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SENATE BILL NO. 256

Offered January 14, 2026

Prefiled January 12, 2026

A *BILL to amend and reenact § 59.1-200 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 17 of Title 45.2 an article numbered 10, consisting of a section numbered 45.2-1735, relating to appliance minimum energy and water conservation standards; heating, ventilation, and air conditioning facilities and home appliances; Department of Energy; prohibited practices; penalty.*

Patron—McPike

Referred to Committee on Commerce and Labor

Be it enacted by the General Assembly of Virginia:

1. That § 59.1-200 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Chapter 17 of Title 45.2 an article numbered 10, consisting of a section numbered 45.2-1735, as follows:

Article 10.

Appliance Energy and Water Conservation Standards.

§ 45.2-1735. Minimum energy and water conservation standards for certain products.

A. *If any of the energy or water conservation standards issued or approved for publication by the U.S. Secretary of Energy as of January 1, 2026, pursuant to 10 C.F.R. Parts 430 and 431 of the federal Energy Policy and Conservation Act of 1975 (P.L. 94-163), as amended, are withdrawn, repealed, or otherwise voided, the minimum energy or water efficiency level permitted for products previously subject to federal energy or water conservation standards in the Commonwealth shall be the applicable federal standards as of January 1, 2026. No such new products may be sold or offered for sale, lease, or rent in the Commonwealth unless such products meet or exceed such standards.*

B. *The Department shall require a manufacturer that produces a product described in subsection A to test its products in accordance with the test procedures provided in 10 C.F.R. Parts 430 and 431 of the federal Energy Policy and Conservation Act of 1975 (P.L. 94-163), as amended, as of January 1, 2026. The Department may adopt additional test methods when new versions of test methods become available or when an alternative test method has been adopted by another state or the federal government. Such manufacturers shall certify through a third-party database, such as the Modernized Appliance Efficiency Database System, Home Ventilating Institute Products Directory, or Northeast Energy Efficiency Partnerships State Appliance Standards Database, or any other database approved by the Department, and based on such test results, that its products comply with the provisions of this section.*

C. *Nothing in this section shall apply to (i) any energy or water conservation standard set aside by a court pursuant to 42 U.S.C. § 6306(b) or (ii) any product if federal law preempts the application of this section to such product.*

§ 59.1-200. Prohibited practices.

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

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

In any action brought under this subdivision, the refusal by any person, or any employee, agent, or servant thereof, to sell any goods or services advertised or offered for sale at the price or upon the terms advertised or offered, shall be prima facie evidence of a violation of this subdivision. This paragraph shall not apply when

