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SENATE BILL NO. 1376

Offered January 13, 2025

Prefiled January 13, 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, relating to Virginia Consumer Protection Act; food labeling.

Patrons—Marsden; Delegate: Maldonado

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

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- 59 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,
60 or 3.2-6519 is a violation of this chapter;
- 61 16. Failing to disclose all conditions, charges, or fees relating to:
- 62 a. The return of goods for refund, exchange, or credit. Such disclosure shall be by means of a sign
63 attached to the goods, or placed in a conspicuous public area of the premises of the supplier, so as to be
64 readily noticeable and readable by the person obtaining the goods from the supplier. If the supplier does not
65 permit a refund, exchange, or credit for return, he shall so state on a similar sign. The provisions of this
66 subdivision shall not apply to any retail merchant who has a policy of providing, for a period of not less than
67 20 days after date of purchase, a cash refund or credit to the purchaser's credit card account for the return of
68 defective, unused, or undamaged merchandise upon presentation of proof of purchase. In the case of
69 merchandise paid for by check, the purchase shall be treated as a cash purchase and any refund may be
70 delayed for a period of 10 banking days to allow for the check to clear. This subdivision does not apply to
71 sale merchandise that is obviously distressed, out of date, post season, or otherwise reduced for clearance; nor
72 does this subdivision apply to special order purchases where the purchaser has requested the supplier to order
73 merchandise of a specific or unusual size, color, or brand not ordinarily carried in the store or the store's
74 catalog; nor shall this subdivision apply in connection with a transaction for the sale or lease of motor
75 vehicles, farm tractors, or motorcycles as defined in § 46.2-100;
- 76 b. A layaway agreement. Such disclosure shall be furnished to the consumer (i) in writing at the time of
77 the layaway agreement, or (ii) by means of a sign placed in a conspicuous public area of the premises of the
78 supplier, so as to be readily noticeable and readable by the consumer, or (iii) on the bill of sale. Disclosure
79 shall include the conditions, charges, or fees in the event that a consumer breaches the agreement;
- 80 16a. Failing to provide written notice to a consumer of an existing open-end credit balance in excess of \$5
81 (i) on an account maintained by the supplier and (ii) resulting from such consumer's overpayment on such
82 account. Suppliers shall give consumers written notice of such credit balances within 60 days of receiving
83 overpayments. If the credit balance information is incorporated into statements of account furnished
84 consumers by suppliers within such 60-day period, no separate or additional notice is required;
- 85 17. If a supplier enters into a written agreement with a consumer to resolve a dispute that arises in
86 connection with a consumer transaction, failing to adhere to the terms and conditions of such an agreement;
- 87 18. Violating any provision of the Virginia Health Club Act, Chapter 24 (§ 59.1-294 et seq.);
- 88 19. Violating any provision of the Virginia Home Solicitation Sales Act, Chapter 2.1 (§ 59.1-21.1 et seq.);
- 89 20. Violating any provision of the Automobile Repair Facilities Act, Chapter 17.1 (§ 59.1-207.1 et seq.);
- 90 21. Violating any provision of the Virginia Lease-Purchase Agreement Act, Chapter 17.4 (§ 59.1-207.17
91 et seq.);
- 92 22. Violating any provision of the Prizes and Gifts Act, Chapter 31 (§ 59.1-415 et seq.);
- 93 23. Violating any provision of the Virginia Public Telephone Information Act, Chapter 32 (§ 59.1-424 et
94 seq.);
- 95 24. Violating any provision of § 54.1-1505;
- 96 25. Violating any provision of the Motor Vehicle Manufacturers' Warranty Adjustment Act, Chapter 17.6
97 (§ 59.1-207.34 et seq.);
- 98 26. Violating any provision of § 3.2-5627, relating to the pricing of merchandise;
- 99 27. Violating any provision of the Pay-Per-Call Services Act, Chapter 33 (§ 59.1-429 et seq.);
- 100 28. Violating any provision of the Extended Service Contract Act, Chapter 34 (§ 59.1-435 et seq.);
- 101 29. Violating any provision of the Virginia Membership Camping Act, Chapter 25 (§ 59.1-311 et seq.);
- 102 30. Violating any provision of the Comparison Price Advertising Act, Chapter 17.7 (§ 59.1-207.40 et
103 seq.);
- 104 31. Violating any provision of the Virginia Travel Club Act, Chapter 36 (§ 59.1-445 et seq.);
- 105 32. Violating any provision of §§ 46.2-1231 and 46.2-1233.1;
- 106 33. Violating any provision of Chapter 40 (§ 54.1-4000 et seq.) of Title 54.1;
- 107 34. Violating any provision of Chapter 10.1 (§ 58.1-1031 et seq.) of Title 58.1;
- 108 35. Using the consumer's social security number as the consumer's account number with the supplier, if
109 the consumer has requested in writing that the supplier use an alternate number not associated with the
110 consumer's social security number;
- 111 36. Violating any provision of Chapter 18 (§ 6.2-1800 et seq.) of Title 6.2;
- 112 37. Violating any provision of § 8.01-40.2;
- 113 38. Violating any provision of Article 7 (§ 32.1-212 et seq.) of Chapter 6 of Title 32.1;
- 114 39. Violating any provision of Chapter 34.1 (§ 59.1-441.1 et seq.);
- 115 40. Violating any provision of Chapter 20 (§ 6.2-2000 et seq.) of Title 6.2;
- 116 41. Violating any provision of the Virginia Post-Disaster Anti-Price Gouging Act, Chapter 46 (§ 59.1-525
117 et seq.). For the purposes of this subdivision, "consumer transaction" has the same meaning as provided in §
118 59.1-526;
- 119 42. Violating any provision of Chapter 47 (§ 59.1-530 et seq.);
- 120 43. Violating any provision of § 59.1-443.2;

