

2025 SESSION

INTRODUCED

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SENATE BILL NO. 1226

Offered January 8, 2025

Prefiled January 8, 2025

A BILL to amend and reenact § 59.1-200, as it is currently effective and as it shall become effective, of the Code of Virginia and to amend the Code of Virginia by adding in Title 59.1 a chapter numbered 58, consisting of sections numbered 59.1-607, 59.1-608, and 59.1-609, relating to Veterans' Services Protection Act; prohibited practices; penalty.

Patron—Aird

Referred to Committee on General Laws and Technology

Be it enacted by the General Assembly of Virginia:

1. That § 59.1-200, as it is currently effective and as it shall become effective, of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Title 59.1 a chapter numbered 58, consisting of sections numbered 59.1-607, 59.1-608, and 59.1-609, as follows:

§ 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

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59 consumer transaction;

60 14. Using any other deception, fraud, false pretense, false promise, or misrepresentation in connection

61 with a consumer transaction;

62 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,

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

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

65 a. The return of goods for refund, exchange, or credit. Such disclosure shall be by means of a sign

66 attached to the goods, or placed in a conspicuous public area of the premises of the supplier, so as to be

67 readily noticeable and readable by the person obtaining the goods from the supplier. If the supplier does not

68 permit a refund, exchange, or credit for return, he shall so state on a similar sign. The provisions of this

69 subdivision shall not apply to any retail merchant who has a policy of providing, for a period of not less than

70 20 days after date of purchase, a cash refund or credit to the purchaser's credit card account for the return of

71 defective, unused, or undamaged merchandise upon presentation of proof of purchase. In the case of

72 merchandise paid for by check, the purchase shall be treated as a cash purchase and any refund may be

73 delayed for a period of 10 banking days to allow for the check to clear. This subdivision does not apply to

74 sale merchandise that is obviously distressed, out of date, post season, or otherwise reduced for clearance; nor

75 does this subdivision apply to special order purchases where the purchaser has requested the supplier to order

76 merchandise of a specific or unusual size, color, or brand not ordinarily carried in the store or the store's

77 catalog; nor shall this subdivision apply in connection with a transaction for the sale or lease of motor

78 vehicles, farm tractors, or motorcycles as defined in § 46.2-100;

79 b. A layaway agreement. Such disclosure shall be furnished to the consumer (i) in writing at the time of

80 the layaway agreement, or (ii) by means of a sign placed in a conspicuous public area of the premises of the

81 supplier, so as to be readily noticeable and readable by the consumer, or (iii) on the bill of sale. Disclosure

82 shall include the conditions, charges, or fees in the event that a consumer breaches the agreement;

83 16a. Failing to provide written notice to a consumer of an existing open-end credit balance in excess of \$5

84 (i) on an account maintained by the supplier and (ii) resulting from such consumer's overpayment on such

85 account. Suppliers shall give consumers written notice of such credit balances within 60 days of receiving

86 overpayments. If the credit balance information is incorporated into statements of account furnished

87 consumers by suppliers within such 60-day period, no separate or additional notice is required;

88 17. If a supplier enters into a written agreement with a consumer to resolve a dispute that arises in

89 connection with a consumer transaction, failing to adhere to the terms and conditions of such an agreement;

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

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

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

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

94 et seq.);

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

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

97 seq.);

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

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

100 (§ 59.1-207.34 et seq.);

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

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

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

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

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

106 seq.);

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

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

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

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

111 35. Using the consumer's social security number as the consumer's account number with the supplier, if

112 the consumer has requested in writing that the supplier use an alternate number not associated with the

113 consumer's social security number;

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

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

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

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

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

119 41. Violating any provision of the Virginia Post-Disaster Anti-Price Gouging Act, Chapter 46 (§ 59.1-525

120 et seq.). For the purposes of this subdivision, "consumer transaction" has the same meaning as provided in §
 121 59.1-526;

- 122 42. Violating any provision of Chapter 47 (§ 59.1-530 et seq.);
- 123 43. Violating any provision of § 59.1-443.2;
- 124 44. Violating any provision of Chapter 48 (§ 59.1-533 et seq.);
- 125 45. Violating any provision of Chapter 25 (§ 6.2-2500 et seq.) of Title 6.2;
- 126 46. Violating the provisions of clause (i) of subsection B of § 54.1-1115;
- 127 47. Violating any provision of § 18.2-239;
- 128 48. Violating any provision of Chapter 26 (§ 59.1-336 et seq.);

