of § 36-96.3:1;

~~77- 76.~~ Selling or offering for sale (i) any kratom product to a person younger than 21 years of age or (ii) any kratom product that does not include a label listing all ingredients and with the following guidance: "This product may be harmful to your health, has not been evaluated by the FDA, and is not intended to diagnose, treat, cure, or prevent any disease." As used in this subdivision, "kratom" means any part of the leaf of the plant *Mitragyna speciosa* or any extract thereof;

~~78- 77.~~ Advertising of any ignition interlock system in Virginia by an ignition interlock vendor not approved by the Commission on the Virginia Alcohol Safety Action Program to operate in Virginia; targeted advertising of any ignition interlock system to a person before determination of guilt; and any advertising, whether before or after determination of guilt, without a conspicuous statement that such advertisement is not affiliated with any government agency. For purposes of this subdivision, "ignition interlock system" has the same meaning as ascribed to that term in § 18.2-270.1 and "targeted advertising" has the same meaning ascribed to that term in § 59.1-575 and includes direct mailings to an individual. This provision shall not apply to ignition interlock service vendor ads, pamphlets, or kiosk advertisements approved by the Commission on the Virginia Alcohol Safety Action Program and provided at a Commission-approved location;

~~79- 78.~~ Failing to disclose the total cost of a good or continuous service, as defined in § 59.1-207.45, to a consumer, including any mandatory fees or charges, prior to entering into an agreement for the sale of any such good or provision of any such continuous service;

~~80- 79.~~ Violating any provision of the Unfair Real Estate Service Agreement Act (§ 55.1-3200 et seq.);

~~81- 80.~~ Selling or offering for sale services as a professional mold remediator to be performed upon any residential dwelling without holding a mold remediation certification from the Institute of Inspection, Cleaning and Restoration Certification (IICRC); and

~~82- 81.~~ Willfully violating any provision of § 59.1-444.4.

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

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

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

1. Misrepresenting goods or services as those of another;
2. Misrepresenting the source, sponsorship, approval, or certification of goods or services;
3. Misrepresenting the affiliation, connection, or association of the supplier, or of the goods or services, with another;

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

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

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

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

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

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

services for sale, and the supplier or offeror at the time of such advertisement or offer did in fact have or reasonably expected to have at least such quantity or amount for sale;

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

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

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

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

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

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

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

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, or 3.2-6519 is a violation of this chapter;

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

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

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

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

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

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

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

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

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

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

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

24. Violating any provision of § 54.1-1505;

25. Violating any provision of the Motor Vehicle Manufacturers' Warranty Adjustment Act, Chapter 17.6

(§ 59.1-207.34 et seq.);

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

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

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

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

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

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

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

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

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

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

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

37. Violating any provision of § 8.01-40.2;

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

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

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

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

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

43. Violating any provision of § 59.1-443.2;

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

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

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

47. Violating any provision of § 18.2-239;

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

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

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

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

52. Violating any provision of § 8.2-317.1;

53. Violating subsection A of § 9.1-149.1;

54. Selling, offering for sale, or using in the construction, remodeling, or repair of any residential dwelling in the Commonwealth, any drywall that the supplier knows or has reason to know is defective drywall. This subdivision shall not apply to the sale or offering for sale of any building or structure in which defective drywall has been permanently installed or affixed;

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

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

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

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

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

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

61. Violating any provision of § 2.2-2001.5;

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

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

~~64. 63. Violating any provision of Chapter 20.1 (§ 6.2-2026 et seq.) of Title 6.2;~~

~~65. 64. Violating any provision of Chapter 26 (§ 6.2-2600 et seq.) of Title 6.2;~~

~~66. 65. Violating any provision of Chapter 54 (§ 59.1-586 et seq.);~~

~~67~~. 66. Knowingly violating any provision of § 8.01-27.5;

~~68~~. 67. Failing to, in accordance with § 59.1-207.46, (i) make available a conspicuous online option to cancel a recurring purchase of a good or service or (ii) with respect to a free trial lasting more than 30 days, notify a consumer of his option to cancel such free trial within 30 days of the end of the trial period to avoid an obligation to pay for the goods or services;