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- 59 it is clearly and conspicuously stated in the advertisement or offer by which such goods or services are
60 advertised or offered for sale, that the supplier or offeror has a limited quantity or amount of such goods or
61 services for sale, and the supplier or offeror at the time of such advertisement or offer did in fact have or
62 reasonably expected to have at least such quantity or amount for sale;
- 63 9. Making false or misleading statements of fact concerning the reasons for, existence of, or amounts of
64 price reductions;
- 65 10. Misrepresenting that repairs, alterations, modifications, or services have been performed or parts
66 installed;
- 67 11. Misrepresenting by the use of any written or documentary material that appears to be an invoice or bill
68 for merchandise or services previously ordered;
- 69 12. Notwithstanding any other provision of law, using in any manner the words "wholesale,"
70 "wholesaler," "factory," or "manufacturer" in the supplier's name, or to describe the nature of the supplier's
71 business, unless the supplier is actually engaged primarily in selling at wholesale or in manufacturing the
72 goods or services advertised or offered for sale;
- 73 13. Using in any contract or lease any liquidated damage clause, penalty clause, or waiver of defense, or
74 attempting to collect any liquidated damages or penalties under any clause, waiver, damages, or penalties that
75 are void or unenforceable under any otherwise applicable laws of the Commonwealth, or under federal
76 statutes or regulations;
- 77 13a. Failing to provide to a consumer, or failing to use or include in any written document or material
78 provided to or executed by a consumer, in connection with a consumer transaction any statement, disclosure,
79 notice, or other information however characterized when the supplier is required by 16 C.F.R. Part 433 to so
80 provide, use, or include the statement, disclosure, notice, or other information in connection with the
81 consumer transaction;
- 82 14. Using any other deception, fraud, false pretense, false promise, or misrepresentation in connection
83 with a consumer transaction;
- 84 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,
85 or 3.2-6519 is a violation of this chapter;
- 86 16. Failing to disclose all conditions, charges, or fees relating to:
- 87 a. The return of goods for refund, exchange, or credit. Such disclosure shall be by means of a sign
88 attached to the goods, or placed in a conspicuous public area of the premises of the supplier, so as to be
89 readily noticeable and readable by the person obtaining the goods from the supplier. If the supplier does not
90 permit a refund, exchange, or credit for return, he shall so state on a similar sign. The provisions of this
91 subdivision shall not apply to any retail merchant who has a policy of providing, for a period of not less than
92 20 days after date of purchase, a cash refund or credit to the purchaser's credit card account for the return of
93 defective, unused, or undamaged merchandise upon presentation of proof of purchase. In the case of
94 merchandise paid for by check, the purchase shall be treated as a cash purchase and any refund may be
95 delayed for a period of 10 banking days to allow for the check to clear. This subdivision does not apply to
96 sale merchandise that is obviously distressed, out of date, post season, or otherwise reduced for clearance; nor
97 does this subdivision apply to special order purchases where the purchaser has requested the supplier to order
98 merchandise of a specific or unusual size, color, or brand not ordinarily carried in the store or the store's
99 catalog; nor shall this subdivision apply in connection with a transaction for the sale or lease of motor
100 vehicles, farm tractors, or motorcycles as defined in § 46.2-100;
- 101 b. A layaway agreement. Such disclosure shall be furnished to the consumer (i) in writing at the time of
102 the layaway agreement, or (ii) by means of a sign placed in a conspicuous public area of the premises of the
103 supplier, so as to be readily noticeable and readable by the consumer, or (iii) on the bill of sale. Disclosure
104 shall include the conditions, charges, or fees in the event that a consumer breaches the agreement;
- 105 16a. Failing to provide written notice to a consumer of an existing open-end credit balance in excess of \$5
106 (i) on an account maintained by the supplier and (ii) resulting from such consumer's overpayment on such
107 account. Suppliers shall give consumers written notice of such credit balances within 60 days of receiving
108 overpayments. If the credit balance information is incorporated into statements of account furnished
109 consumers by suppliers within such 60-day period, no separate or additional notice is required;
- 110 17. If a supplier enters into a written agreement with a consumer to resolve a dispute that arises in
111 connection with a consumer transaction, failing to adhere to the terms and conditions of such an agreement;
- 112 18. Violating any provision of the Virginia Health Club Act, Chapter 24 (§ 59.1-294 et seq.);
- 113 19. Violating any provision of the Virginia Home Solicitation Sales Act, Chapter 2.1 (§ 59.1-21.1 et seq.);
- 114 20. Violating any provision of the Automobile Repair Facilities Act, Chapter 17.1 (§ 59.1-207.1 et seq.);
- 115 21. Violating any provision of the Virginia Lease-Purchase Agreement Act, Chapter 17.4 (§ 59.1-207.17
116 et seq.);
- 117 22. Violating any provision of the Prizes and Gifts Act, Chapter 31 (§ 59.1-415 et seq.);
- 118 23. Violating any provision of the Virginia Public Telephone Information Act, Chapter 32 (§ 59.1-424 et
119 seq.);
- 120 24. Violating any provision of § 54.1-1505;

