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1 **HOUSE BILL NO. 1254**

2 Offered January 14, 2026

3 Prefiled January 14, 2026

4 *A BILL to amend and reenact §§ 54.1-400, 54.1-402, 54.1-402.1, 54.1-406, 54.1-700, 54.1-1500, 54.1-1501,*
5 *54.1-1506, 54.1-2200, 54.1-2205, and 54.1-2208.2 of the Code of Virginia; to amend the Code of Virginia*
6 *by adding a section numbered 54.1-1504.1; and to repeal §§ 54.1-703.1 and 54.1-703.3 of the Code of*
7 *Virginia, relating to Department of Professional and Occupational Regulation.*

8 Patron—Glass

9 Committee Referral Pending

10 **Be it enacted by the General Assembly of Virginia:**11 **1. That §§ 54.1-400, 54.1-402, 54.1-402.1, 54.1-406, 54.1-700, 54.1-1500, 54.1-1501, 54.1-1506, 54.1-2200,**
12 **54.1-2205, and 54.1-2208.2 of the Code of Virginia are amended and reenacted and that the Code of**
13 **Virginia is amended by adding a section numbered 54.1-1504.1 as follows:**14 **CHAPTER 4.**15 **ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, LANDSCAPE ARCHITECTS,**
16 **AND CERTIFIED INTERIOR DESIGNERS.**17 **Article 1.**18 Architects, *Professional Engineers, Land Surveyors, and Landscape Architects.*19 **§ 54.1-400. Definitions.**

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

21 "Architect" means a person who, by reason of his knowledge of the mathematical and physical sciences,
22 and the principles of architecture and architectural design, acquired by professional education, practical
23 experience, or both, is qualified to engage in the practice of architecture and whose competence has been
24 attested by the Board through licensure as an architect.25 The "practice of architecture" means any service wherein the principles and methods of architecture are
26 applied, such as consultation, investigation, evaluation, planning, and design, and includes the responsible
27 administration of construction contracts, in connection with any private or public buildings, structures, or
28 projects, or the related equipment or accessories.29 "Board" means the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior
30 Designers, and Landscape Architects.31 "Certified interior designer" means a design professional who meets the criteria of education, experience,
32 and testing in the rendering of interior design services established by the Board through certification as an
33 interior designer.34 "Improvements to real property" means any valuable addition or amelioration made to land and generally
35 whatever is erected on or affixed to land which is intended to enhance its value, beauty, or utility, or adapt it
36 to new or further purposes. Examples of improvements to real property include, ~~but are not limited to~~,
37 structures, buildings, machinery, equipment, electrical systems, mechanical systems, roads, and water and
38 wastewater treatment and distribution systems.39 "Interior design" by a certified interior designer means any service rendered wherein the principles and
40 methodology of interior design are applied in connection with the identification, research, and creative
41 solution of problems pertaining to the function and quality of the interior environment. Such services relative
42 to interior spaces shall include the preparation of documents for nonload-bearing interior construction,
43 furnishings, fixtures, and equipment in order to enhance and protect the health, safety, and welfare of the
44 public.45 "Land surveyor" means a person who, by reason of his knowledge of the several sciences and of the
46 principles of land surveying, and of the planning and design of land developments acquired by practical
47 experience and formal education, is qualified to engage in the practice of land surveying, and whose
48 competence has been attested by the Board through licensure as a land surveyor.49 The "practice of land surveying" includes surveying of areas for a determination or correction, a
50 description, the establishment or reestablishment of internal and external land boundaries, or the
51 determination of topography, contours, or location of physical improvements, and also includes the planning
52 of land and subdivisions thereof. The term "planning of land and subdivisions thereof" shall include, ~~but not~~
53 ~~be limited to~~, the preparation of incidental plans and profiles for roads, streets, and sidewalks, grading,
54 drainage on the surface, culverts, and erosion control measures, with reference to existing state or local
55 standards.

56 "Landscape architect" means a person who, by reason of his special knowledge of natural, physical, and

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59 mathematical sciences, and the principles and methodology of landscape architecture and landscape
60 architectural design acquired by professional education, practical experience, or both, is qualified to engage
61 in the practice of landscape architecture and whose competence has been attested by the Board through
62 licensure as a landscape architect.

63 The "practice of landscape architecture" by a licensed landscape architect means any service wherein the
64 principles and methodology of landscape architecture are applied in consultation, evaluation, planning
65 (including the preparation and filing of sketches, drawings, plans, and specifications) ~~and responsible
66 supervision or administration of contracts relative to projects principally directed at the functional and
67 aesthetic use of land.~~

68 "Professional engineer" means a person who is qualified to practice engineering by reason of his special
69 knowledge and use of mathematical, physical, and engineering sciences and the principles and methods of
70 engineering analysis and design acquired by engineering education and experience, and whose competence
71 has been attested by the Board through licensure as a professional engineer.