- 121 44. Violating any provision of Chapter 48 (§ 59.1-533 et seq.);
- 122 45. Violating any provision of Chapter 25 (§ 6.2-2500 et seq.) of Title 6.2;
- 123 46. Violating the provisions of clause (i) of subsection B of § 54.1-1115;
- 124 47. Violating any provision of § 18.2-239;
- 125 48. Violating any provision of Chapter 26 (§ 59.1-336 et seq.);
- 126 49. Selling, offering for sale, or manufacturing for sale a children's product the supplier knows or has
- 127 reason to know was recalled by the U.S. Consumer Product Safety Commission. There is a rebuttable
- 128 presumption that a supplier has reason to know a children's product was recalled if notice of the recall has
- 129 been posted continuously at least 30 days before the sale, offer for sale, or manufacturing for sale on the
- 130 website of the U.S. Consumer Product Safety Commission. This prohibition does not apply to children's
- 131 products that are used, secondhand or "seconds";
- 132 50. Violating any provision of Chapter 44.1 (§ 59.1-518.1 et seq.);
- 133 51. Violating any provision of Chapter 22 (§ 6.2-2200 et seq.) of Title 6.2;
- 134 52. Violating any provision of § 8.2-317.1;
- 135 53. Violating subsection A of § 9.1-149.1;
- 136 54. Selling, offering for sale, or using in the construction, remodeling, or repair of any residential dwelling
- 137 in the Commonwealth, any drywall that the supplier knows or has reason to know is defective drywall. This
- 138 subdivision shall not apply to the sale or offering for sale of any building or structure in which defective
- 139 drywall has been permanently installed or affixed;
- 140 55. Engaging in fraudulent or improper or dishonest conduct as defined in § 54.1-1118 while engaged in a
- 141 transaction that was initiated (i) during a declared state of emergency as defined in § 44-146.16 or (ii) to
- 142 repair damage resulting from the event that prompted the declaration of a state of emergency, regardless of
- 143 whether the supplier is licensed as a contractor in the Commonwealth pursuant to Chapter 11 (§ 54.1-1100 et
- 144 seq.) of Title 54.1;
- 145 56. Violating any provision of Chapter 33.1 (§ 59.1-434.1 et seq.);
- 146 57. Violating any provision of § 18.2-178, 18.2-178.1, or 18.2-200.1;
- 147 58. Violating any provision of Chapter 17.8 (§ 59.1-207.45 et seq.). For the purposes of this subdivision,
- 148 "consumer transaction" also includes transactions involving an automatic renewal or continuous service offer
- 149 by a supplier to a small business, as those terms are defined in § 59.1-207.45;
- 150 59. Violating any provision of subsection E of § 32.1-126;
- 151 60. Violating any provision of § 54.1-111 relating to the unlicensed practice of a profession licensed under
- 152 Chapter 11 (§ 54.1-1100 et seq.) or Chapter 21 (§ 54.1-2100 et seq.) of Title 54.1;
- 153 61. Violating any provision of § 2.2-2001.5;
- 154 62. Violating any provision of Chapter 5.2 (§ 54.1-526 et seq.) of Title 54.1;
- 155 63. Violating any provision of § 6.2-312;
- 156 64. Violating any provision of Chapter 20.1 (§ 6.2-2026 et seq.) of Title 6.2;
- 157 65. Violating any provision of Chapter 26 (§ 6.2-2600 et seq.) of Title 6.2;
- 158 66. Violating any provision of Chapter 54 (§ 59.1-586 et seq.);
- 159 67. Knowingly violating any provision of § 8.01-27.5;
- 160 68. Failing to, in accordance with § 59.1-207.46, (i) make available a conspicuous online option to cancel
- 161 a recurring purchase of a good or service or (ii) with respect to a free trial lasting more than 30 days, notify a
- 162 consumer of his option to cancel such free trial within 30 days of the end of the trial period to avoid an
- 163 obligation to pay for the goods or services;
- 164 69. Selling or offering for sale any substance intended for human consumption, orally or by inhalation,
- 165 that contains a synthetic derivative of tetrahydrocannabinol. As used in this subdivision, "synthetic
- 166 derivative" means a chemical compound produced by man through a chemical transformation to turn a
- 167 compound into a different compound by adding or subtracting molecules to or from the original compound.
- 168 This subdivision shall not (i) apply to products that are approved for marketing by the U.S. Food and Drug
- 169 Administration and scheduled in the Drug Control Act (§ 54.1-3400 et seq.) or (ii) be construed to prohibit
- 170 any conduct permitted under Chapter 16 (§ 4.1-1600 et seq.) of Title 4.1;
- 171 70. Selling or offering for sale to a person younger than 21 years of age any substance intended for human
- 172 consumption, orally or by inhalation, that contains tetrahydrocannabinol. This subdivision shall not (i) apply
- 173 to products that are approved for marketing by the U.S. Food and Drug Administration and scheduled in the
- 174 Drug Control Act (§ 54.1-3400 et seq.) or (ii) be construed to prohibit any conduct permitted under Chapter
- 175 16 (§ 4.1-1600 et seq.) of Title 4.1;
- 176 71. Selling or offering for sale any substance intended for human consumption, orally or by inhalation,
- 177 that contains tetrahydrocannabinol, unless such substance is (i) contained in child-resistant packaging, as
- 178 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
- 179 inch, (a) that the substance contains tetrahydrocannabinol and may not be sold to persons younger than 21
- 180 years of age, (b) all ingredients contained in the substance, (c) the amount of such substance that constitutes a
- 181 single serving, and (d) the total percentage and milligrams of tetrahydrocannabinol included in the substance

