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HOUSE BILL NO. 962

Offered January 14, 2026

Prefiled January 13, 2026

A BILL to amend and reenact § 2.2-3905 of the Code of Virginia and to amend the Code of Virginia by adding in Article 1 of Chapter 3 of Title 40.1 a section numbered 40.1-28.7:12 and a chapter numbered 10, consisting of sections numbered 40.1-143 through 40.1-153, relating to labor and employment; nondiscrimination; prohibiting employer seeking wage or salary history of prospective employees; wage or salary range transparency; predictive scheduling for large employers; causes of action; civil penalties.

Patron—Mehta

Committee Referral Pending

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-3905 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Article 1 of Chapter 3 of Title 40.1 a section numbered 40.1-28.7:12 and a chapter numbered 10, consisting of sections numbered 40.1-143 through 40.1-153, as follows:

§ 2.2-3905. Nondiscrimination in employment; definitions; exceptions.

A. As used in this section:

"Age" means being an individual who is at least 40 years of age.

"Domestic worker" means an individual who is compensated directly or indirectly for the performance of services of a household nature performed in or about a private home, including services performed by individuals such as companions, babysitters, cooks, waiters, butlers, valets, maids, housekeepers, nannies, nurses, janitors, laundresses, caretakers, handymen, gardeners, home health aides, personal care aides, and chauffeurs of automobiles for family use. "Domestic worker" does not include (i) a family member, friend, or neighbor of a child, or a parent of a child, who provides child care in the child's home; (ii) any child day program as defined in § 22.1-289.02 or an individual who is an employee of a child day program; or (iii) any employee employed on a casual basis in domestic service employment to provide companionship services for individuals who, because of age or infirmity, are unable to care for themselves.

"Employee" means an individual employed by an employer.

"Employer" means a person employing (i) 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year, and any agent of such a person or (ii) one or more domestic workers. However, (a) for purposes of unlawful discharge under subdivision B 1 on the basis of race, color, religion, ethnic or national origin, military status, sex, sexual orientation, gender identity, marital status, disability, pregnancy, or childbirth or related medical conditions including lactation, "employer" means any person employing more than five persons or one or more domestic workers and (b) for purposes of unlawful discharge under subdivision B 1 on the basis of age, "employer" means any employer employing more than five but fewer than 20 persons.

"Employment agency" means any person, or an agent of such person, regularly undertaking with or without compensation to procure employees for an employer or to procure for employees opportunities to work for an employer.

"Joint apprenticeship committee" means the same as that term is defined in § 2.2-2043.

"Labor organization" means an organization engaged in an industry, or an agent of such organization, that exists for the purpose, in whole or in part, of dealing with employers on behalf of employees concerning grievances, labor disputes, wages, rates of pay, hours, or other terms or conditions of employment. "Labor organization" includes employee representation committees, groups, or associations in which employees participate.

"Lactation" means a condition that may result in the feeding of a child directly from the breast or the expressing of milk from the breast.

B. It is an unlawful discriminatory practice for:

1. An employer to:

a. Fail or refuse to hire, discharge, or otherwise discriminate against any individual with respect to such individual's compensation, terms, conditions, or privileges of employment because of such individual's race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy, childbirth or related medical conditions including lactation, age, military status, disability, or ethnic or national origin; or

b. Limit, segregate, or classify employees or applicants for employment in any way that would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect an individual's status as an employee, because of such individual's race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy, childbirth or related medical conditions including lactation, age, military

status, disability, or ethnic or national origin.

2. An employment agency to:

a. Fail or refuse to refer for employment, or otherwise discriminate against, any individual because of such individual's race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy, childbirth or related medical conditions, age, military status, disability, or ethnic or national origin; or

b. Classify or refer for employment any individual on the basis of such individual's race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy, childbirth or related medical conditions, age, military status, disability, or ethnic or national origin.