72 The "practice of engineering" means any service wherein the principles and methods of engineering are
73 applied to, but are not necessarily limited to, the following areas: consultation, investigation, evaluation,
74 planning, and design of public or private utilities, structures, machines, equipment, processes, transportation
75 systems, and work systems, including responsible administration of construction contracts. The term "practice
76 of engineering" ~~shall~~ does not include the service or maintenance of existing electrical or mechanical
77 systems.

78 "Residential wastewater" means sewage (i) generated by residential or accessory uses, not containing
79 storm water or industrial influent, and having no other toxic, or hazardous constituents not routinely found in
80 residential wastewater flows, or (ii) as certified by a professional engineer.

81 "Responsible charge" means the direct control and supervision of the practice of architecture, professional
82 engineering, landscape architecture, or land surveying.

83 **§ 54.1-402. Further exemptions from license requirements for architects, professional engineers,
84 and land surveyors.**

85 A. No license as an architect or professional engineer shall be required pursuant to § 54.1-406 for persons
86 who prepare plans, specifications, documents, and designs for the following, provided any such plans,
87 specifications, documents, or designs bear the name and address of the author and his occupation:

88 1. Single- and two-family homes, townhouses, and multifamily dwellings, excluding electrical and
89 mechanical systems, not exceeding three stories; or

90 2. All farm structures used primarily in the production, handling, or storage of agricultural products or
91 implements, including, ~~but not limited to~~, structures used for the handling, processing, housing, or storage of
92 crops, feeds, supplies, equipment, animals, or poultry; or

93 3. Buildings and structures classified with respect to use as business (Use Group B) and mercantile (Use
94 Group M), as provided in the Uniform Statewide Building Code (§ 36-97 *et seq.*) and churches with an
95 occupant load of 100 or less, excluding electrical and mechanical systems, where such building or structure
96 does not exceed 5,000 square feet in total net floor area, or three stories; or

97 4. Buildings and structures classified with respect to use as factory and industrial (Use Group F) and
98 storage (Use Group S) as provided in the Uniform Statewide Building Code (§ 36-97 *et seq.*), excluding
99 electrical and mechanical systems, where such building or structure does not exceed 15,000 square feet in
100 total net floor area, or three stories; or

101 5. Additions, remodeling, or interior design without a change in occupancy or occupancy load and without
102 modification to the structural system or a change in access or exit patterns or increase in fire hazard; or

103 6. Electric installations which comply with all applicable codes and which do not exceed 600 volts and
104 800 amps, where work is designed and performed under the direct supervision of a person licensed as a
105 master's level electrician or Class A electrical contractor by written examination, and where such installation
106 is not contained in any structure exceeding three stories or located in any of the following categories:

107 a. Use Group A-1 theaters which exceed assembly of 100 persons;
108 b. Use Group A-4 A-3, except churches;
109 c. Use Group I, institutional buildings, except day care nurseries and clinics without life-support systems;
110 or

111 7. Plumbing and mechanical systems using packaged mechanical equipment, such as equipment of
112 catalogued standard design which has been coordinated and tested by the manufacturer, which comply with
113 all applicable codes. These mechanical systems shall not exceed gauge pressures of 125 pounds per square
114 inch, other than refrigeration, or temperatures other than flue gas of 300 degrees F (150 degrees C) where
115 such work is designed and performed under the direct supervision of a person licensed as a master's level
116 plumber, master's level heating, air conditioning and ventilating worker, or Class A contractor in those
117 specialties by written examination. In addition, such installation may not be contained in any structure
118 exceeding three stories or located in any structure which is defined as to its use in any of the following
119 categories:

120 a. Use Group A-1 theaters which exceed assembly of 100 persons;

121 b. Use Group A-4 A-3, except churches;
 122 c. Use Group I, institutional buildings, except day care nurseries and clinics without life-support systems;
 123 or

124 8. The preparation of shop drawings, field drawings, and specifications for components by a contractor
 125 who will supervise the installation and where the shop drawings and specifications (i) will be reviewed by the
 126 licensed professional engineer or architect responsible for the project or (ii) are otherwise exempted; or

127 9. Buildings, structures, or electrical and mechanical installations which are not otherwise exempted but
 128 which are of standard design, provided they bear the certification of a professional engineer or architect
 129 registered or licensed in another state, and provided that the design is adapted for the specific location and for
 130 conformity with local codes, ordinances, and regulations, and is so certified by a professional engineer or
 131 architect licensed in Virginia; or

132 10. Construction by a state agency or political subdivision not exceeding \$75,000 in value keyed to the
 133 January 1, 1991, Consumer Price Index (CPI) and not otherwise requiring a licensed architect, engineer, or
 134 land surveyor by an adopted code and maintenance by that state agency or political subdivision of water
 135 distribution, sewage collection, storm drainage systems, sidewalks, streets, curbs, gutters, culverts, and other
 136 facilities normally and customarily constructed and maintained by the public works department of the state
 137 agency or political subdivision; or

138 11. Conventional and alternative onsite sewage systems receiving residential wastewater, under the
 139 authority of Chapter 6 (*§ 32.1-163 et seq.*) of Title 32.1, designed by a licensed onsite soil evaluator, which
 140 utilize packaged equipment, such as equipment of catalogued standard design that has been coordinated and
 141 tested by the manufacturer, and complies with all applicable codes, provided (i) the flow is less than 1,000
 142 gallons per day; and (ii) if a pump is included, (a) it shall not include multiple downhill runs and must
 143 terminate at a positive elevational change; (b) the discharge end is open and not pressurized; (c) the static
 144 head does not exceed 50 feet; and (d) the force main length does not exceed 500 feet.