- 121 25. Violating any provision of the Motor Vehicle Manufacturers' Warranty Adjustment Act, Chapter 17.6
 122 (§ 59.1-207.34 et seq.);
- 123 26. Violating any provision of § 3.2-5627, relating to the pricing of merchandise;
- 124 27. Violating any provision of the Pay-Per-Call Services Act, Chapter 33 (§ 59.1-429 et seq.);
- 125 28. Violating any provision of the Extended Service Contract Act, Chapter 34 (§ 59.1-435 et seq.);
- 126 29. Violating any provision of the Virginia Membership Camping Act, Chapter 25 (§ 59.1-311 et seq.);
- 127 30. Violating any provision of the Comparison Price Advertising Act, Chapter 17.7 (§ 59.1-207.40 et
 128 seq.);
- 129 31. Violating any provision of the Virginia Travel Club Act, Chapter 36 (§ 59.1-445 et seq.);
- 130 32. Violating any provision of §§ 46.2-1231 and 46.2-1233.1;
- 131 33. Violating any provision of Chapter 40 (§ 54.1-4000 et seq.) of Title 54.1;
- 132 34. Violating any provision of Chapter 10.1 (§ 58.1-1031 et seq.) of Title 58.1;
- 133 35. Using the consumer's social security number as the consumer's account number with the supplier, if
 134 the consumer has requested in writing that the supplier use an alternate number not associated with the
 135 consumer's social security number;
- 136 36. Violating any provision of Chapter 18 (§ 6.2-1800 et seq.) of Title 6.2;
- 137 37. Violating any provision of § 8.01-40.2;
- 138 38. Violating any provision of Article 7 (§ 32.1-212 et seq.) of Chapter 6 of Title 32.1;
- 139 39. Violating any provision of Chapter 34.1 (§ 59.1-441.1 et seq.);
- 140 40. Violating any provision of Chapter 20 (§ 6.2-2000 et seq.) of Title 6.2;
- 141 41. Violating any provision of the Virginia Post-Disaster Anti-Price Gouging Act, Chapter 46 (§ 59.1-525
 142 et seq.). For the purposes of this subdivision, "consumer transaction" has the same meaning as provided in
 143 § 59.1-526;
- 144 42. Violating any provision of Chapter 47 (§ 59.1-530 et seq.);
- 145 43. Violating any provision of § 59.1-443.2;
- 146 44. Violating any provision of Chapter 48 (§ 59.1-533 et seq.);
- 147 45. Violating any provision of Chapter 25 (§ 6.2-2500 et seq.) of Title 6.2;
- 148 46. Violating the provisions of clause (i) of subsection B of § 54.1-1115;
- 149 47. Violating any provision of § 18.2-239;
- 150 48. Violating any provision of Chapter 26 (§ 59.1-336 et seq.);
- 151 49. Selling, offering for sale, or manufacturing for sale a children's product the supplier knows or has
 152 reason to know was recalled by the U.S. Consumer Product Safety Commission. There is a rebuttable
 153 presumption that a supplier has reason to know a children's product was recalled if notice of the recall has
 154 been posted continuously at least 30 days before the sale, offer for sale, or manufacturing for sale on the
 155 website of the U.S. Consumer Product Safety Commission. This prohibition does not apply to children's
 156 products that are used, secondhand or "seconds";
- 157 50. Violating any provision of Chapter 44.1 (§ 59.1-518.1 et seq.);
- 158 51. Violating any provision of Chapter 22 (§ 6.2-2200 et seq.) of Title 6.2;
- 159 52. Violating any provision of § 8.2-317.1;
- 160 53. Violating subsection A of § 9.1-149.1;
- 161 54. Selling, offering for sale, or using in the construction, remodeling, or repair of any residential dwelling
 162 in the Commonwealth, any drywall that the supplier knows or has reason to know is defective drywall. This
 163 subdivision shall not apply to the sale or offering for sale of any building or structure in which defective
 164 drywall has been permanently installed or affixed;
- 165 55. Engaging in fraudulent or improper or dishonest conduct as defined in § 54.1-1118 while engaged in a
 166 transaction that was initiated (i) during a declared state of emergency as defined in § 44-146.16 or (ii) to
 167 repair damage resulting from the event that prompted the declaration of a state of emergency, regardless of
 168 whether the supplier is licensed as a contractor in the Commonwealth pursuant to Chapter 11 (§ 54.1-1100 et
 169 seq.) of Title 54.1;
- 170 56. Violating any provision of Chapter 33.1 (§ 59.1-434.1 et seq.);
- 171 57. Violating any provision of § 18.2-178, 18.2-178.1, or 18.2-200.1;
- 172 58. Violating any provision of Chapter 17.8 (§ 59.1-207.45 et seq.). For the purposes of this subdivision,
 173 "consumer transaction" also includes transactions involving an automatic renewal or continuous service offer
 174 by a supplier to a small business, as those terms are defined in § 59.1-207.45;
- 175 59. Violating any provision of subsection E of § 32.1-126;
- 176 60. Violating any provision of § 54.1-111 relating to the unlicensed practice of a profession licensed under
 177 Chapter 11 (§ 54.1-1100 et seq.) or Chapter 21 (§ 54.1-2100 et seq.) of Title 54.1;
- 178 61. Violating any provision of § 2.2-2001.5;
- 179 62. Violating any provision of Chapter 5.2 (§ 54.1-526 et seq.) of Title 54.1;
- 180 63. Violating any provision of § 6.2-312;
- 181 64. Violating any provision of Chapter 20.1 (§ 6.2-2026 et seq.) of Title 6.2;
- 182 65. Violating any provision of Chapter 26 (§ 6.2-2600 et seq.) of Title 6.2;