182 and the number of milligrams of tetrahydrocannabinol that are contained in each serving; and (iii)
183 accompanied by a certificate of analysis, produced by an independent laboratory that is accredited pursuant to
184 standard ISO/IEC 17025 of the International Organization of Standardization by a third-party accrediting
185 body, that states the tetrahydrocannabinol concentration of the substance or the tetrahydrocannabinol
186 concentration of the batch from which the substance originates. This subdivision shall not (i) apply to
187 products that are approved for marketing by the U.S. Food and Drug Administration and scheduled in the
188 Drug Control Act (§ 54.1-3400 et seq.) or (ii) be construed to prohibit any conduct permitted under Chapter
189 16 (§ 4.1-1600 et seq.) of Title 4.1;

190 72. Manufacturing, offering for sale at retail, or selling at retail an industrial hemp extract, as defined in §
191 3.2-5145.1, a food containing an industrial hemp extract, or a substance containing tetrahydrocannabinol that
192 depicts or is in the shape of a human, animal, vehicle, or fruit;

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

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

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

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

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

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

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

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

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

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

230 83. *Selling any food that is required by the FDA to have a nutrition label, when any ingredient listed on*
231 *the label is less than 50 percent, or greater than 150 percent, of the amount listed.*

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

236 **§ 59.1-200. (Effective July 1, 2025) Prohibited practices.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

275 13a. Failing to provide to a consumer, or failing to use or include in any written document or material
276 provided to or executed by a consumer, in connection with a consumer transaction any statement, disclosure,
277 notice, or other information however characterized when the supplier is required by 16 C.F.R. Part 433 to so
278 provide, use, or include the statement, disclosure, notice, or other information in connection with the
279 consumer transaction;

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

282 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,
283 or 3.2-6519 is a violation of this chapter;

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

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

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

303 16a. Failing to provide written notice to a consumer of an existing open-end credit balance in excess of \$5
304 (i) on an account maintained by the supplier and (ii) resulting from such consumer's overpayment on such

305 account. Suppliers shall give consumers written notice of such credit balances within 60 days of receiving
306 overpayments. If the credit balance information is incorporated into statements of account furnished
307 consumers by suppliers within such 60-day period, no separate or additional notice is required;

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

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

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

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

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

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

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

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

319 25. Violating any provision of the Motor Vehicle Manufacturers' Warranty Adjustment Act, Chapter 17.6
320 (§ 59.1-207.34 et seq.);