145 B. No person shall be exempt from licensure as an architect or engineer who engages in the preparation of
 146 plans, specifications, documents, or designs for:

- 147 1. Any unique design of structural elements for floors, walls, roofs, or foundations; or
- 148 2. Any building or structure classified with respect to its use as high hazard (Use Group H).

149 C. Persons utilizing photogrammetric methods or similar remote sensing technology shall not be required
 150 to be licensed as a land surveyor pursuant to subsection B of *§ 54.1-404* or *54.1-406* to: (i) determine
 151 topography or contours, or to depict physical improvements, provided such maps or other documents shall
 152 not be used for the design, modification, or construction of improvements to real property or for flood plain
 153 determination, or (ii) graphically show existing property lines and boundaries on maps or other documents
 154 provided such depicted property lines and boundaries shall only be used for general information.

155 Any determination of topography or contours, or depiction of physical improvements, utilizing
 156 photogrammetric methods or similar remote sensing technology by persons not licensed as a land surveyor
 157 pursuant to *§ 54.1-406* shall not show any property monumentation or property metes and bounds, nor
 158 provide any measurement showing the relationship of any physical improvements to any property line or
 159 boundary.

160 Any person not licensed pursuant to subsection B of *§ 54.1-404* or *54.1-406* preparing documentation
 161 pursuant to subsection C of *§ 54.1-402* shall note the following on such documentation: "Any determination
 162 of topography or contours, or any depiction of physical improvements, property lines or boundaries is for
 163 general information only and shall not be used for the design, modification, or construction of improvements
 164 to real property or for flood plain determination."

165 D. Terms used in this section, and not otherwise defined in this chapter, shall have the meanings provided
 166 in the Uniform Statewide Building Code (*§ 36-97 et seq.*) in effect on July 1, 1982, including any subsequent
 167 amendments.

168 § 54.1-402.1. State and local government employees.

169 Any person engaged in the practice of engineering, architecture, or land surveying as those terms are
 170 defined in *§ 54.1-400* as a regular, full-time, salaried employee of the Commonwealth or any political
 171 subdivision of the Commonwealth on March 8, 1992, who remains employed by any state agency or political
 172 subdivision shall be exempt until June 30, 2010, from the licensure requirements of *§ 54.1-406* provided the
 173 employee does not furnish advisory service for compensation to the public or as an independent contracting
 174 party in this Commonwealth or any political subdivision thereof in connection with engineering,
 175 architectural, or land surveying matters. A. The chief administrative officer of any agency of the
 176 Commonwealth or political subdivision thereof employing persons engaged in the practice of engineering,
 177 architecture, or land surveying as regular, full-time, salaried employees shall have the authority and
 178 responsibility to determine the engineering, architecture, and land surveying positions which have responsible
 179 charge of engineering, architectural, or land surveying decisions.

180 B. Notwithstanding these provisions, any state agency or political subdivision of the Commonwealth
 181 unable to employ a qualified licensed engineer, architect, or land surveyor to fill a responsible charge
 182 position, after a reasonable and unsuccessful search, may fill the position with an unlicensed person upon the

183 *determination by the chief administrative officer of the agency or political subdivision that the person, by*
184 *virtue of education, experience, and expertise, can perform the work required of the position.*

185 **§ 54.1-406. License required.**

186 A. Unless exempted by § 54.1-401, 54.1-402, or 54.1-402.1, a person shall hold a valid license prior to
187 engaging in the practice of architecture or engineering which includes design, consultation, evaluation, or
188 analysis and involves proposed or existing improvements to real property.

189 Unless exempted by § 54.1-401, 54.1-402, or 54.1-402.1, a person shall hold a valid license prior to
190 engaging in the practice of land surveying.

191 B. Unless exempted by § 54.1-402, any person; ~~partnership, corporation or other or business~~ entity
192 offering to practice architecture, engineering, or land surveying without being registered or licensed in
193 accordance with the provisions of this chapter, shall be subject to the provisions of § 54.1-111 of ~~this title~~.

194 C. Any person; ~~partnership, corporation or other or business~~ entity which is not licensed or registered to
195 practice in accordance with this chapter and which advertises or promotes through the use of the words
196 "architecture," "engineering," or "land surveying" or any modification or derivative thereof in its name or
197 description of its business activity in a manner that indicates or implies that it practices or offers to practice
198 architecture, engineering, or land surveying as ~~defined in this chapter~~ shall be subject to the provisions of
199 § 54.1-111.

