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HOUSE BILL NO. 2195  
AMENDMENT IN THE NATURE OF A SUBSTITUTE  
(Proposed by the House Committee on General Laws  
on \_\_\_\_\_)  
(Patron Prior to Substitute—Delegate McQuinn)

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

**Be it enacted by the General Assembly of Virginia:**

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

**§ 54.1-300. Definitions.**

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

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

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

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

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

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

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

"Registration" means a method of regulation whereby any practitioner of a profession or occupation may

31 be required to submit information concerning the location, nature and operation of his practice.

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

39 **§ 54.1-500. Definitions.**

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

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

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

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

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

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

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

55 "Asbestos inspector's license" means an authorization issued by the Board permitting a person to perform  
56 on-site investigations to identify, classify, record, sample, test, and prioritize by exposure potential  
57 asbestos-containing materials.

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

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

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

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

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

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

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

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

76 "*Certified mold inspector*" means an individual who meets the criteria of education, experience, and  
77 testing to perform mold inspections established by the Board through certification as a mold inspector.

78 "*Certified mold remediator*" means an individual who meets the criteria of education, experience, and  
79 testing to perform mold remediation established by the Board through certification as a mold remediator.

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

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

89 of the Board. For purposes of this chapter, residential building energy analysis alone, as defined in §  
90 54.1-1144, shall not be considered a home inspection.

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

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

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

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

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

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

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

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

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

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

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

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

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

121 "Lead worker" or "lead abatement worker" means an individual who has been licensed by the Board to  
122 perform lead abatement.

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

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

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

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

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

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

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

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

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

145 The Virginia Board for Asbestos, Lead, *Mold*, and Home Inspectors shall be appointed by the Governor  
146 and composed of ~~12~~ 13 members as follows: (i) one shall be a representative of a Virginia-licensed asbestos

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

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

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

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

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

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

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

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

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

176 project monitors;

177 6. Promulgate, in accordance with the Administrative Process Act (§ 2.2-4000 *et seq.*), regulations  
178 necessary to establish procedures and requirements for the: (i) approval of accredited lead training programs,  
179 (ii) licensure of individuals and firms to engage in lead-based paint activities, and (iii) establishment of  
180 standards for performing lead-based paint activities consistent with the Residential Lead-based Paint Hazard  
181 Reduction Act and ~~United States~~ U.S. Environmental Protection Agency regulations. If the ~~United States~~ U.S.  
182 Environmental Protection Agency (EPA) has adopted, prior to the promulgation of any related regulations by  
183 the Board, any final regulations relating to lead-based paint activities, then the related regulations of the  
184 Board shall not be more stringent than the EPA regulations in effect as of the date of such promulgation. In  
185 addition, if the EPA shall have outstanding any proposed regulations relating to lead-based paint activities  
186 (other than as amendments to existing EPA regulations), as of the date of promulgation of any related  
187 regulations by the Board, then the related regulations of the Board shall not be more stringent than the  
188 proposed EPA regulations. In the event that the EPA shall adopt any final regulations subsequent to the  
189 promulgation by the Board of related regulations, then the Board shall, as soon as practicable, amend its  
190 existing regulations so as to be not more stringent than such EPA regulations; ~~and~~

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

195 8. *Approve the criteria for accredited mold inspection and mold remediation training programs and the*  
196 *certification of mold inspectors and mold remediators not inconsistent with this chapter regarding the*  
197 *professional qualifications of such applicants, the requirements necessary for passing any applicable*  
198 *examinations in whole or in part, the proper conduct of the mold inspectors and mold remediators certified*  
199 *by the Board, the implementation of exemptions from certification requirements, and the proper discharge of*  
200 *its duties. The Board shall have the discretion to impose different requirements for the certification of mold*  
201 *inspectors and mold remediators.*

202 **§ 54.1-516. Disciplinary actions.**

203 A. The Board may reprimand, fine, suspend, or revoke (i) the license of a lead contractor, lead inspector,  
204 lead risk assessor, lead project designer, lead supervisor, lead worker, asbestos contractor, asbestos

205 supervisor, asbestos inspector, asbestos analytical laboratory, asbestos management planner, asbestos project  
206 designer, asbestos project monitor, asbestos worker, or home inspector or (ii) the approval of an accredited  
207 asbestos training program, accredited lead training program, training manager or principal instructor, if the  
208 licensee or approved person or program:

209 1. Fraudulently or deceptively obtains or attempts to obtain a license or approval;

210 2. Fails at any time to meet the qualifications for a license or approval or to comply with the requirements  
211 of this chapter or any regulation adopted by the Board; or

212 3. Fails to meet any applicable federal or state standard when performing an asbestos project or service or  
213 performing lead-based paint activities.