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

- 135 50. Violating any provision of Chapter 44.1 (§ 59.1-518.1 et seq.);
- 136 51. Violating any provision of Chapter 22 (§ 6.2-2200 et seq.) of Title 6.2;
- 137 52. Violating any provision of § 8.2-317.1;
- 138 53. Violating subsection A of § 9.1-149.1;

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

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

- 148 56. Violating any provision of Chapter 33.1 (§ 59.1-434.1 et seq.);
- 149 57. Violating any provision of § 18.2-178, 18.2-178.1, or 18.2-200.1;

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

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

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

- 156 61. Violating any provision of § 2.2-2001.5;
- 157 62. Violating any provision of Chapter 5.2 (§ 54.1-526 et seq.) of Title 54.1;
- 158 63. Violating any provision of § 6.2-312;
- 159 64. Violating any provision of Chapter 20.1 (§ 6.2-2026 et seq.) of Title 6.2;
- 160 65. Violating any provision of Chapter 26 (§ 6.2-2600 et seq.) of Title 6.2;
- 161 66. Violating any provision of Chapter 54 (§ 59.1-586 et seq.);
- 162 67. Knowingly violating any provision of § 8.01-27.5;

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

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

174 70. Selling or offering for sale to a person younger than 21 years of age any substance intended for human
 175 consumption, orally or by inhalation, that contains tetrahydrocannabinol. This subdivision shall not (i) apply
 176 to products that are approved for marketing by the U.S. Food and Drug Administration and scheduled in the
 177 Drug Control Act (§ 54.1-3400 et seq.) or (ii) be construed to prohibit any conduct permitted under Chapter
 178 16 (§ 4.1-1600 et seq.) of Title 4.1;

179 71. Selling or offering for sale any substance intended for human consumption, orally or by inhalation,
 180 that contains tetrahydrocannabinol, unless such substance is (i) contained in child-resistant packaging, as

181 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
182 inch, (a) that the substance contains tetrahydrocannabinol and may not be sold to persons younger than 21
183 years of age, (b) all ingredients contained in the substance, (c) the amount of such substance that constitutes a
184 single serving, and (d) the total percentage and milligrams of tetrahydrocannabinol included in the substance
185 and the number of milligrams of tetrahydrocannabinol that are contained in each serving; and (iii)
186 accompanied by a certificate of analysis, produced by an independent laboratory that is accredited pursuant to
187 standard ISO/IEC 17025 of the International Organization of Standardization by a third-party accrediting
188 body, that states the tetrahydrocannabinol concentration of the substance or the tetrahydrocannabinol
189 concentration of the batch from which the substance originates. This subdivision shall not (i) apply to
190 products that are approved for marketing by the U.S. Food and Drug Administration and scheduled in the
191 Drug Control Act (§ 54.1-3400 et seq.) or (ii) be construed to prohibit any conduct permitted under Chapter
192 16 (§ 4.1-1600 et seq.) of Title 4.1;

193 72. Manufacturing, offering for sale at retail, or selling at retail an industrial hemp extract, as defined in §
194 3.2-5145.1, a food containing an industrial hemp extract, or a substance containing tetrahydrocannabinol that
195 depicts or is in the shape of a human, animal, vehicle, or fruit;

196 73. Selling or offering for sale any substance intended for human consumption, orally or by inhalation,
197 that contains tetrahydrocannabinol and, without authorization, bears, is packaged in a container or wrapper
198 that bears, or is otherwise labeled to bear the trademark, trade name, famous mark as defined in 15 U.S.C. §
199 1125, or other identifying mark, imprint, or device, or any likeness thereof, of a manufacturer, processor,
200 packer, or distributor of a product intended for human consumption other than the manufacturer, processor,
201 packer, or distributor that did in fact so manufacture, process, pack, or distribute such substance;

202 74. Selling or offering for sale a topical hemp product, as defined in § 3.2-4112, that does not include a
203 label stating that the product is not intended for human consumption. This subdivision shall not (i) apply to
204 products that are approved for marketing by the U.S. Food and Drug Administration and scheduled in the
205 Drug Control Act (§ 54.1-3400 et seq.), (ii) be construed to prohibit any conduct permitted under Chapter 16
206 (§ 4.1-1600 et seq.) of Title 4.1, or (iii) apply to topical hemp products that were manufactured prior to July
207 1, 2023, provided that the person provides documentation of the date of manufacture if requested;