200 D. ~~Notwithstanding these provisions, any state agency or political subdivision of the Commonwealth
201 unable to employ a qualified licensed engineer, architect, or land surveyor to fill a responsible charge
202 position, after reasonable and unsuccessful search, may fill the position with an unlicensed person upon the
203 determination by the chief administrative officer of the agency or political subdivision that the person, by
204 virtue of education, experience, and expertise, can perform the work required of the position.~~

205 E. Notwithstanding the provisions of this section, a contractor who is licensed pursuant to the provisions
206 of Chapter 11 (§ 54.1-1100 et seq.) of ~~this title~~ shall not be required to be licensed or registered to practice in
207 accordance with this chapter when bidding upon or negotiating design-build contracts or performing services
208 other than architectural, engineering, or land surveying services under a design-build contract. The
209 architectural, engineering, or land surveying services offered or rendered in connection with such contracts
210 shall only be rendered by an architect, professional engineer, or land surveyor licensed in accordance with
211 this chapter.

212 **§ 54.1-700. Definitions.**

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

214 "Barber" means any person who shaves, shapes, or trims the beard; cuts, singes, or dyes the hair or applies
215 lotions thereto; applies, treats, or massages the face, neck, or scalp with oils, creams, lotions, cosmetics,
216 antiseptics, powders, clays, or other preparations in connection with shaving, cutting, or trimming the hair or
217 beard, and practices barbering for compensation and when such services are not performed for the treatment
218 of disease.

219 "Barbering" means any one or any combination of the following acts, when done on the human body for
220 compensation and not for the treatment of disease, shaving, shaping, and trimming the beard; cutting,
221 singeing, or dyeing the hair or applying lotions thereto; applications, treatment, or massages of the face, neck,
222 or scalp with oils, creams, lotions, cosmetics, antiseptics, powders, clays, or other preparations in connection
223 with shaving, cutting, or trimming the hair or a beard. The term "barbering" shall not apply to the acts
224 described hereinabove when performed by any person in his home if such service is not offered to the public.

225 "Barber instructor" means any person who has been certified by the Board as having completed an
226 approved curriculum and who meets the competency standards of the Board as an instructor of barbering.

227 "Barbershop" means any establishment or place of business within which the practice of barbering is
228 engaged in or carried on by one or more barbers.

229 "Board" means the Board for Barbers and Cosmetology.

230 "Body-piercer" means any person who for remuneration penetrates the skin of a person to make a hole,
231 mark, or scar, generally permanent in nature.

232 "Body-piercing" means the act of penetrating the skin of a person to make a hole, mark, or scar, generally
233 permanent in nature.

234 "Body-piercing salon" means any place in which a fee is charged for the act of penetrating the skin of a
235 person to make a hole, mark, or scar, generally permanent in nature.

236 "Body-piercing school" means a place or establishment licensed by the Board to accept and train students
237 in body-piercing.

238 "Cosmetologist" means any person who administers hair removal treatments; administers basic facial
239 treatments to enhance or improve the appearance and care of the skin using lotions, oils, cleansers, or other
240 preparations by manual practices only; manicures or pedicures the nails of any person; arranges, dresses,
241 curls, waves, cuts, shapes, singes, waxes, tweezes, trims, bleaches, colors, relaxes, straightens, or performs
242 similar work, upon human hair, or a wig or hairpiece, by any means, including hands or mechanical or
243 electrical apparatus or appliances unless such acts as adjusting, combing, or brushing prestyled wigs or
244 hairpieces do not alter the prestyled nature of the wig or hairpiece, and practices cosmetology for

245 compensation. The term "cosmetologist" does not include hair braiding upon human hair or a wig or
246 hairpiece.

247 "Cosmetology" includes the following practices: administering hair removal treatments; administering
248 basic cleansing facial treatments to enhance or improve the appearance and care of the skin, which only
249 includes a cleanse, tone, and application of a mask or moisturizer; manicuring or pedicuring the nails of any
250 person; arranging, dressing, curling, waving, cutting, shaping, singeing, waxing, tweezing, trimming,
251 bleaching, coloring, relaxing, straightening, or similar work, upon human hair, or a wig or hairpiece, by any
252 means, including hands or mechanical or electrical apparatus or appliances, but shall not include hair braiding
253 upon human hair, or a wig or hairpiece, or such acts as adjusting, combing, or brushing prestyled wigs or
254 hairpieces when such acts do not alter the prestyled nature of the wig or hairpiece.

255 "Cosmetology instructor" means a person who has been certified by the Board as having completed an
256 approved curriculum and who meets the competency standards of the Board as an instructor of cosmetology.

257 "Cosmetology salon" means any commercial establishment, residence, vehicle, or other establishment,
258 place, or event wherein cosmetology is offered or practiced on a regular basis for compensation and may
259 include the training of apprentices under regulations of the Board.

260 "Ear-piercer" means any person who for remuneration penetrates the ear of a person to make a hole, mark,
261 or scar, generally permanent in nature.

262 "Ear-piercing" means the act of penetrating the ear of a person to make a hole, mark, or scar, generally
263 permanent in nature.

264 "Ear-piercing salon" means any place in which a fee is charged for the act of penetrating the ear by the aid
265 of needles or any other instrument designed to touch or puncture the skin.