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

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

219 *Article 4.*

220 *Certification of Mold Inspectors and Mold Remediators.*

221 **§ 54.1-517.6. Applicability.**

222 *This chapter shall not be construed to restrict or otherwise affect the right of any uncertified mold*  
223 *inspector or mold remediator or any other person from rendering any of the services that constitute the*  
224 *practice of mold inspection or mold remediation; however, no person may hold himself out as, or use the title*  
225 *of, "certified mold inspector" or "certified mold remediator" unless he has been so certified pursuant to the*  
226 *provisions of this chapter.*

227 **§ 54.1-517.7. Examination.**

228 *The Board may require applicants for certification as mold inspectors or mold remediators to pass an*  
229 *examination prior to receiving such certification. If the Board requires applicants to pass such an*  
230 *examination, the Board shall arrange for an examination approved by the Board to be given to qualified*  
231 *applicants for such certification at least once per year.*

232 **§ 54.1-517.8. Issuance of certification; waiver of examination.**

233 A. *The Board shall issue a certification to practice as a certified mold inspector or mold remediator in the*



234 Commonwealth to every applicant who has submitted satisfactory evidence that he has successfully c  
235 ompleted any educational, experience, or examination requirements issued by the Board.

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

240 C. The Board, in lieu of all examinations, may accept satisfactory evidence of licensure or certification in  
241 another state or territory of the United States where (i) the qualifications for such licensure or certification  
242 are equal, in the opinion of the Board, to the qualifications required by the provisions of this chapter as of  
243 the date of application and (ii) the applicant is the holder of a license or certificate in good standing. Upon  
244 receipt of such satisfactory evidence and provided all other such requirements of this chapter are complied  
245 with, a certificate shall be issued to such applicant.

246 **§ 59.1-200. (Effective until July 1, 2025) Prohibited practices.**

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

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

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

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

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

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

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

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

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

263 price or upon the terms advertised.

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

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

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

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

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

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

285 13a. Failing to provide to a consumer, or failing to use or include in any written document or material  
286 provided to or executed by a consumer, in connection with a consumer transaction any statement, disclosure,  
287 notice, or other information however characterized when the supplier is required by 16 C.F.R. Part 433 to so  
288 provide, use, or include the statement, disclosure, notice, or other information in connection with the  
289 consumer transaction;

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

292 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,  
293 or 3.2-6519 is a violation of this chapter;

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

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

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

313 16a. Failing to provide written notice to a consumer of an existing open-end credit balance in excess of \$5  
314 (i) on an account maintained by the supplier and (ii) resulting from such consumer's overpayment on such  
315 account. Suppliers shall give consumers written notice of such credit balances within 60 days of receiving  
316 overpayments. If the credit balance information is incorporated into statements of account furnished  
317 consumers by suppliers within such 60-day period, no separate or additional notice is required;