3. A labor organization to:

a. Exclude or expel from its membership, or otherwise discriminate against, any individual because of such individual's race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy, childbirth or related medical conditions, age, military status, disability, or ethnic or national origin;

b. Limit, segregate, or classify its membership or applicants for membership, or classify or fail to or refuse to refer for employment any individual, in any way that would deprive or tend to deprive such individual of employment opportunities, or would limit such employment opportunities or otherwise adversely affect an individual's status as an employee or as an applicant for employment, because of such individual's race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy, childbirth or related medical conditions, age, military status, disability, or ethnic or national origin; or

c. Cause or attempt to cause an employer to discriminate against an individual in violation of subdivisions a or b.

4. An employer, labor organization, or joint apprenticeship committee to discriminate against any individual in any program to provide apprenticeship or other training program on the basis of such individual's race, color, religion, sex, sexual orientation, gender identity, pregnancy, childbirth or related medical conditions, age, military status, disability, or ethnic or national origin.

5. An employer, in connection with the selection or referral of applicants or candidates for employment or promotion, to adjust the scores of, use different cutoff scores for, or otherwise alter the results of employment-related tests on the basis of race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy, childbirth or related medical conditions, age, military status, disability, or ethnic or national origin.

6. Except as otherwise provided in this chapter, an employer to use race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy, childbirth or related medical conditions, age, military status, disability, or ethnic or national origin as a motivating factor for any employment practice, even though other factors also motivate the practice.

7. (i) An employer to discriminate against any employees or applicants for employment, (ii) an employment agency or a joint apprenticeship committee controlling an apprenticeship or other training program to discriminate against any individual, or (iii) a labor organization to discriminate against any member thereof or applicant for membership because such individual has opposed any practice made an unlawful discriminatory practice by this chapter or because such individual has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this chapter.

8. An employer, labor organization, employment agency, or joint apprenticeship committee controlling an apprenticeship or other training program to print or publish, or cause to be printed or published, any notice or advertisement relating to (i) employment by such an employer, (ii) membership in or any classification or referral for employment by such a labor organization, (iii) any classification or referral for employment by such an employment agency, or (iv) admission to, or employment in, any program established to provide apprenticeship or other training by such a joint apprenticeship committee that indicates any preference, limitation, specification, or discrimination based on race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy, childbirth or related medical conditions, age, military status, disability, or ethnic or national origin, except that such a notice or advertisement may indicate a preference, limitation, specification, or discrimination based on religion, sex, age, or ethnic or national origin when religion, sex, age, or ethnic or national origin is a bona fide occupational qualification for employment.

9. An employer, labor organization, employment agency, or joint apprenticeship committee controlling an apprenticeship or other training program to discriminate based on an individual's name or address, if the individual's name or address are used as a proxy for race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy, childbirth or related medical conditions, age, military status, disability, or ethnic or national origin.

C. Notwithstanding any other provision of this chapter, it is not an unlawful discriminatory practice:

1. For (i) an employer to hire and employ employees; (ii) an employment agency to classify, or refer for employment, any individual; (iii) a labor organization to classify its membership or to classify or refer for employment any individual; or (iv) an employer, labor organization, or joint apprenticeship committee to admit or employ any individual in any apprenticeship or other training program on the basis of such individual's religion, sex, or age in those certain instances where religion, sex, or age is a bona fide

occupational qualification reasonably necessary to the normal operation of that particular employer, employment agency, labor organization, or joint apprenticeship committee;

2. For an elementary or secondary school or institution of higher education to hire and employ employees of a particular religion if such elementary or secondary school or institution of higher education is, in whole or in substantial part, owned, supported, controlled, or managed by a particular religion or by a particular religious corporation, association, or society or if the curriculum of such elementary or secondary school or institution of higher education is directed toward the propagation of a particular religion;

3. For an employer to apply different standards of compensation, or different terms, conditions, or privileges of employment, pursuant to a bona fide seniority or merit system, or a system that measures earnings by quantity or quality of production, or to employees who work in different locations, provided that such differences are not the result of an intention to discriminate because of race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy, childbirth or related medical conditions, age, military status, disability, or ethnic or national origin;

4. For an employer to give and to act upon the results of any professionally developed ability test, provided that such test, its administration, or an action upon the results is not designed, intended, or used to discriminate because of race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy, childbirth or related medical conditions, age, military status, disability, or ethnic or national origin;

5. For an employer to provide reasonable accommodations related to disability, pregnancy, childbirth or related medical conditions, and lactation, when such accommodations are requested by the employee; or

6. For an employer to condition employment or premises access based upon citizenship where the employer is subject to any requirement imposed in the interest of the national security of the United States under any security program in effect pursuant to or administered under any statute or regulation of the federal government or any executive order of the President of the United States.