266 "Ear-piercing school" means a place or establishment licensed by the Board to accept and train students in
267 ear-piercing.

268 "Esthetician" means a person who engages in the practice of esthetics for compensation.

269 "Esthetics" includes the following practices of administering cosmetic treatments to enhance or improve
270 the appearance of the skin: cleansing, toning, performing effleurage or other related movements, stimulating,
271 exfoliating, or performing any other similar procedure on the skin of the human body or scalp by means of
272 cosmetic preparations, treatments, or any nonlaser device, whether by electrical, mechanical, or manual
273 means, for care of the skin; applying make-up or eyelashes to any person, tinting or perming eyelashes and
274 eyebrows, and lightening hair on the body except the scalp; and removing unwanted hair from the body of
275 any person by the use of any nonlaser device, by tweezing, or by use of chemical or mechanical means.
276 However, "esthetics" is not a healing art and shall not include any practice, activity, or treatment that
277 constitutes the practice of medicine, osteopathic medicine, or chiropractic. The terms "healing arts," "practice
278 of medicine," "practice of osteopathic medicine," and "practice of chiropractic" shall mean the same as those
279 terms are defined in § 54.1-2900.

280 "Esthetics instructor" means a licensed esthetician who has been certified by the Board as having
281 completed an approved curriculum and who meets the competency standards of the Board as an instructor of
282 esthetics.

283 "Esthetics spa" means any commercial establishment, residence, vehicle, or other establishment, place, or
284 event wherein esthetics is offered or practiced on a regular basis for compensation under regulations of the
285 Board.

286 "Master barber" means a ~~licensed barber~~ person who, in addition to the practice of barbing, performs
287 waving, shaping, bleaching, relaxing, or straightening upon human hair; performs similar work on a wig or
288 hairpiece; or performs waxing limited to the scalp.

289 "Master esthetician" means a licensed esthetician who, in addition to the practice of esthetics, offers to the
290 public for compensation, without the use of laser technology, lymphatic drainage, chemical exfoliation, or
291 microdermabrasion, and who has met such additional requirements as determined by the Board to practice
292 lymphatic drainage, chemical exfoliation with products other than Schedules II through VI controlled
293 substances as defined in the Drug Control Act (§ 54.1-3400 et seq.), and microdermabrasion of the epidermis.

294 "Nail care" means manicuring or pedicuring natural nails or performing artificial nail services.

295 "Nail salon" means any commercial establishment, residence, vehicle, or other establishment, place, or
296 event wherein nail care is offered or practiced on a regular basis for compensation and may include the
297 training of apprentices under regulations of the Board.

298 "Nail school" means a place or establishment licensed by the board to accept and train students in nail
299 care.

300 "Nail technician" means any person who for compensation manicures or pedicures natural nails, or who
301 performs artificial nail services for compensation, or any combination thereof.

302 "Nail technician instructor" means a licensed nail technician who has been certified by the Board as
303 having completed an approved curriculum and who meets the competency standards of the Board as an
304 instructor of nail care.

305 "Physical (wax) depilatory" means the wax depilatory product or substance used to remove superfluous
306 hair.

307 "School of cosmetology" means a place or establishment licensed by the Board to accept and train
308 students and which offers a cosmetology curriculum approved by the Board.

309 "School of esthetics" means a place or establishment licensed by the Board to accept and train students
310 and which offers an esthetics curriculum approved by the Board.

311 "Tattoo parlor" means any place in which tattooing is offered or practiced.

312 "Tattoo school" means a place or establishment licensed by the Board to accept and train students in
313 tattooing.

314 "Tattooer" means any person who for remuneration practices tattooing.

315 "Tattooing" means the placing of designs, letters, scrolls, figures, symbols, or any other marks upon or
316 under the skin of any person with ink or any other substance, resulting in the permanent coloration of the
317 skin, including permanent make-up or permanent jewelry, by the aid of needles or any other instrument
318 designed to touch or puncture the skin.

319 "Wax technician" means any person licensed by the Board who removes hair from the hair follicle using a
320 physical (wax) depilatory or by tweezing.

321 "Wax technician instructor" means a licensed wax technician who has been certified by the Board as
322 having completed an approved curriculum and who meets the competency standards of the Board as an
323 instructor of waxing.

324 "Waxing" means the temporary removal of superfluous hair from the hair follicle on any area of the
325 human body through the use of a physical (wax) depilatory or by tweezing.

326 "Waxing salon" means any commercial establishment, residence, vehicle, or other establishment, place, or
327 event wherein waxing is offered or practiced on a regular basis for compensation and may include the
328 training of apprentices under regulations of the Board.

329 "Waxing school" means a place or establishment licensed by the Board to accept and train students in
330 waxing.

331 **§ 54.1-1500. Definitions.**

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

333 "Audiologist" means the same as that term is defined in § 54.1-2600.

334 "Board" means the Board for Hearing Aid Specialists and Opticians.

335 "Hearing aid" means any wearable instrument or device designed or offered to aid or compensate for
336 impaired human hearing and any parts, attachments, or accessories, including earmolds, but excluding
337 batteries and cords.