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

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

- 321 19. Violating any provision of the Virginia Home Solicitation Sales Act, Chapter 2.1 (§ 59.1-21.1 et seq.);
- 322 20. Violating any provision of the Automobile Repair Facilities Act, Chapter 17.1 (§ 59.1-207.1 et seq.);
- 323 21. Violating any provision of the Virginia Lease-Purchase Agreement Act, Chapter 17.4 (§ 59.1-207.17
- 324 et seq.);
- 325 22. Violating any provision of the Prizes and Gifts Act, Chapter 31 (§ 59.1-415 et seq.);
- 326 23. Violating any provision of the Virginia Public Telephone Information Act, Chapter 32 (§ 59.1-424 et
- 327 seq.);
- 328 24. Violating any provision of § 54.1-1505;
- 329 25. Violating any provision of the Motor Vehicle Manufacturers' Warranty Adjustment Act, Chapter 17.6
- 330 (§ 59.1-207.34 et seq.);
- 331 26. Violating any provision of § 3.2-5627, relating to the pricing of merchandise;
- 332 27. Violating any provision of the Pay-Per-Call Services Act, Chapter 33 (§ 59.1-429 et seq.);
- 333 28. Violating any provision of the Extended Service Contract Act, Chapter 34 (§ 59.1-435 et seq.);
- 334 29. Violating any provision of the Virginia Membership Camping Act, Chapter 25 (§ 59.1-311 et seq.);
- 335 30. Violating any provision of the Comparison Price Advertising Act, Chapter 17.7 (§ 59.1-207.40 et
- 336 seq.);
- 337 31. Violating any provision of the Virginia Travel Club Act, Chapter 36 (§ 59.1-445 et seq.);
- 338 32. Violating any provision of §§ 46.2-1231 and 46.2-1233.1;
- 339 33. Violating any provision of Chapter 40 (§ 54.1-4000 et seq.) of Title 54.1;
- 340 34. Violating any provision of Chapter 10.1 (§ 58.1-1031 et seq.) of Title 58.1;
- 341 35. Using the consumer's social security number as the consumer's account number with the supplier, if
- 342 the consumer has requested in writing that the supplier use an alternate number not associated with the
- 343 consumer's social security number;
- 344 36. Violating any provision of Chapter 18 (§ 6.2-1800 et seq.) of Title 6.2;
- 345 37. Violating any provision of § 8.01-40.2;
- 346 38. Violating any provision of Article 7 (§ 32.1-212 et seq.) of Chapter 6 of Title 32.1;
- 347 39. Violating any provision of Chapter 34.1 (§ 59.1-441.1 et seq.);
- 348 40. Violating any provision of Chapter 20 (§ 6.2-2000 et seq.) of Title 6.2;
- 349 41. Violating any provision of the Virginia Post-Disaster Anti-Price Gouging Act, Chapter 46 (§ 59.1-525

350 et seq.). For the purposes of this subdivision, "consumer transaction" has the same meaning as provided in §  
351 59.1-526;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 379 57. Violating any provision of § 18.2-178, 18.2-178.1, or 18.2-200.1;
- 380 58. Violating any provision of Chapter 17.8 (§ 59.1-207.45 et seq.). For the purposes of this subdivision,  
381 "consumer transaction" also includes transactions involving an automatic renewal or continuous service offer  
382 by a supplier to a small business, as those terms are defined in § 59.1-207.45;
- 383 59. Violating any provision of subsection E of § 32.1-126;
- 384 60. Violating any provision of § 54.1-111 relating to the unlicensed practice of a profession licensed under  
385 Chapter 11 (§ 54.1-1100 et seq.) or Chapter 21 (§ 54.1-2100 et seq.) of Title 54.1;
- 386 61. Violating any provision of § 2.2-2001.5;
- 387 62. Violating any provision of Chapter 5.2 (§ 54.1-526 et seq.) of Title 54.1;
- 388 63. Violating any provision of § 6.2-312;
- 389 64. Violating any provision of Chapter 20.1 (§ 6.2-2026 et seq.) of Title 6.2;
- 390 65. Violating any provision of Chapter 26 (§ 6.2-2600 et seq.) of Title 6.2;
- 391 66. Violating any provision of Chapter 54 (§ 59.1-586 et seq.);
- 392 67. Knowingly violating any provision of § 8.01-27.5;
- 393 68. Failing to, in accordance with § 59.1-207.46, (i) make available a conspicuous online option to cancel  
394 a recurring purchase of a good or service or (ii) with respect to a free trial lasting more than 30 days, notify a  
395 consumer of his option to cancel such free trial within 30 days of the end of the trial period to avoid an  
396 obligation to pay for the goods or services;
- 397 69. Selling or offering for sale any substance intended for human consumption, orally or by inhalation,  
398 that contains a synthetic derivative of tetrahydrocannabinol. As used in this subdivision, "synthetic  
399 derivative" means a chemical compound produced by man through a chemical transformation to turn a  
400 compound into a different compound by adding or subtracting molecules to or from the original compound.  
401 This subdivision shall not (i) apply to products that are approved for marketing by the U.S. Food and Drug  
402 Administration and scheduled in the Drug Control Act (§ 54.1-3400 et seq.) or (ii) be construed to prohibit  
403 any conduct permitted under Chapter 16 (§ 4.1-1600 et seq.) of Title 4.1;
- 404 70. Selling or offering for sale to a person younger than 21 years of age any substance intended for human  
405 consumption, orally or by inhalation, that contains tetrahydrocannabinol. This subdivision shall not (i) apply  
406 to products that are approved for marketing by the U.S. Food and Drug Administration and scheduled in the  
407 Drug Control Act (§ 54.1-3400 et seq.) or (ii) be construed to prohibit any conduct permitted under Chapter