D. Nothing in this chapter shall be construed to require any employer, employment agency, labor organization, or joint apprenticeship committee to grant preferential treatment to any individual or to any group because of such individual's or group's race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy, childbirth or related medical conditions, age, military status, disability, or ethnic or national origin on account of an imbalance that may exist with respect to the total number or percentage of persons of any race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy, childbirth or related medical conditions, age, military status, disability, or ethnic or national origin employed by any employer, referred or classified for employment by any employment agency or labor organization, admitted to membership or classified by any labor organization, or admitted to or employed in any apprenticeship or other training program, in comparison with the total number or percentage of persons of such race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy, childbirth or related medical conditions, age, military status, disability, or ethnic or national origin in any community.

E. The provisions of this section shall not apply to the employment of individuals of a particular religion by a religious corporation, association, educational institution, or society to perform work associated with its activities.

§ 40.1-28.7:12. Seeking wage or salary history of prospective employees prohibited; wage or salary range transparency; cause of action.

A. As used in this section:

"Wage or salary history" means the wage or salary paid to the prospective employee by the prospective employee's current or previous employer.

"Wage or salary range" means the minimum and maximum wage or salary for the position, set in good faith by reference to any applicable pay scale, any previously determined wage or salary range for the position, the actual range of wages or salaries for persons currently holding equivalent positions, or the budgeted amount available for the position, as applicable.

B. No employer shall:

1. Seek the wage or salary history of a prospective employee;

2. Rely on the wage or salary history of a prospective employee in considering the prospective employee for employment;

3. Except as provided in subsection D, rely on the wage or salary history of a prospective employee in determining the wages or salary the prospective employee is to be paid upon hire;

4. Refuse to interview, hire, employ, or promote or otherwise retaliate against a prospective or current employee for not providing wage or salary history or requesting a wage or salary range;

5. Fail or refuse to disclose in each public and internal posting for each job, promotion, transfer, or other employment opportunity the wage, salary, or wage or salary range for the position; or

6. Fail to set a wage or salary range in good faith. Any analysis of whether the wage or salary range has been set in good faith shall consider, among other things, the breadth of such wage or salary range.

C. The provisions of subsection B shall not be construed to prevent a prospective employee from voluntarily disclosing wage or salary history, including for the purpose of negotiating wages or salary after

an initial offer of employment with an offer of compensation.

D. If a prospective employee voluntarily provides his wage or salary history to an employer without the employer's prompting, then (i) the employer may rely on such wage or salary history to support a wage or salary higher than the employer's initial offer of compensation only to the extent that the higher wage or salary does not create an unlawful pay differential in violation of § 40.1-28.6 or federal law and (ii) the employer may seek to confirm the wage or salary history of the prospective employee to support a wage or salary higher than the wage or salary offered by the employer only to the extent that the higher wage or salary does not create an unlawful pay differential in violation of § 40.1-28.6 or federal law.

E. An employer that violates the provisions of this section shall be liable to the prospective employee or employee who was the subject of such violation for statutory damages between $1,000 and $10,000 or actual damages, whichever is greater; reasonable attorney fees and costs; and any other legal and equitable relief as may be appropriate. An aggrieved prospective employee or employee may bring an action, individually, jointly with other aggrieved prospective employees or employees, or on behalf of similarly situated prospective employees or employees as a collective action against the employer in a court of competent jurisdiction within two years of when the prohibited action occurred. For the purpose of this section, a prohibited action occurs when (i) a prohibited wage or salary decision or practice is adopted; (ii) an individual is subject to a prohibited wage or salary decision or practice; or (iii) an individual is affected by the application of a prohibited wage or salary decision or practice, including each time wages or salaries paid result, in whole or in part, from a prohibited wage or salary decision or practice.