338 "Licensed hearing aid specialist" means any person who is the holder of a hearing aid specialist license
339 issued by the Board for Hearing Aid Specialists and Opticians.

340 "Licensed optician" means any person who is the holder of an optician license issued by the Board for
341 Hearing Aid Specialists and Opticians.

342 "Licensed optometrist" means any person authorized by Virginia law to practice optometry.

343 "Licensed physician" means any person licensed by the Board of Medicine to practice medicine and
344 surgery.

345 "Optician" means any person not exempted by § 54.1-1506 who prepares or dispenses eyeglasses,
346 spectacles, lenses, or related appurtenances, for the intended wearers or users, on prescriptions from licensed
347 physicians or licensed optometrists, or as duplications or reproductions of previously prepared eyeglasses,
348 spectacles, lenses, or related appurtenances; or who, in accordance with such prescriptions, duplications, or
349 reproductions, measures, adapts, fits, and adjusts eyeglasses, spectacles, lenses, or appurtenances, to the
350 human face.

351 "Over-the-counter hearing aid" means an air-conduction hearing aid that does not require implantation or
352 other surgical intervention and is intended for use by a person age 18 or older to compensate for perceived
353 mild to moderate hearing impairment.

354 "Practice of audiology" means the same as that term is defined in § 54.1-2600.

355 "Practice of fitting or dealing in hearing aids" means (i) the measurement of human hearing by means of
356 an audiometer or by any other means solely for the purpose of making selections, adaptations, or sale of
357 hearing aids, (ii) the sale of prescription hearing aids, or (iii) the making of impressions for earmolds for
358 prescription hearing aids. A practitioner, at the request of a physician or a member of a related profession,
359 may make audiograms for the professional's use in consultation with the hard-of-hearing.

360 "Prescription hearing aid" means a hearing aid that is not an over-the-counter hearing aid.

361 "Sell" or "sale" means any transfer of title or of the right to use by lease, bailment, or any other contract,
362 excluding wholesale transactions with distributors or practitioners.

363 "Temporary Training permit" means a permit issued while an applicant is in training to become a licensed
364 hearing aid specialist.

365 "Work permit" means a permit issued to any applicant who is eligible for examination to become a
366 licensed hearing aid specialist.

367 **§ 54.1-1501. Exemptions; sale of hearing aids by corporations, etc., measuring hearing.**

368 A. Physicians licensed to practice in Virginia and certified by the American Board of Otolaryngology or

369 eligible for such certification shall not be required to pass an examination as a prerequisite to obtaining a
 370 license under this chapter.

371 B. Nothing in this chapter shall prohibit a corporation, partnership, trust, association, or other like
 372 organization maintaining an established business address from engaging in the business of selling or offering
 373 for sale prescription hearing aids at retail without a license, provided that it employs only licensed
 374 practitioners in the direct sale and fitting of prescription hearing aids.

375 C. Nothing in this chapter shall prohibit any person who does not sell hearing aids or accessories or who is
 376 not employed by an organization which sells hearing aids or accessories from engaging in the practice of
 377 measuring human hearing for the purpose of selection of hearing aids.

378 D. Audiologists licensed to practice in Virginia who have earned a doctoral degree in audiology shall not
 379 be required to pass an examination as a prerequisite to obtaining a license under this chapter.

380 E. *Apprentices serving in establishments selling or offering for sale prescription hearing aids shall not be
 381 required to hold a license under this chapter.*

382 **§ 54.1-1504.1. Permits.**

383 A. *The Board may issue a training permit to any person who is in training to become a licensed hearing
 384 aid specialist.*

385 B. *The Board may issue a work permit to any person who is eligible for examination. Any person issued a
 386 work permit shall be subject to the regulations of the Board.*

387 C. *The Board shall promulgate regulations consistent with this section to allow individuals to be granted
 388 training permits and work permits for a specified period of time.*

389 **§ 54.1-1506. Exemptions.**

390 The provisions of this chapter shall not apply to:

391 1. Any licensed physician or licensed optometrist;

392 2. Any individual, partnership, or corporation engaged in supplying ophthalmic prescriptions and supplies
 393 exclusively to licensed physicians, licensed optometrists, licensed opticians, or optical scientists;

394 3. Any person who does not hold himself out to the public as an "optician," and who works exclusively
 395 under the direct supervision and control of a licensed physician or licensed optometrist or licensed optician,
 396 and in the same location;

397 4. The sale of spectacles, eyeglasses, magnifying glasses, goggles, sunglasses, telescopes, or binoculars
 398 that are completely preassembled and sold as merchandise; or

399 5. Any optician who (i) does not regularly practice in Virginia; (ii) holds a current valid license or
 400 certificate to practice as an optician in another state, territory, district, or possession of the United States; (iii)
 401 volunteers to provide free health care to an underserved area of the Commonwealth under the auspices of a
 402 publicly supported all volunteer, nonprofit organization with no paid employees that sponsors the provision
 403 of health care to populations of underserved people throughout the world; (iv) files a copy of the license or
 404 certificate issued in such other jurisdiction with the Board; (v) notifies the Board, within 15 days prior to the
 405 voluntary provision of services of the dates and location of such services; and (vi) acknowledges, in writing,
 406 that such licensure exemption shall only be valid, in compliance with the Board's regulations, during the
 407 limited period that such free health care is made available through the volunteer, nonprofit organization on
 408 the dates and at the location filed with the Board; or

409 6. Any individual enrolled in a registered optician apprenticeship program that is approved by the Board
 410 and conducted in accordance with the standards established by the Department of Workforce Development
 411 and Advancement.