- 183 66. Violating any provision of Chapter 54 (§ 59.1-586 et seq.);
- 184 67. Knowingly violating any provision of § 8.01-27.5;
- 185 68. Failing to, in accordance with § 59.1-207.46, (i) make available a conspicuous online option to cancel
- 186 a recurring purchase of a good or service or (ii) with respect to a free trial lasting more than 30 days, notify a
- 187 consumer of his option to cancel such free trial within 30 days of the end of the trial period to avoid an
- 188 obligation to pay for the goods or services;
- 189 69. Selling or offering for sale any substance intended for human consumption, orally or by inhalation,
- 190 that contains a synthetic derivative of tetrahydrocannabinol. As used in this subdivision, "synthetic
- 191 derivative" means a chemical compound produced by man through a chemical transformation to turn a
- 192 compound into a different compound by adding or subtracting molecules to or from the original compound.
- 193 This subdivision shall not (i) apply to products that are approved for marketing by the U.S. Food and Drug
- 194 Administration and scheduled in the Drug Control Act (§ 54.1-3400 et seq.) or (ii) be construed to prohibit
- 195 any conduct permitted under Chapter 16 (§ 4.1-1600 et seq.) of Title 4.1;
- 196 70. Selling or offering for sale to a person younger than 21 years of age any substance intended for human
- 197 consumption, orally or by inhalation, that contains tetrahydrocannabinol. This subdivision shall not (i) apply
- 198 to products that are approved for marketing by the U.S. Food and Drug Administration and scheduled in the
- 199 Drug Control Act (§ 54.1-3400 et seq.) or (ii) be construed to prohibit any conduct permitted under Chapter
- 200 16 (§ 4.1-1600 et seq.) of Title 4.1;
- 201 71. Selling or offering for sale any substance intended for human consumption, orally or by inhalation,
- 202 that contains tetrahydrocannabinol, unless such substance is (i) contained in child-resistant packaging, as
- 203 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
- 204 inch, (a) that the substance contains tetrahydrocannabinol and may not be sold to persons younger than 21
- 205 years of age, (b) all ingredients contained in the substance, (c) the amount of such substance that constitutes a
- 206 single serving, and (d) the total percentage and milligrams of tetrahydrocannabinol included in the substance
- 207 and the number of milligrams of tetrahydrocannabinol that are contained in each serving; and (iii)
- 208 accompanied by a certificate of analysis, produced by an independent laboratory that is accredited pursuant to
- 209 standard ISO/IEC 17025 of the International Organization of Standardization by a third-party accrediting
- 210 body, that states the tetrahydrocannabinol concentration of the substance or the tetrahydrocannabinol
- 211 concentration of the batch from which the substance originates. This subdivision shall not (i) apply to
- 212 products that are approved for marketing by the U.S. Food and Drug Administration and scheduled in the
- 213 Drug Control Act (§ 54.1-3400 et seq.) or (ii) be construed to prohibit any conduct permitted under Chapter
- 214 16 (§ 4.1-1600 et seq.) of Title 4.1;
- 215 72. Manufacturing, offering for sale at retail, or selling at retail an industrial hemp extract, as defined in
- 216 § 3.2-5145.1, a food containing an industrial hemp extract, or a substance containing tetrahydrocannabinol
- 217 that depicts or is in the shape of a human, animal, vehicle, or fruit;
- 218 73. Selling or offering for sale any substance intended for human consumption, orally or by inhalation,
- 219 that contains tetrahydrocannabinol and, without authorization, bears, is packaged in a container or wrapper
- 220 that bears, or is otherwise labeled to bear the trademark, trade name, famous mark as defined in 15 U.S.C. §
- 221 1125, or other identifying mark, imprint, or device, or any likeness thereof, of a manufacturer, processor,
- 222 packer, or distributor of a product intended for human consumption other than the manufacturer, processor,
- 223 packer, or distributor that did in fact so manufacture, process, pack, or distribute such substance;
- 224 74. Selling or offering for sale a topical hemp product, as defined in § 3.2-4112, that does not include a
- 225 label stating that the product is not intended for human consumption. This subdivision shall not (i) apply to
- 226 products that are approved for marketing by the U.S. Food and Drug Administration and scheduled in the
- 227 Drug Control Act (§ 54.1-3400 et seq.), (ii) be construed to prohibit any conduct permitted under Chapter 16
- 228 (§ 4.1-1600 et seq.) of Title 4.1, or (iii) apply to topical hemp products that were manufactured prior to July
- 229 1, 2023, provided that the person provides documentation of the date of manufacture if requested;
- 230 75. Violating any provision of § 59.1-466.8;
- 231 76. Violating subsection F of § 36-96.3:1;
- 232 77. Selling or offering for sale (i) any kratom product to a person younger than 21 years of age or (ii) any
- 233 kratom product that does not include a label listing all ingredients and with the following guidance: "This
- 234 product may be harmful to your health, has not been evaluated by the FDA, and is not intended to diagnose,
- 235 treat, cure, or prevent any disease." As used in this subdivision, "kratom" means any part of the leaf of the
- 236 plant *Mitragyna speciosa* or any extract thereof;
- 237 78. Advertising of any ignition interlock system in Virginia by an ignition interlock vendor not approved
- 238 by the Commission on the Virginia Alcohol Safety Action Program to operate in Virginia; targeted
- 239 advertising of any ignition interlock system to a person before determination of guilt; and any advertising,
- 240 whether before or after determination of guilt, without a conspicuous statement that such advertisement is not
- 241 affiliated with any government agency. For purposes of this subdivision, "ignition interlock system" has the
- 242 same meaning as ascribed to that term in § 18.2-270.1 and "targeted advertising" has the same meaning
- 243 ascribed to that term in § 59.1-575 and includes direct mailings to an individual. This provision shall not
- 244 apply to ignition interlock service vendor ads, pamphlets, or kiosk advertisements approved by the