CHAPTER 10.

PREDICTIVE SCHEDULING.

§ 40.1-143. Definitions.

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

"Chain" means an establishment that is part of an affiliation of two or more establishments within the United States, each of which is owned by the same person or entity and operates under identical or substantially similar trade names or service marks, as such terms are defined in § 59.1-92.2.

"Employee" means an employee of an employer performing work in the Commonwealth.

"Employer" means an employer that meets the criteria described in § 40.1-144 and includes a successor to an employer.

"Food services establishment" means the fixed point of sale location for establishments classified under the 2012 North American Industry Classification System (NAICS) Code 722 as food services and drinking places.

"Hospitality establishment" means the same as provided under the 2012 NAICS Code 721110 for hotels and motels and Code 721120 for casino hotels.

"NAICS" means the North American Industry Classification System Manual issued by the United States Census Bureau.

"On-call shift" means any time that an employer requires an employee to be available to work or to contact the employer or wait to be contacted by the employer for the purpose of determining whether the employee must report to work, regardless of whether the employee is located on or off the employer's premises during such time.

"Regular rate of pay" means the greater of (i) the rate required by the federal Fair Labor Standards Act (29 U.S.C. § 201 et seq.) or (ii) the regular hourly rate or hourly equivalent that an employer is required to pay an employee for each hour the employee works during a given work shift, including any shift differential pay. "Regular rate of pay" does not include tips, bonuses or other incentive payments, overtime, holiday pay, or other premium rate, or any additional compensation an employer is required to pay an employee pursuant to this chapter.

"Retail establishment" means the fixed point of sale location for an establishment defined in the 2012 NAICS Codes 441110 through 453998 as a retail trade establishment.

"Successor" means a business or enterprise that is substantially the same entity as the predecessor employer according to criteria adopted by the Department and consistent with federal law.

"Time of hire" means the period after the acceptance of an offer of employment and on or before the commencement of employment.

"Work schedule" means the hours, days, and times, including regular work shifts and on-call shifts, when an employee is required by an employer to perform duties of employment for which the employee will receive compensation.

"Work shift" means the specific and consecutive hours the employer requires the employee to work.

"Workweek" means a fixed period of time established by an employer that reflects a regularly recurring period of 168 hours or seven consecutive 24-hour periods. A "workweek" may begin on any day of the week and any hour of the day and need not coincide with a calendar week.

"Writing" or "written" means a printed or printable communication in physical or electronic format, including a communication that is transmitted through electronic mail, text message, or a computer system or is otherwise sent and stored electronically.

§ 40.1-144. Applicability; integrated enterprises.

A. The provisions of this chapter shall apply to any employer that is a retail establishment, a hospitality establishment, or a food services establishment, including a chain or integrated enterprise, employing 500 or more employees worldwide. The determination of the number of employees employed by an employer shall be based upon the average number of employees employed on each working day during each of 20 or more workweeks in the calendar year or immediately preceding calendar year.

B. Separate entities that form an integrated enterprise are considered a single employer for the purposes of this chapter. Separate entities shall be considered an integrated enterprise if a separate entity controls the operation of another entity, as determined by the Commissioner. The factors to consider in determining whether separate entities form an integrated enterprise shall include (i) the degree of interrelation between the operations of multiple entities; (ii) the degree to which the entities share common management; (iii) the degree to which the entities have centralized control of labor relations; and (iv) the degree of common ownership or financial control over the entities.

§ 40.1-145. Good faith estimate of work schedule.

An employer shall provide each new employee with a written good faith estimate of the employee's work schedule at the time of hire. Such good faith estimate:

1. Shall state the median number of hours the employee can expect to work in an average one-month period;

2. Shall explain the voluntary standby list described in § 40.1-146 and provide the written notice required by § 40.1-146;

3. Shall indicate whether an employee who is not on the voluntary standby list can expect to work on-call shifts and, if so, set forth an objective standard for when an employee not listed on the voluntary standby list may be expected to be available to work on-call shifts;

4. May be based on a prior year schedule if such schedule is a good faith estimate of seasonal or episodic work; and

5. Shall be provided in the language the employer typically uses to communicate with the employee.

§ 40.1-146. Voluntary standby list; civil penalty.