408 16 (§ 4.1-1600 et seq.) of Title 4.1;

409 71. Selling or offering for sale any substance intended for human consumption, orally or by inhalation,  
410 that contains tetrahydrocannabinol, unless such substance is (i) contained in child-resistant packaging, as  
411 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  
412 inch, (a) that the substance contains tetrahydrocannabinol and may not be sold to persons younger than 21  
413 years of age, (b) all ingredients contained in the substance, (c) the amount of such substance that constitutes a  
414 single serving, and (d) the total percentage and milligrams of tetrahydrocannabinol included in the substance  
415 and the number of milligrams of tetrahydrocannabinol that are contained in each serving; and (iii)  
416 accompanied by a certificate of analysis, produced by an independent laboratory that is accredited pursuant to  
417 standard ISO/IEC 17025 of the International Organization of Standardization by a third-party accrediting  
418 body, that states the tetrahydrocannabinol concentration of the substance or the tetrahydrocannabinol  
419 concentration of the batch from which the substance originates. This subdivision shall not (i) apply to  
420 products that are approved for marketing by the U.S. Food and Drug Administration and scheduled in the  
421 Drug Control Act (§ 54.1-3400 et seq.) or (ii) be construed to prohibit any conduct permitted under Chapter  
422 16 (§ 4.1-1600 et seq.) of Title 4.1;

423 72. Manufacturing, offering for sale at retail, or selling at retail an industrial hemp extract, as defined in §  
424 3.2-5145.1, a food containing an industrial hemp extract, or a substance containing tetrahydrocannabinol that  
425 depicts or is in the shape of a human, animal, vehicle, or fruit;

426 73. Selling or offering for sale any substance intended for human consumption, orally or by inhalation,  
427 that contains tetrahydrocannabinol and, without authorization, bears, is packaged in a container or wrapper  
428 that bears, or is otherwise labeled to bear the trademark, trade name, famous mark as defined in 15 U.S.C. §  
429 1125, or other identifying mark, imprint, or device, or any likeness thereof, of a manufacturer, processor,  
430 packer, or distributor of a product intended for human consumption other than the manufacturer, processor,  
431 packer, or distributor that did in fact so manufacture, process, pack, or distribute such substance;

432 74. Selling or offering for sale a topical hemp product, as defined in § 3.2-4112, that does not include a  
433 label stating that the product is not intended for human consumption. This subdivision shall not (i) apply to  
434 products that are approved for marketing by the U.S. Food and Drug Administration and scheduled in the  
435 Drug Control Act (§ 54.1-3400 et seq.), (ii) be construed to prohibit any conduct permitted under Chapter 16  
436 (§ 4.1-1600 et seq.) of Title 4.1, or (iii) apply to topical hemp products that were manufactured prior to July

437 1, 2023, provided that the person provides documentation of the date of manufacture if requested;

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

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

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

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

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

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

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

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

463 B. Nothing in this section shall be construed to invalidate or make unenforceable any contract or lease  
464 solely by reason of the failure of such contract or lease to comply with any other law of the Commonwealth  
465 or any federal statute or regulation, to the extent such other law, statute, or regulation provides that a violation



466 of such law, statute, or regulation shall not invalidate or make unenforceable such contract or lease.

467 **§ 59.1-200. (Effective July 1, 2025) Prohibited practices.**

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

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

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

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

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

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

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

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

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

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

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

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

495 installed;

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

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

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

506 13a. Failing to provide to a consumer, or failing to use or include in any written document or material  
507 provided to or executed by a consumer, in connection with a consumer transaction any statement, disclosure,  
508 notice, or other information however characterized when the supplier is required by 16 C.F.R. Part 433 to so  
509 provide, use, or include the statement, disclosure, notice, or other information in connection with the  
510 consumer transaction;

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

513 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,  
514 or 3.2-6519 is a violation of this chapter;

