

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact §§ 54.1-402, 54.1-402.1, 54.1-406, 54.1-700, 54.1-1500, 54.1-1501, 54.1-1506,*  
 3 *54.1-2205, and 54.1-2208.2 of the Code of Virginia; to amend the Code of Virginia by adding a section*  
 4 *numbered 54.1-1504.1; and to repeal §§ 54.1-703.1 and 54.1-703.3 of the Code of Virginia, relating to*  
 5 *Department of Professional and Occupational Regulation.*

6 [H 1254]

7 Approved

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

9 **1. That §§ 54.1-402, 54.1-402.1, 54.1-406, 54.1-700, 54.1-1500, 54.1-1501, 54.1-1506, 54.1-2205, and**  
 10 **54.1-2208.2 of the Code of Virginia are amended and reenacted and that the Code of Virginia is**  
 11 **amended by adding a section numbered 54.1-1504.1 as follows:**

12 **§ 54.1-402. Further exemptions from license requirements for architects, professional engineers,**  
 13 **and land surveyors.**

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

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

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

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

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

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

32 6. Electric installations which comply with all applicable codes and which do not exceed 600 volts and  
 33 800 amps, where work is designed and performed under the direct supervision of a person licensed as a  
 34 master's level electrician or Class A electrical contractor by written examination, and where such installation  
 35 is not contained in any structure exceeding three stories or located in any of the following categories:

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

37 b. Use Group ~~A-4~~ A-3, except churches;

38 c. Use Group I, institutional buildings, except day care nurseries and clinics without life-support systems;  
 39 or

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

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

50 b. Use Group ~~A-4~~ A-3, except churches;

51 c. Use Group I, institutional buildings, except day care nurseries and clinics without life-support systems;  
 52 or

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

56 9. Buildings, structures, or electrical and mechanical installations which are not otherwise exempted but

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57 which are of standard design, provided they bear the certification of a professional engineer or architect  
 58 registered or licensed in another state, and provided that the design is adapted for the specific location and for  
 59 conformity with local codes, ordinances, and regulations, and is so certified by a professional engineer or  
 60 architect licensed in Virginia; or

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

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

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

76 1. Any unique design of structural elements for floors, walls, roofs, or foundations; or

77 2. Any building or structure classified with respect to its use as high hazard (Use Group H).

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

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

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

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

97 **§ 54.1-402.1. State and local government employees.**

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

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

114 **§ 54.1-406. License required.**

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

118 Unless exempted by § 54.1-401, 54.1-402, or 54.1-402.1, a person shall hold a valid license prior to

119 engaging in the practice of land surveying.

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

123 C. Any person; ~~partnership, corporation or other~~ or *business* entity which is not licensed or registered to  
124 practice in accordance with this chapter and which advertises or promotes through the use of the words  
125 "architecture," "engineering," or "land surveying" or any modification or derivative thereof in its name or  
126 description of its business activity in a manner that indicates or implies that it practices or offers to practice  
127 architecture, engineering, or land surveying as ~~defined in this chapter~~ shall be subject to the provisions of  
128 § 54.1-111.

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

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

141 **§ 54.1-700. Definitions.**

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

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

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

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

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

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

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

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

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

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

167 "Cosmetologist" means any person who administers hair removal treatments; administers basic facial  
168 treatments to enhance or improve the appearance and care of the skin using lotions, oils, cleansers, or other  
169 preparations by manual practices only; manicures or pedicures the nails of any person; arranges, dresses,  
170 curls, waves, cuts, shapes, singes, waxes, tweezes, trims, bleaches, colors, relaxes, straightens, or performs  
171 similar work, upon human hair, or a wig or hairpiece, by any means, including hands or mechanical or  
172 electrical apparatus or appliances unless such acts as adjusting, combing, or brushing prestyled wigs or  
173 hairpieces do not alter the prestyled nature of the wig or hairpiece, and practices cosmetology for  
174 compensation. The term "cosmetologist" does not include hair braiding upon human hair or a wig or  
175 hairpiece.

176 "Cosmetology" includes the following practices: administering hair removal treatments; administering  
177 basic cleansing facial treatments to enhance or improve the appearance and care of the skin, which only  
178 includes a cleanse, tone, and application of a mask or moisturizer; manicuring or pedicuring the nails of any  
179 person; arranging, dressing, curling, waving, cutting, shaping, singeing, waxing, tweezing, trimming,  
180 bleaching, coloring, relaxing, straightening, or similar work, upon human hair, or a wig or hairpiece, by any