A. An employer may maintain a standby list of employees whom the employer will request to work additional hours to address unanticipated customer needs or unexpected employee absences if the listed employees have requested or agreed in writing to be included on the standby list and the employer notifies each employee in writing:

1. That the list is voluntary and how an employee may request to be removed from the list;

2. How the employer will notify a standby list employee of additional hours available and how an employee may accept the additional hours;

3. That the employee is not required to accept the additional hours offered; and

4. That an employee on the standby list is not eligible for additional compensation under § 40.1-150 for the changes to the employee's written work schedule resulting from the employee's acceptance of additional hours offered to the employee as a result of being on the standby list.

B. An employer shall provide an employee on the standby list with notice of additional hours available by in-person conversation, telephone call, electronic mail, text message, or other accessible electronic or written format. An employee who receives notice of additional hours available under this section may decline to accept the additional hours offered. An employee may request to be removed from the standby list at any time, and no employer shall retaliate against an employee who (i) does not request or agree to be added to the standby list, (ii) requests to be removed from the standby list, or (iii) declines an employer's request that the employee work additional hours as a result of the employee being on the standby list.

C. In addition to any other penalty provided by law, the Commissioner may assess a civil penalty not to exceed $2,000 against an employer that the Commissioner finds has violated any provision of this section. In the case of a continuing violation, each day's continuance shall constitute a separate and distinct violation.

§ 40.1-147. Advance notice of work schedule.

A. An employer shall provide an employee with a work schedule in writing at least 14 calendar days before the first day of the work schedule. The employer shall post the written work schedule in a conspicuous and accessible location in the language the employer typically uses to communicate with its employees. The written work schedule shall include all work shifts and on-call shifts for the 14-day period.

B. If the employer requests changes to the written work schedule after the advance notice required by this section, the employer shall provide the employee with timely notice of the change by in-person conversation, telephone call, electronic mail, text message, or other accessible electronic or written format, and the employee may decline any work shifts not included in the employee's written work schedule.

C. At any time after the advance notice of written work schedule required in this section, an employee may request in writing that the employer add the employee to one or more work shifts or on-call work shifts. No change to the employee's written work schedule resulting from such employee-requested work schedule changes shall be subject to the advance notice requirements of this section.

§ 40.1-148. Right to rest between work shifts.

Unless the employee requests or consents to work such hours, no employer shall schedule or require an employee to work during the first 10 hours following the end of (i) the previous calendar day's work shift or on-call shift or (ii) a work shift or on-call shift that spanned two calendar days. An employer shall compensate an employee for each hour or portion of an hour that an employee works during a rest period described in this subsection at one and one-half times the employee's regular rate of pay.

§ 40.1-149. Employee input into work schedule.

A. At time of hire and during employment, an employee may identify any limitations or changes in the employee's work schedule availability, including any child care needs. The employee may also request not to be scheduled for work shifts during certain times or at certain locations. An employer may require the employee to provide reasonable verification for such request. The employer shall pay any reasonable costs for providing verification that is medical verification required under this subsection, including lost wages, that are not paid under a health benefit plan in which the employee is enrolled.

B. No employer shall (i) retaliate against an employee for making a request under subsection A or (ii) be obligated to grant any such request.

§ 40.1-150. Compensation for work schedule changes; exceptions.

A. An employer shall provide the following compensation to an employee for each employer-requested change that occurs to the employee's written work schedule without the advance notice required by § 40.1-147:

1. One hour of pay at the employee's regular rate of pay, in addition to wages earned, when the employer (i) adds more than 30 minutes of work to the employee's work shift, (ii) changes the date or start or end time of the employee's work shift with no loss of hours, or (iii) schedules the employee for an additional work shift or on-call shift.