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

516 a. The return of goods for refund, exchange, or credit. Such disclosure shall be by means of a sign  
517 attached to the goods, or placed in a conspicuous public area of the premises of the supplier, so as to be  
518 readily noticeable and readable by the person obtaining the goods from the supplier. If the supplier does not  
519 permit a refund, exchange, or credit for return, he shall so state on a similar sign. The provisions of this  
520 subdivision shall not apply to any retail merchant who has a policy of providing, for a period of not less than  
521 20 days after date of purchase, a cash refund or credit to the purchaser's credit card account for the return of  
522 defective, unused, or undamaged merchandise upon presentation of proof of purchase. In the case of  
523 merchandise paid for by check, the purchase shall be treated as a cash purchase and any refund may be

524 delayed for a period of 10 banking days to allow for the check to clear. This subdivision does not apply to  
525 sale merchandise that is obviously distressed, out of date, post season, or otherwise reduced for clearance; nor  
526 does this subdivision apply to special order purchases where the purchaser has requested the supplier to order  
527 merchandise of a specific or unusual size, color, or brand not ordinarily carried in the store or the store's  
528 catalog; nor shall this subdivision apply in connection with a transaction for the sale or lease of motor  
529 vehicles, farm tractors, or motorcycles as defined in § 46.2-100;

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

534 16a. Failing to provide written notice to a consumer of an existing open-end credit balance in excess of \$5  
535 (i) on an account maintained by the supplier and (ii) resulting from such consumer's overpayment on such  
536 account. Suppliers shall give consumers written notice of such credit balances within 60 days of receiving  
537 overpayments. If the credit balance information is incorporated into statements of account furnished  
538 consumers by suppliers within such 60-day period, no separate or additional notice is required;

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

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

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

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

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

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

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

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

550 25. Violating any provision of the Motor Vehicle Manufacturers' Warranty Adjustment Act, Chapter 17.6  
551 (§ 59.1-207.34 et seq.);

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

- 553 27. Violating any provision of the Pay-Per-Call Services Act, Chapter 33 (§ 59.1-429 et seq.);
- 554 28. Violating any provision of the Extended Service Contract Act, Chapter 34 (§ 59.1-435 et seq.);
- 555 29. Violating any provision of the Virginia Membership Camping Act, Chapter 25 (§ 59.1-311 et seq.);
- 556 30. Violating any provision of the Comparison Price Advertising Act, Chapter 17.7 (§ 59.1-207.40 et
- 557 seq.);
- 558 31. Violating any provision of the Virginia Travel Club Act, Chapter 36 (§ 59.1-445 et seq.);
- 559 32. Violating any provision of §§ 46.2-1231 and 46.2-1233.1;
- 560 33. Violating any provision of Chapter 40 (§ 54.1-4000 et seq.) of Title 54.1;
- 561 34. Violating any provision of Chapter 10.1 (§ 58.1-1031 et seq.) of Title 58.1;
- 562 35. Using the consumer's social security number as the consumer's account number with the supplier, if
- 563 the consumer has requested in writing that the supplier use an alternate number not associated with the
- 564 consumer's social security number;
- 565 36. Violating any provision of Chapter 18 (§ 6.2-1800 et seq.) of Title 6.2;
- 566 37. Violating any provision of § 8.01-40.2;
- 567 38. Violating any provision of Article 7 (§ 32.1-212 et seq.) of Chapter 6 of Title 32.1;
- 568 39. Violating any provision of Chapter 34.1 (§ 59.1-441.1 et seq.);
- 569 40. Violating any provision of Chapter 20 (§ 6.2-2000 et seq.) of Title 6.2;
- 570 41. Violating any provision of the Virginia Post-Disaster Anti-Price Gouging Act, Chapter 46 (§ 59.1-525
- 571 et seq.). For the purposes of this subdivision, "consumer transaction" has the same meaning as provided in §
- 572 59.1-526;
- 573 42. Violating any provision of Chapter 47 (§ 59.1-530 et seq.);
- 574 43. Violating any provision of § 59.1-443.2;
- 575 44. Violating any provision of Chapter 48 (§ 59.1-533 et seq.);
- 576 45. Violating any provision of Chapter 25 (§ 6.2-2500 et seq.) of Title 6.2;
- 577 46. Violating the provisions of clause (i) of subsection B of § 54.1-1115;
- 578 47. Violating any provision of § 18.2-239;
- 579 48. Violating any provision of Chapter 26 (§ 59.1-336 et seq.);
- 580 49. Selling, offering for sale, or manufacturing for sale a children's product the supplier knows or has
- 581 reason to know was recalled by the U.S. Consumer Product Safety Commission. There is a rebuttable