412 **§ 54.1-2200. Definitions.**

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

414 "Board" means the Board for Professional Soil Scientists, Wetland Professionals, and Geologists.

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

416 "Eligible soil scientist" means a person who possesses the qualifications specified in this chapter to
 417 become licensed.

418 "Eligible wetland professional" means a person who possesses the qualifications specified in this chapter
 419 to become certified.

420 "Geological mapping" means the process of creating a map on which is recorded geological information,
 421 such as the distribution, nature, and age of relationships of rock units, in which surficial deposits may or may
 422 not be mapped separately, and the occurrence of structural features such as folds, faults, and joints; mineral
 423 deposits; and fossil localities. "Geological mapping" may indicate geologic structure by means of formation
 424 outcrop patterns, by conventional symbols giving the direction and amount of dip at certain points, or by
 425 structure-contour lines.

426 "Geologist" means a person engaged in the practice of geology.

427 "Geology" means the science encompassing those principles and methods related to (i) the earth and its
 428 history in general; (ii) the investigation, prediction, evaluation, and location of materials and structures that
 429 compose the earth; (iii) the natural processes that cause changes in the earth; and (iv) the application of
 430 knowledge of the earth, its processes, and its constituent rocks, minerals, liquids, gases, and other natural

431 materials.

432 "Practice of geology" means the performance of any professional service or work wherein the principles
433 and methods of geology are applied, including (i) investigating, evaluating, and consulting; (ii) geological
434 mapping; (iii) describing the natural processes that act upon the earth's materials; (iv) predicting the probable
435 occurrence of natural processes; and (v) inspecting, planning, and performing and supervising geological
436 work in order to enhance and protect the health, safety, and welfare of the public and the environment.

437 "Practice of soil evaluation" means the evaluation of soil by accepted principles and methods including,
438 observation, investigation, and consultation on measured, observed, and inferred soils and their properties;
439 analysis of the effects of these properties on the use and management of various kinds of soil; and preparation
440 of soil descriptions, maps, reports, and interpretive drawings.

441 "Practice of wetland delineation" means the delineation of wetlands by accepted principles and methods
442 including, observation, investigation, and consultation on soil, vegetation, and hydrologic parameters; and
443 preparation of wetland delineations, descriptions, reports, and interpretive drawings.

444 "Qualified geologist" means an ~~unlicensed person who possesses all the qualifications specified in this~~
445 ~~chapter for licensure.~~

446 "Soil" means the groups of natural bodies occupying the unconsolidated portion of the earth's surface
447 which are capable of supporting plant life and have properties caused by the combined effects, as modified by
448 topography and time, of climate and living organisms upon parent materials.

449 "Soil evaluation" means plotting soil boundaries, describing and evaluating the kinds of soil, and
450 predicting their suitability for and response to various uses.

451 "Soil science" means the science dealing with the physical, chemical, mineralogical, and biological
452 properties of soils as natural bodies.

453 "Soil scientist" means a person having special knowledge of soil science and the methods and principles
454 of soil evaluation as acquired by education and experience in the formation, description, and mapping of
455 soils.

456 "Virginia certified professional wetland delineator" means a person who possesses the qualifications
457 required for certification by the provisions of this chapter and the regulations of the Board and who is granted
458 certification by the Board.

459 "Virginia licensed professional geologist" means a person who possesses all qualifications specified in
460 this chapter for licensure and whose competence has been attested by the Board through licensure.

461 "Virginia licensed professional soil scientist" means a person who possesses the qualifications required
462 for licensure by the provisions of this chapter and the regulations of the Board and who has been granted a
463 license by the Board.

464 "Wetland delineation" means delineating wetland limits in accordance with prevailing state and federal
465 regulatory guidance and describing wetland types.

466 "Wetland professional" means a person having special knowledge of wetland science and the methods and
467 principles of wetland delineation as acquired by education and experience in the formation, description, and
468 mapping of wetlands.

469 "Wetland science" means the science dealing with the physical, chemical, and biological properties of
470 wetland systems integrated through ecological and morphological relationships.

471 "Wetlands" means the same as that term is defined in §§ 28.2-1300 and 62.1-44.3.

472 **§ 54.1-2205. License required; application; requirements for licensure; continuing education.**

473 A. No person shall engage in, or offer to engage in, the practice of soil evaluation in the Commonwealth
474 unless he has been licensed under the provisions of this chapter.