2. One-half times the employee's regular rate of pay per hour for each scheduled hour that the employee does not work when the employer (i) subtracts hours from the employee's work shift before or after the employee reports for duty; (ii) changes the date or start or end time of the employee's work shift, resulting in a loss of work shift hours; (iii) cancels the employee's work shift; or (iv) does not ask the employee to perform work when the employee is scheduled for an on-call shift.

B. No provision of subsection A shall apply to situations in which:

1. An employer changes the start or end time of an employee's work shift by 30 minutes or less;

2. An employee mutually agrees with another employee to employee-initiated work shift swaps or coverage. The employer may require that work shift swaps or coverage under this subdivision be preapproved by the employer. The employer may assist employees in finding such arrangements, provided that any employer assistance must be limited to helping an employee identify other employees who may be available to provide work shift swaps or coverage and shall not include the employer arranging the work shift swap or coverage;

3. An employee requests in writing the change to the employee's written work schedule, including adding or subtracting hours;

4. An employer makes changes to an employee's written work schedule at the employee's request under subsection C of § 40.1-147;

5. An employee's work shift or on-call shift cannot begin or continue due to threats to employees or property or due to the recommendation of a public official;

6. Operations cannot begin or continue due to a utility failure not caused by the employer;

7. Operations cannot begin or continue due to a natural disaster or a similar cause not within the employer's control;

8. Operations hours change or are substantially altered because a ticketed event is canceled, rescheduled, or changed in duration due to circumstances that are outside the employer's control and that occur after the employer provides the written work schedule required by § 40.1-147;

9. An employer requests that an employee on a voluntary standby list work additional hours as described in § 40.1-146 and the employee consents to work the additional hours; or

10. (i) An employer requests that an employee work additional hours to address unanticipated customer needs or unexpected employee absence; (ii) the employee consents in writing to work the additional hours; (iii) if the employer maintains a voluntary standby list described in § 40.1-146, the employer has contacted all of the employees listed on the voluntary standby list and requires additional employee coverage; and (iv) if the employee is working a work shift at the time the employer makes the request, the employer makes the request either individually or as part of a group communication, or if the employee is not working a work shift at the time the employer makes the request, the employer makes the request through a group communication.

§ 40.1-151. Notice and posting requirements.

The Commissioner shall make available to employers a template of a poster giving notice of the rights described in this chapter. Employers shall display the poster at the workplace. If displaying the poster is not feasible, including situations in which the employees work remotely or do not have a regular workplace or job site, the employer may provide the poster on an individual basis in a physical or electronic format that is

reasonably conspicuous and accessible.

§ 40.1-152. Retaliation prohibited.

No employer shall interfere with, restrain, deny, or attempt to deny the exercise of any right protected under this chapter or retaliate or in any way discriminate against an individual with respect to hire, tenure, or any other term or condition of employment because the individual inquires about or seeks enforcement of any provision of this chapter.

§ 40.1-153. Enforcement; right of action; regulations; civil penalties.

A. An employee who is discharged, disciplined, threatened, discriminated against, or penalized in violation of § 40.1-152 may bring a civil action in a court of competent jurisdiction within one year of the employer's prohibited retaliatory action. The court may order as a remedy to the employee (i) an injunction to restrain any continued violation, (ii) the reinstatement of the employee to the same position held before the retaliatory action or to an equivalent position, and (iii) compensation for lost wages, benefits, and other remuneration, together with interest thereon, as well as reasonable attorney fees and costs.

B. Any employee who is discharged, disciplined, threatened, discriminated against, or penalized in violation of § 40.1-152 may file a complaint with the Commissioner. The Commissioner, with the written and signed consent of such an employee, may institute proceedings against the employer for appropriate remedies for such action, including reinstatement of the employee and recovering lost wages.

C. Any employer who violates any provision of this chapter may be subject to a civil penalty, as determined by the Commissioner, of $500 for a violation of § 40.1-151 and $1,000 for a violation of any other provision. Civil penalties under this section shall be assessed by the Commissioner and paid to the Literary Fund.

D. The Department shall adopt any regulations necessary to enforce and implement the provisions of this chapter.