~~69~~. 68. Selling or offering for sale any substance intended for human consumption, orally or by inhalation, that contains a synthetic derivative of tetrahydrocannabinol. As used in this subdivision, "synthetic derivative" means a chemical compound produced by man through a chemical transformation to turn a compound into a different compound by adding or subtracting molecules to or from the original compound. This subdivision shall not (i) apply to products that are approved for marketing by the U.S. Food and Drug Administration and scheduled in the Drug Control Act (§ 54.1-3400 et seq.) or (ii) be construed to prohibit any conduct permitted under Chapter 16 (§ 4.1-1600 et seq.) of Title 4.1;

~~70~~. 69. Selling or offering for sale to a person younger than 21 years of age any substance intended for human consumption, orally or by inhalation, that contains tetrahydrocannabinol. This subdivision shall not (i) apply to products that are approved for marketing by the U.S. Food and Drug Administration and scheduled in the Drug Control Act (§ 54.1-3400 et seq.) or (ii) be construed to prohibit any conduct permitted under Chapter 16 (§ 4.1-1600 et seq.) of Title 4.1;

~~71~~. 70. Selling or offering for sale any substance intended for human consumption, orally or by inhalation, that contains tetrahydrocannabinol, unless such substance is (i) contained in child-resistant packaging, as 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 inch, (a) that the substance contains tetrahydrocannabinol and may not be sold to persons younger than 21 years of age, (b) all ingredients contained in the substance, (c) the amount of such substance that constitutes a single serving, and (d) the total percentage and milligrams of tetrahydrocannabinol included in the substance and the number of milligrams of tetrahydrocannabinol that are contained in each serving; and (iii) accompanied by a certificate of analysis, produced by an independent laboratory that is accredited pursuant to standard ISO/IEC 17025 of the International Organization of Standardization by a third-party accrediting body, that states the tetrahydrocannabinol concentration of the substance or the tetrahydrocannabinol concentration of the batch from which the substance originates. This subdivision shall not (i) apply to products that are approved for marketing by the U.S. Food and Drug Administration and scheduled in the Drug Control Act (§ 54.1-3400 et seq.) or (ii) be construed to prohibit any conduct permitted under Chapter 16 (§ 4.1-1600 et seq.) of Title 4.1;

~~72~~. 71. Manufacturing, offering for sale at retail, or selling at retail an industrial hemp extract, as defined in § 3.2-5145.1, a food containing an industrial hemp extract, or a substance containing tetrahydrocannabinol that depicts or is in the shape of a human, animal, vehicle, or fruit;

~~73~~. 72. Selling or offering for sale any substance intended for human consumption, orally or by inhalation, that contains tetrahydrocannabinol and, without authorization, bears, is packaged in a container or wrapper that bears, or is otherwise labeled to bear the trademark, trade name, famous mark as defined in 15 U.S.C. § 1125, or other identifying mark, imprint, or device, or any likeness thereof, of a manufacturer, processor, packer, or distributor of a product intended for human consumption other than the manufacturer, processor, packer, or distributor that did in fact so manufacture, process, pack, or distribute such substance;

~~74~~. 73. Selling or offering for sale a topical hemp product, as defined in § 3.2-4112, that does not include a label stating that the product is not intended for human consumption. This subdivision shall not (i) apply to products that are approved for marketing by the U.S. Food and Drug Administration and scheduled in the Drug Control Act (§ 54.1-3400 et seq.), (ii) be construed to prohibit any conduct permitted under Chapter 16 (§ 4.1-1600 et seq.) of Title 4.1, or (iii) apply to topical hemp products that were manufactured prior to July 1, 2023, provided that the person provides documentation of the date of manufacture if requested;

~~75~~. 74. Violating any provision of § 59.1-466.8;

~~76~~. 75. Violating subsection F of § 36-96.3:1;

~~77~~. 76. Selling or offering for sale (i) any kratom product to a person younger than 21 years of age or (ii) any kratom product that does not include a label listing all ingredients and with the following guidance: "This product may be harmful to your health, has not been evaluated by the FDA, and is not intended to diagnose, treat, cure, or prevent any disease." As used in this subdivision, "kratom" means any part of the leaf of the plant *Mitragyna speciosa* or any extract thereof;