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

339 41. Violating any provision of the Virginia Post-Disaster Anti-Price Gouging Act, Chapter 46 (§ 59.1-525
340 et seq.). For the purposes of this subdivision, "consumer transaction" has the same meaning as provided in §
341 59.1-526;

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

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

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

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

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

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

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

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

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

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

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

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

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360 in the Commonwealth, any drywall that the supplier knows or has reason to know is defective drywall. This
361 subdivision shall not apply to the sale or offering for sale of any building or structure in which defective
362 drywall has been permanently installed or affixed;

363 55. Engaging in fraudulent or improper or dishonest conduct as defined in § 54.1-1118 while engaged in a
364 transaction that was initiated (i) during a declared state of emergency as defined in § 44-146.16 or (ii) to
365 repair damage resulting from the event that prompted the declaration of a state of emergency, regardless of

366 whether the supplier is licensed as a contractor in the Commonwealth pursuant to Chapter 11 (§ 54.1-1100 et
367 seq.) of Title 54.1;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

413 72. Manufacturing, offering for sale at retail, or selling at retail an industrial hemp extract, as defined in §
414 3.2-5145.1, a food containing an industrial hemp extract, or a substance containing tetrahydrocannabinol that
415 depicts or is in the shape of a human, animal, vehicle, or fruit;

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

422 74. Selling or offering for sale a topical hemp product, as defined in § 3.2-4112, that does not include a
423 label stating that the product is not intended for human consumption. This subdivision shall not (i) apply to
424 products that are approved for marketing by the U.S. Food and Drug Administration and scheduled in the
425 Drug Control Act (§ 54.1-3400 et seq.), (ii) be construed to prohibit any conduct permitted under Chapter 16
426 (§ 4.1-1600 et seq.) of Title 4.1, or (iii) apply to topical hemp products that were manufactured prior to July

- 427 1, 2023, provided that the person provides documentation of the date of manufacture if requested;
- 428 75. Violating any provision of § 59.1-466.8;
- 429 76. Violating subsection F of § 36-96.3:1;
- 430 77. Selling or offering for sale (i) any kratom product to a person younger than 21 years of age or (ii) any
- 431 kratom product that does not include a label listing all ingredients and with the following guidance: "This
- 432 product may be harmful to your health, has not been evaluated by the FDA, and is not intended to diagnose,
- 433 treat, cure, or prevent any disease." As used in this subdivision, "kratom" means any part of the leaf of the
- 434 plant *Mitragyna speciosa* or any extract thereof;
- 435 78. Advertising of any ignition interlock system in Virginia by an ignition interlock vendor not approved
- 436 by the Commission on the Virginia Alcohol Safety Action Program to operate in Virginia; targeted
- 437 advertising of any ignition interlock system to a person before determination of guilt; and any advertising,
- 438 whether before or after determination of guilt, without a conspicuous statement that such advertisement is not
- 439 affiliated with any government agency. For purposes of this subdivision, "ignition interlock system" has the
- 440 same meaning as ascribed to that term in § 18.2-270.1 and "targeted advertising" has the same meaning
- 441 ascribed to that term in § 59.1-575 and includes direct mailings to an individual. This provision shall not
- 442 apply to ignition interlock service vendor ads, pamphlets, or kiosk advertisements approved by the
- 443 Commission on the Virginia Alcohol Safety Action Program and provided at a Commission-approved
- 444 location;
- 445 79. Failing to disclose the total cost of a good or continuous service, as defined in § 59.1-207.45, to a
- 446 consumer, including any mandatory fees or charges, prior to entering into an agreement for the sale of any
- 447 such good or provision of any such continuous service;
- 448 80. Violating any provision of the Unfair Real Estate Service Agreement Act (§ 55.1-3200 et seq.);
- 449 81. Selling or offering for sale services as a professional mold remediator to be performed upon any
- 450 residential dwelling without holding a mold remediation certification from the Institute of Inspection,
- 451 Cleaning and Restoration Certification (IICRC);
- 452 82. Willfully violating any provision of § 59.1-444.4; ~~and~~
- 453 83. Violating any provision of Chapter 23.2 (§ 59.1-293.10 et seq.); *and*
- 454 84. *Selling any food that is required by the FDA to have a nutrition label, when any ingredient listed on*
- 455 *the label is less than 50 percent, or greater than 150 percent, of the amount listed.*
- 456 B. Nothing in this section shall be construed to invalidate or make unenforceable any contract or lease
- 457 solely by reason of the failure of such contract or lease to comply with any other law of the Commonwealth
- 458 or any federal statute or regulation, to the extent such other law, statute, or regulation provides that a violation
- 459 of such law, statute, or regulation shall not invalidate or make unenforceable such contract or lease.