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

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

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

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

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

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

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

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

233 83. *Violating any provision of the Veterans' Services Protection Act (§ 59.1-607 et seq.).*

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

238 **§ 59.1-200. (Effective July 1, 2025) Prohibited practices.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

277 13a. Failing to provide to a consumer, or failing to use or include in any written document or material
 278 provided to or executed by a consumer, in connection with a consumer transaction any statement, disclosure,
 279 notice, or other information however characterized when the supplier is required by 16 C.F.R. Part 433 to so
 280 provide, use, or include the statement, disclosure, notice, or other information in connection with the
 281 consumer transaction;

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

284 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,
 285 or 3.2-6519 is a violation of this chapter;

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

287 a. The return of goods for refund, exchange, or credit. Such disclosure shall be by means of a sign
 288 attached to the goods, or placed in a conspicuous public area of the premises of the supplier, so as to be
 289 readily noticeable and readable by the person obtaining the goods from the supplier. If the supplier does not
 290 permit a refund, exchange, or credit for return, he shall so state on a similar sign. The provisions of this
 291 subdivision shall not apply to any retail merchant who has a policy of providing, for a period of not less than
 292 20 days after date of purchase, a cash refund or credit to the purchaser's credit card account for the return of
 293 defective, unused, or undamaged merchandise upon presentation of proof of purchase. In the case of
 294 merchandise paid for by check, the purchase shall be treated as a cash purchase and any refund may be
 295 delayed for a period of 10 banking days to allow for the check to clear. This subdivision does not apply to
 296 sale merchandise that is obviously distressed, out of date, post season, or otherwise reduced for clearance; nor
 297 does this subdivision apply to special order purchases where the purchaser has requested the supplier to order
 298 merchandise of a specific or unusual size, color, or brand not ordinarily carried in the store or the store's
 299 catalog; nor shall this subdivision apply in connection with a transaction for the sale or lease of motor
 300 vehicles, farm tractors, or motorcycles as defined in § 46.2-100;

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 302 the layaway agreement, or (ii) by means of a sign placed in a conspicuous public area of the premises of the
 303 supplier, so as to be readily noticeable and readable by the consumer, or (iii) on the bill of sale. Disclosure

304 shall include the conditions, charges, or fees in the event that a consumer breaches the agreement;

305 16a. Failing to provide written notice to a consumer of an existing open-end credit balance in excess of \$5

306 (i) on an account maintained by the supplier and (ii) resulting from such consumer's overpayment on such

307 account. Suppliers shall give consumers written notice of such credit balances within 60 days of receiving

308 overpayments. If the credit balance information is incorporated into statements of account furnished

309 consumers by suppliers within such 60-day period, no separate or additional notice is required;

310 17. If a supplier enters into a written agreement with a consumer to resolve a dispute that arises in

311 connection with a consumer transaction, failing to adhere to the terms and conditions of such an agreement;

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

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

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

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

316 et seq.);

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

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

319 seq.);

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

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

322 (§ 59.1-207.34 et seq.);

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

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

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

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

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

328 seq.);

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

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

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

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

333 35. Using the consumer's social security number as the consumer's account number with the supplier, if

334 the consumer has requested in writing that the supplier use an alternate number not associated with the

335 consumer's social security number;

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

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

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

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

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

341 41. Violating any provision of the Virginia Post-Disaster Anti-Price Gouging Act, Chapter 46 (§ 59.1-525

342 et seq.). For the purposes of this subdivision, "consumer transaction" has the same meaning as provided in §

343 59.1-526;

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

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

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

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

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

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

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

351 49. Selling, offering for sale, or manufacturing for sale a children's product the supplier knows or has

352 reason to know was recalled by the U.S. Consumer Product Safety Commission. There is a rebuttable

353 presumption that a supplier has reason to know a children's product was recalled if notice of the recall has

354 been posted continuously at least 30 days before the sale, offer for sale, or manufacturing for sale on the

355 website of the U.S. Consumer Product Safety Commission. This prohibition does not apply to children's

356 products that are used, secondhand or "seconds";

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

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

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

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

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

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

364 drywall has been permanently installed or affixed;