~~78~~. 77. Advertising of any ignition interlock system in Virginia by an ignition interlock vendor not approved by the Commission on the Virginia Alcohol Safety Action Program to operate in Virginia; targeted advertising of any ignition interlock system to a person before determination of guilt; and any advertising, whether before or after determination of guilt, without a conspicuous statement that such advertisement is not affiliated with any government agency. For purposes of this subdivision, "ignition interlock system" has the same meaning as ascribed to that term in § 18.2-270.1 and "targeted advertising" has the same meaning ascribed to that term in § 59.1-575 and includes direct mailings to an individual. This provision shall not apply to ignition interlock service vendor ads, pamphlets, or kiosk advertisements approved by the

Commission on the Virginia Alcohol Safety Action Program and provided at a Commission-approved location;

~~79- 78. Failing to disclose the total cost of a good or continuous service, as defined in § 59.1-207.45, to a consumer, including any mandatory fees or charges, prior to entering into an agreement for the sale of any such good or provision of any such continuous service;~~

~~80- 79. Violating any provision of the Unfair Real Estate Service Agreement Act (§ 55.1-3200 et seq.);~~

~~81- 80. Selling or offering for sale services as a professional mold remediator to be performed upon any residential dwelling without holding a mold remediation certification from the Institute of Inspection, Cleaning and Restoration Certification (IICRC);~~

~~82- 81. Willfully violating any provision of § 59.1-444.4; and~~

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

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

§ 59.1-200.2. Prohibited practices; athlete agents.

A. It shall be a prohibited practice to accept compensation for representing a student-athlete without an agency contract. A properly executed agency contract shall contain the following provisions:

1. A statement that the athlete agent is registered as an athlete agent in the Commonwealth and a list of any other states in which the agent is registered as an athlete agent;

2. The amount of and method of calculating the consideration to be paid by the student-athlete for services to be provided by the agent under the contract and any other consideration the agent has received or will receive from any other source for entering into the contract or providing the services;

3. A description of any expenses the student-athlete agrees to reimburse;

4. A description of the services to be provided to the student-athlete;

5. The duration of the contract;

6. The date of execution; and

7. A right of cancellation without penalty within 14 days of signing the contract.

B. An agency contract shall contain a conspicuous notice in boldface type and in substantially the following form:

"WARNING TO STUDENT-ATHLETE

IF YOU SIGN THIS CONTRACT:

(1) YOU MAY LOSE YOUR ELIGIBILITY TO COMPETE AS A STUDENT-ATHLETE IN YOUR SPORT;

(2) IF YOUR EDUCATIONAL INSTITUTION HAS AN ATHLETIC DIRECTOR, WITHIN 72 HOURS OF SIGNING THIS CONTRACT OR BEFORE THE NEXT SCHEDULED ATHLETIC EVENT IN WHICH YOU PARTICIPATE, WHICHEVER OCCURS FIRST, BOTH YOU AND YOUR ATHLETE AGENT MUST NOTIFY YOUR ATHLETIC DIRECTOR THAT YOU HAVE ENTERED INTO THIS CONTRACT AND PROVIDE THE NAME AND CONTACT INFORMATION OF THE ATHLETE AGENT; AND

(3) YOU MAY CANCEL THIS CONTRACT WITHIN 14 DAYS. HOWEVER, CANCELLATION OF THIS CONTRACT DOES NOT GUARANTEE REINSTATEMENT OF YOUR ELIGIBILITY AS A STUDENT-ATHLETE IN YOUR SPORT."

C. It shall be a prohibited practice to (i) fail to provide a separate record signed by the student-athlete or, if the student-athlete is a minor, the parent or guardian of the student-athlete acknowledging that signing the contract may result in the loss of the student-athlete's eligibility to participate in the student-athlete's sport; (ii) fail to provide the student-athlete or, if the student-athlete is a minor, the parent or guardian of the student-athlete, at the time an agency contract is executed, a copy of the contract; and (iii) include or attempt to include a waiver of the right of cancellation of the agency contract.

D. A student-athlete or, if the student-athlete is a minor, the parent or guardian of the student-athlete may void an agency contract that does not conform to this section. If the contract is voided, any consideration received from the athlete agent under the contract to induce entering into the contract is not required to be returned.

§ 59.1-203. Restraining prohibited acts.