181 means, including hands or mechanical or electrical apparatus or appliances, but shall not include hair braiding  
182 upon human hair, or a wig or hairpiece, or such acts as adjusting, combing, or brushing prestyled wigs or  
183 hairpieces when such acts do not alter the prestyled nature of the wig or hairpiece.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 243 "Tattooer" means any person who for remuneration practices tattooing.
- 244 "Tattooing" means the placing of designs, letters, scrolls, figures, symbols, or any other marks upon or  
245 under the skin of any person with ink or any other substance, resulting in the permanent coloration of the  
246 skin, including permanent make-up or permanent jewelry, by the aid of needles or any other instrument  
247 designed to touch or puncture the skin.
- 248 "Wax technician" means any person licensed by the Board who removes hair from the hair follicle using a  
249 physical (wax) depilatory or by tweezing.
- 250 "Wax technician instructor" means a licensed wax technician who has been certified by the Board as  
251 having completed an approved curriculum and who meets the competency standards of the Board as an  
252 instructor of waxing.
- 253 "Waxing" means the temporary removal of superfluous hair from the hair follicle on any area of the  
254 human body through the use of a physical (wax) depilatory or by tweezing.
- 255 "Waxing salon" means any commercial establishment, residence, vehicle, or other establishment, place, or  
256 event wherein waxing is offered or practiced on a regular basis for compensation and may include the  
257 training of apprentices under regulations of the Board.
- 258 "Waxing school" means a place or establishment licensed by the Board to accept and train students in  
259 waxing.
- 260 **§ 54.1-1500. Definitions.**
- 261 As used in this chapter, unless the context requires a different meaning:
- 262 "Audiologist" means the same as that term is defined in § 54.1-2600.
- 263 "Board" means the Board for Hearing Aid Specialists and Opticians.
- 264 "Hearing aid" means any wearable instrument or device designed or offered to aid or compensate for  
265 impaired human hearing and any parts, attachments, or accessories, including earmolds, but excluding  
266 batteries and cords.
- 267 "Licensed hearing aid specialist" means any person who is the holder of a hearing aid specialist license  
268 issued by the Board for Hearing Aid Specialists and Opticians.
- 269 "Licensed optician" means any person who is the holder of an optician license issued by the Board for  
270 Hearing Aid Specialists and Opticians.
- 271 "Licensed optometrist" means any person authorized by Virginia law to practice optometry.
- 272 "Licensed physician" means any person licensed by the Board of Medicine to practice medicine and  
273 surgery.
- 274 "Optician" means any person not exempted by § 54.1-1506 who prepares or dispenses eyeglasses,  
275 spectacles, lenses, or related appurtenances, for the intended wearers or users, on prescriptions from licensed  
276 physicians or licensed optometrists, or as duplications or reproductions of previously prepared eyeglasses,  
277 spectacles, lenses, or related appurtenances; or who, in accordance with such prescriptions, duplications, or  
278 reproductions, measures, adapts, fits, and adjusts eyeglasses, spectacles, lenses, or appurtenances, to the  
279 human face.
- 280 "Over-the-counter hearing aid" means an air-conduction hearing aid that does not require implantation or  
281 other surgical intervention and is intended for use by a person age 18 or older to compensate for perceived  
282 mild to moderate hearing impairment.
- 283 "Practice of audiology" means the same as that term is defined in § 54.1-2600.
- 284 "Practice of fitting or dealing in hearing aids" means (i) the measurement of human hearing by means of  
285 an audiometer or by any other means solely for the purpose of making selections, adaptations, or sale of  
286 hearing aids, (ii) the sale of prescription hearing aids, or (iii) the making of impressions for earmolds for  
287 prescription hearing aids. A practitioner, at the request of a physician or a member of a related profession,  
288 may make audiograms for the professional's use in consultation with the hard-of-hearing.
- 289 "Prescription hearing aid" means a hearing aid that is not an over-the-counter hearing aid.
- 290 "Sell" or "sale" means any transfer of title or of the right to use by lease, bailment, or any other contract,  
291 excluding wholesale transactions with distributors or practitioners.
- 292 "Temporary Training permit" means a permit issued while an applicant is in training to become a licensed  
293 hearing aid specialist.
- 294 "Work permit" means a permit issued to any applicant who is eligible for examination to become a  
295 licensed hearing aid specialist.
- 296 **§ 54.1-1501. Exemptions; sale of hearing aids by corporations, etc., measuring hearing.**
- 297 A. Physicians licensed to practice in Virginia and certified by the American Board of Otolaryngology or  
298 eligible for such certification shall not be required to pass an examination as a prerequisite to obtaining a  
299 license under this chapter.
- 300 B. Nothing in this chapter shall prohibit a corporation, partnership, trust, association, or other like  
301 organization maintaining an established business address from engaging in the business of selling or offering  
302 for sale prescription hearing aids at retail without a license, provided that it employs only licensed  
303 practitioners in the direct sale and fitting of prescription hearing aids.
- 304 C. Nothing in this chapter shall prohibit any person who does not sell hearing aids or accessories or who is

305 not employed by an organization which sells hearing aids or accessories from engaging in the practice of  
 306 measuring human hearing for the purpose of selection of hearing aids.

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

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

311 **§ 54.1-1504.1. Permits.**

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

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

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

318 **§ 54.1-1506. Exemptions.**

319 The provisions of this chapter shall not apply to:

320 1. Any licensed physician or licensed optometrist;

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

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

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

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

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

341 **§ 54.1-2205. License required; application; requirements for licensure; continuing education.**

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

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

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

346 a. Is 18 years of age or older;

347 b. Is of good moral character; and

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

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

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

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

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

360 d. Have at least four years of experience in soil science research or as a teacher of soils curriculum in an  
 361 accredited institution of higher education which offers an approved four-year program in soils and at least  
 362 two years of soil evaluation experience, the quality of which demonstrates to the Board that the applicant is  
 363 competent to practice as a professional soil scientist.

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

367 D. Individuals applying for a license as a professional soil scientist between July 1, 2013, and July 1,  
 368 2015, who (i) have been certified as professional soil scientists by the Board or (ii) have achieved a score set  
 369 by the Board on the examination required by this section shall be licensed by the Board if all other  
 370 requirements of this chapter or Board regulations have been met, unless an applicant is found by the Board to  
 371 have engaged in any act that would constitute grounds for disciplinary action.

372 **§ 54.1-2208.2. Licensure; minimum qualifications; penalty.**

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

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

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

382 1. Be of ethical character.

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

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

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

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

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

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

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

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

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