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

366 transaction that was initiated (i) during a declared state of emergency as defined in § 44-146.16 or (ii) to
 367 repair damage resulting from the event that prompted the declaration of a state of emergency, regardless of
 368 whether the supplier is licensed as a contractor in the Commonwealth pursuant to Chapter 11 (§ 54.1-1100 et
 369 seq.) of Title 54.1;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

401 71. Selling or offering for sale any substance intended for human consumption, orally or by inhalation,
 402 that contains tetrahydrocannabinol, unless such substance is (i) contained in child-resistant packaging, as
 403 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
 404 inch, (a) that the substance contains tetrahydrocannabinol and may not be sold to persons younger than 21
 405 years of age, (b) all ingredients contained in the substance, (c) the amount of such substance that constitutes a
 406 single serving, and (d) the total percentage and milligrams of tetrahydrocannabinol included in the substance
 407 and the number of milligrams of tetrahydrocannabinol that are contained in each serving; and (iii)
 408 accompanied by a certificate of analysis, produced by an independent laboratory that is accredited pursuant to
 409 standard ISO/IEC 17025 of the International Organization of Standardization by a third-party accrediting
 410 body, that states the tetrahydrocannabinol concentration of the substance or the tetrahydrocannabinol
 411 concentration of the batch from which the substance originates. This subdivision shall not (i) apply to
 412 products that are approved for marketing by the U.S. Food and Drug Administration and scheduled in the
 413 Drug Control Act (§ 54.1-3400 et seq.) or (ii) be construed to prohibit any conduct permitted under Chapter
 414 16 (§ 4.1-1600 et seq.) of Title 4.1;

415 72. Manufacturing, offering for sale at retail, or selling at retail an industrial hemp extract, as defined in §
 416 3.2-5145.1, a food containing an industrial hemp extract, or a substance containing tetrahydrocannabinol that
 417 depicts or is in the shape of a human, animal, vehicle, or fruit;

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

424 74. Selling or offering for sale a topical hemp product, as defined in § 3.2-4112, that does not include a
 425 label stating that the product is not intended for human consumption. This subdivision shall not (i) apply to
 426 products that are approved for marketing by the U.S. Food and Drug Administration and scheduled in the

427 Drug Control Act (§ 54.1-3400 et seq.), (ii) be construed to prohibit any conduct permitted under Chapter 16
428 (§ 4.1-1600 et seq.) of Title 4.1, or (iii) apply to topical hemp products that were manufactured prior to July
429 1, 2023, provided that the person provides documentation of the date of manufacture if requested;

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

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

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

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

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

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

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

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

455 83. Violating any provision of Chapter 23.2 (§ 59.1-293.10 et seq.); and

456 84. Violating any provision of the Veterans' Services Protection Act (§ 59.1-607 et seq.).

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

CHAPTER 58.

VETERANS' SERVICES PROTECTION ACT.

§ 59.1-607. Definitions.

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

465 "Compensation" means payment of any money, thing of value, or financial benefit.

466 "Person" has the same meaning as provided in § 59.1-198.

467 "Veterans' benefits matter" means the preparation, presentation, or prosecution of any claim affecting any
468 person who has filed or expressed an intent to file a claim for any benefit, program, service, commodity,
469 function, or status that is offered under the laws and regulations administered by the U.S. Department of
470 Veterans Affairs or the Virginia Department of Veterans Services pertaining to veterans, their dependents,
471 their survivors, and any other individual eligible for such benefits.

§ 59.1-608. Prohibited practices; required disclosures.

473 A. No person shall receive compensation for preparing, presenting, prosecuting, advising, consulting, or
474 assisting any individual regarding any veterans' benefits matter before the U.S. Department of Veterans
475 Affairs, the U.S. Department of Defense, or the Department of Veterans Services except as permitted under
476 federal law.

477 B. No person shall receive compensation for referring any individual to another person to prepare,
478 present, prosecute, advise, consult, or assist such individual regarding any veterans' benefits matter before
479 the U.S. Department of Veterans Affairs, the U.S. Department of Defense, or the Department of Veterans
480 Services.

481 C. The prohibitions of this chapter shall not apply to an attorney licensed to practice law in any state or
482 territory of the United States or the District of Columbia.

§ 59.1-609. Enforcement; penalties.

484 Any violation of this chapter shall constitute a prohibited practice under the provisions of § 59.1-200 and
485 shall be subject to any and all of the enforcement provisions of the Virginia Consumer Protection Act (§ 59.1-
486 196 et seq.).