A. Notwithstanding any other provisions of law to the contrary, the Attorney General, any attorney for the Commonwealth, or the attorney for any city, county, or town may cause an action to be brought in the appropriate circuit court in the name of the Commonwealth, or of the county, city, or town to enjoin any violation of § 59.1-200 or 59.1-200.1. The circuit court having jurisdiction may enjoin such violations notwithstanding the existence of an adequate remedy at law. In any action under this section, it shall not be necessary that damages be proved.

B. Unless the Attorney General, any attorney for the Commonwealth, or the attorney for any county, city, or town determines that a person subject to the provisions of this chapter intends to depart from this Commonwealth or to remove his property herefrom, or to conceal himself or his property herein, or on a

reasonable determination that irreparable harm may occur if immediate action is not taken, he shall, before initiating any legal proceedings as provided in this section, give notice in writing that such proceedings are contemplated, and allow such person a reasonable opportunity to appear before said attorney and show that a violation did not occur or execute an assurance of voluntary compliance, as provided in § 59.1-202.

C. The circuit courts are authorized to issue temporary or permanent injunctions to restrain and prevent violations of § 59.1-200 or 59.1-200.1.

D. The Commissioner of the Department of Agriculture and Consumer Services, or his duly authorized representative, shall have the power to inquire into possible violations of subdivisions A 18, 28, 29, 31, 39, 41, as it relates to motor fuels, 68, 69, 70, 71, 72, and 73, ~~and 74~~ of § 59.1-200 and § 59.1-335.12, and, if necessary, to request, but not to require, an appropriate legal official to bring an action to enjoin such violation.

E. The Board of Directors of the Virginia Cannabis Control Authority, or its duly authorized representative, shall, upon the referral or request of the Attorney General or the Department of Agriculture and Consumer Services, have the power to inquire into possible violations of subdivisions A 68, 69, 70, 71, 72, and 73, ~~and 74~~ of § 59.1-200 and, if necessary, to request, but not require, an appropriate legal official to bring an action to enjoin such violation.

§ 59.1-206. Civil penalties; attorney fees.

A. In any action brought under this chapter, if the court finds that a person has willfully engaged in an act or practice in violation of § 59.1-200 or 59.1-200.1, the Attorney General, the attorney for the Commonwealth, or the attorney for the county, city, or town may recover for the Literary Fund, upon petition to the court, a civil penalty of not more than \$2,500 per violation. If the court finds that a person has willfully committed a second or subsequent violation of subdivision A 68, 69, 70, 71, 72, or 73, ~~or 74~~ of § 59.1-200, the Attorney General, the attorney for the Commonwealth, or the attorney for the county, city, or town may recover for the Literary Fund, upon petition to the court, a civil penalty of not more than \$5,000 per violation.

B. For purposes of this section, prima facie evidence of a willful violation may be shown when the Attorney General, the attorney for the Commonwealth, or the attorney for the county, city, or town notifies the alleged violator by certified mail that an act or practice is a violation of § 59.1-200 or 59.1-200.1, and the alleged violator, after receipt of said notice, continues to engage in the act or practice.

C. Any person who willfully violates the terms of an assurance of voluntary compliance or an injunction issued under § 59.1-203 shall forfeit and pay to the Literary Fund a civil penalty of not more than \$5,000 per violation. For purposes of this section, the circuit court issuing an injunction shall retain jurisdiction, and the cause shall be continued, and in such cases the Attorney General, the attorney for the Commonwealth, or the attorney for the county, city, or town may petition for recovery of civil penalties.

D. In any action pursuant to subsection A, B, or C and in addition to any other amount awarded, the Attorney General, the attorney for the Commonwealth, or the attorney for the county, city, or town may recover any applicable civil penalty or penalties, costs, reasonable expenses incurred by the state or local agency in investigating and preparing the case not to exceed \$1,000 per violation, and attorney's fees. Such civil penalty or penalties, costs, reasonable expenses, and attorney's fees shall be paid into the general fund of the Commonwealth or of the county, city, or town which such attorney represented.

E. Nothing in this section shall be construed as limiting the power of the court to punish as contempt the violation of any order issued by the court, or as limiting the power of the court to enter other orders under § 59.1-203 or 59.1-205.

F. The right of trial by jury as provided by law shall be preserved in actions brought under this section.

2. That Chapter 5.2 (§§ 54.1-526 through 54.1-542) of Title 54.1 of the Code of Virginia is repealed.