245 Commission on the Virginia Alcohol Safety Action Program and provided at a Commission-approved
246 location;
247 79. Failing to disclose the total cost of a good or continuous service, as defined in § 59.1-207.45, to a
248 consumer, including any mandatory fees or charges, prior to entering into an agreement for the sale of any
249 such good or provision of any such continuous service;
250 80. Violating any provision of the Unfair Real Estate Service Agreement Act (§ 55.1-3200 et seq.);
251 81. Selling or offering for sale services as a professional mold remediator to be performed upon any
252 residential dwelling without holding a mold remediation certification from a nationally or internationally
253 recognized certifying body for mold remediation, and failing to comply with (i) the U.S. Environmental
254 Protection Agency's publication on Mold Remediation in Schools and Commercial Buildings, as revised; (ii)
255 the ANSI/IICRC S520 Standard for Professional Mold Remediation, as revised; or (iii) any other equivalent
256 ANSI-accredited mold remediation standard, when conducting or offering to conduct mold remediation in the
257 Commonwealth;
258 82. Willfully violating any provision of § 59.1-444.4;
259 83. Violating any provision of Chapter 23.2 (§ 59.1-293.10 et seq.);
260 84. Selling any food that is required by the FDA to have a nutrition label that does not meet the
261 requirements of 21 C.F.R. Part 101;
262 85. Obtaining, disclosing, selling, or disseminating any personally identifiable reproductive or sexual
263 health information without the consent of the consumer;
264 86. Violating any provision of Chapter 58 (§ 59.1-607 et seq.); ~~and~~
265 87. (Effective July 1, 2026) Violating any provision of the Medical Debt Protection Act (§ 59.1-611 et
266 seq.); *and*
267 88. *Violating any provision of § 45.2-1735.*
268 B. Nothing in this section shall be construed to invalidate or make unenforceable any contract or lease
269 solely by reason of the failure of such contract or lease to comply with any other law of the Commonwealth
270 or any federal statute or regulation, to the extent such other law, statute, or regulation provides that a violation
271 of such law, statute, or regulation shall not invalidate or make unenforceable such contract or lease.

INTRODUCED

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