475 B. In order to be licensed as a professional soil scientist, an applicant shall:

476 1. Submit satisfactory evidence verified by affidavits that the applicant:

477 a. Is 18 years of age or older;

478 b. Is of good moral character; and

479 c. Has successfully completed such educational and experiential requirements as are required by this
480 chapter and the regulations of the Board.

481 2. Achieve a score acceptable to the Board on an examination in the principles and practice of soil
482 evaluation and satisfy one of the following criteria:

483 a. Hold a bachelor's degree from an accredited institution of higher education in a soils curriculum which
484 has been approved by the Board and have at least four years of experience in soil evaluation, the quality of
485 which demonstrates to the Board that the applicant is competent to practice as a professional soil scientist; or

486 b. Hold a bachelor's degree in one of the natural sciences and have at least five years of experience in soil
487 evaluation, the quality of which demonstrates to the Board that the applicant is competent to practice as a
488 professional soil scientist; or

489 c. Have a record of at least eight years of experience in soil evaluation, the quality of which demonstrates
490 to the Board that the applicant is competent to practice as a professional soil scientist; or

491 d. Have at least four years of experience in soil science research or as a teacher of soils curriculum in an

492 accredited institution of higher education which offers an approved four-year program in soils and at least
 493 two years of soil evaluation experience, the quality of which demonstrates to the Board that the applicant is
 494 competent to practice as a professional soil scientist.

495 C. The Board shall establish by regulation requirements for continuing education as a prerequisite to the
 496 maintenance and renewal of a license issued under this chapter, not to exceed eight contact hours per year
 497 renewal cycle.

498 D. Individuals applying for a license as a professional soil scientist between July 1, 2013, and July 1,
 499 2015, who (i) have been certified as professional soil scientists by the Board or (ii) have achieved a score set
 500 by the Board on the examination required by this section shall be licensed by the Board if all other
 501 requirements of this chapter or Board regulations have been met, unless an applicant is found by the Board to
 502 have engaged in any act that would constitute grounds for disciplinary action.

503 **§ 54.1-2208.2. Licensure; minimum qualifications; penalty.**

504 A. Any person practicing or offering to practice as a professional geologist or in a geological specialty in
 505 this Commonwealth may submit reasonable evidence to the Board that he is qualified to practice and to be
 506 licensed as provided in this article. The Board shall approve the application for licensure of any person who,
 507 in the opinion of the Board, has satisfactorily met the requirements of this article and who has paid any
 508 applicable fees fixed by the Board.

509 Licenses shall expire at intervals as designated by the Board. A license may be renewed by the Board
 510 upon receipt of a formal request accompanied by any applicable fees.

511 B. To be eligible for licensure as a professional geologist, an applicant shall meet each of the following
 512 minimum qualifications:

513 1. Be of ethical character.

514 2. Have a baccalaureate or higher degree from an accredited institution of higher education with either a
 515 major in geology, engineering geology, geological engineering, or related geological sciences; or have
 516 completed at least 30 semester hours or the equivalent in geological science courses leading to a major in
 517 geology.

518 3. Have at least seven years of geological work that shall include either a minimum of three years of
 519 geological work under the supervision of a qualified or licensed professional geologist or a minimum of three
 520 years of experience in responsible charge of geological work. The adequacy of the position and the required
 521 supervision and experience shall be determined by the Board in accordance with standards set forth in its
 522 regulations. The following criteria of education and experience qualify toward the required seven years of
 523 geological work:

524 a. Each year of full-time undergraduate study in the geological sciences shall count as one-half year of
 525 experience up to a maximum of two years, and each year of full-time graduate study shall count as a year of
 526 experience up to a maximum of three years. Credit for undergraduate and graduate study shall in no case
 527 exceed a total of four years toward meeting the requirements for at least seven years of geological work.

528 b. The Board may consider, in lieu of the above-described geological work, the cumulative total of
 529 geological work or geological research of persons occupying research or post-graduate positions as well as
 530 those teaching geology courses at an institution of higher education, provided such work or research can be
 531 demonstrated to be of a sufficiently responsible nature to be equivalent to the geological work required in this
 532 section.

533 4. Have successfully passed an appropriate examination approved by the Board and designed to
 534 demonstrate that the applicant has the necessary knowledge and skill to exercise the responsibilities of the
 535 public practice of geology.

536 At the discretion of the Board, separate examinations may be prepared for various subspecialties of
 537 geology; however, there will be no specialty licensure, only licensure as a professional geologist.

538 C. The Board shall issue a license to practice as a geologist in the Commonwealth to any individual who
 539 holds an unexpired certification to practice as a geologist issued prior to July 1, 2025.

540 D. No person shall represent himself as a licensed professional geologist unless he has been so licensed by
 541 the Board. Any person practicing or offering to practice geology within the meaning of this article who,
 542 through verbal claim, sign, advertisement, or letterhead, represents himself as a licensed professional
 543 geologist without holding such license from the Board is guilty of a Class 1 misdemeanor.

544 **2. That §§ 54.1-703.1 and 54.1-703.3 of the Code of Virginia are repealed.**