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

625 70. Selling or offering for sale to a person younger than 21 years of age any substance intended for human  
626 consumption, orally or by inhalation, that contains tetrahydrocannabinol. This subdivision shall not (i) apply  
627 to products that are approved for marketing by the U.S. Food and Drug Administration and scheduled in the  
628 Drug Control Act (§ 54.1-3400 et seq.) or (ii) be construed to prohibit any conduct permitted under Chapter  
629 16 (§ 4.1-1600 et seq.) of Title 4.1;

630 71. Selling or offering for sale any substance intended for human consumption, orally or by inhalation,  
631 that contains tetrahydrocannabinol, unless such substance is (i) contained in child-resistant packaging, as  
632 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  
633 inch, (a) that the substance contains tetrahydrocannabinol and may not be sold to persons younger than 21  
634 years of age, (b) all ingredients contained in the substance, (c) the amount of such substance that constitutes a  
635 single serving, and (d) the total percentage and milligrams of tetrahydrocannabinol included in the substance  
636 and the number of milligrams of tetrahydrocannabinol that are contained in each serving; and (iii)  
637 accompanied by a certificate of analysis, produced by an independent laboratory that is accredited pursuant to  
638 standard ISO/IEC 17025 of the International Organization of Standardization by a third-party accrediting  
639 body, that states the tetrahydrocannabinol concentration of the substance or the tetrahydrocannabinol

640 concentration of the batch from which the substance originates. This subdivision shall not (i) apply to  
641 products that are approved for marketing by the U.S. Food and Drug Administration and scheduled in the  
642 Drug Control Act (§ 54.1-3400 et seq.) or (ii) be construed to prohibit any conduct permitted under Chapter  
643 16 (§ 4.1-1600 et seq.) of Title 4.1;

644 72. Manufacturing, offering for sale at retail, or selling at retail an industrial hemp extract, as defined in §  
645 3.2-5145.1, a food containing an industrial hemp extract, or a substance containing tetrahydrocannabinol that  
646 depicts or is in the shape of a human, animal, vehicle, or fruit;

647 73. Selling or offering for sale any substance intended for human consumption, orally or by inhalation,  
648 that contains tetrahydrocannabinol and, without authorization, bears, is packaged in a container or wrapper  
649 that bears, or is otherwise labeled to bear the trademark, trade name, famous mark as defined in 15 U.S.C. §  
650 1125, or other identifying mark, imprint, or device, or any likeness thereof, of a manufacturer, processor,  
651 packer, or distributor of a product intended for human consumption other than the manufacturer, processor,  
652 packer, or distributor that did in fact so manufacture, process, pack, or distribute such substance;

653 74. Selling or offering for sale a topical hemp product, as defined in § 3.2-4112, that does not include a  
654 label stating that the product is not intended for human consumption. This subdivision shall not (i) apply to  
655 products that are approved for marketing by the U.S. Food and Drug Administration and scheduled in the  
656 Drug Control Act (§ 54.1-3400 et seq.), (ii) be construed to prohibit any conduct permitted under Chapter 16  
657 (§ 4.1-1600 et seq.) of Title 4.1, or (iii) apply to topical hemp products that were manufactured prior to July  
658 1, 2023, provided that the person provides documentation of the date of manufacture if requested;

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

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

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

666 78. Advertising of any ignition interlock system in Virginia by an ignition interlock vendor not approved  
667 by the Commission on the Virginia Alcohol Safety Action Program to operate in Virginia; targeted  
668 advertising of any ignition interlock system to a person before determination of guilt; and any advertising,

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

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

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

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

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

684 ~~83.~~ 82. Violating any provision of Chapter 23.2 (§ 59.1-293.10 et seq.).

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

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

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

694 **4. That, notwithstanding the provisions of this act amending § 54.1-500.1 requiring the additional**  
695 **member of the Virginia Board for Asbestos, Lead, Mold, and Home Inspectors to be a certified mold**  
696 **inspector or a certified mold remediator and to have practiced as such for at least three consecutive**  
697 **years prior to appointment, such requirement shall not apply to the initial appointment of such**



**698 additional member. However, the individual initially appointed by the Governor shall hold a mold**  
**699 remediation certification from a national, third-party accredited certifying body.**