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SENATE BILL NO. 543
AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the Joint Conference Committee
on March 14, 2026)

(Patron Prior to Substitute—Senator Aird)

A BILL to amend and reenact §§ 3.2-4118, 3.2-4126, 3.2-5145.2:1, 4.1-226, 4.1-227, 4.1-604, 8.01-216.3, 9.1-102, 58.1-3700, and 59.1-200 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 4.1-624.1 and 4.1-1106.1, by adding in Chapter 12 of Title 4.1 a section numbered 4.1-1201, and by adding in Chapter 13 of Title 4.1 a section numbered 4.1-1304, relating to marijuana and hemp products; enforcement.

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.2-4118, 3.2-4126, 3.2-5145.2:1, 4.1-226, 4.1-227, 4.1-604, 8.01-216.3, 9.1-102, 58.1-3700, and 59.1-200 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 4.1-624.1 and 4.1-1106.1, by adding in Chapter 12 of Title 4.1 a section numbered 4.1-1201, and by adding in Chapter 13 of Title 4.1 a section numbered 4.1-1304 as follows:

§ 3.2-4118. Forfeiture of industrial hemp grower, handler, or processor registration; violations.

A. The Commissioner shall deny the application, or suspend or revoke the registration, of any person who, with a culpable mental state greater than negligence, (i) violates any provision of this article or (ii) has repeatedly violated any provisions of the Cannabis Control Act (§ 4.1-600 et seq.) by, without displaying a decal as required pursuant to § 4.1-1106.1, engaging in the illegal sale of marijuana or marijuana products on the licensed premises of an establishment or marketing or labeling products as marijuana or marijuana products. The Commissioner shall provide reasonable notice of an informal fact-finding conference pursuant to § 2.2-4019 to any person in connection with the denial, suspension, or revocation of a registration.

B. If a registration is revoked as the result of an informal hearing, the decision may be appealed, and upon appeal an administrative hearing shall be conducted in accordance with the Administrative Process Act (§ 2.2-4000 et seq.). The grower, handler, or processor may appeal a final order to the circuit court in accordance with the Administrative Process Act.

C. A person issued a registration pursuant to § 3.2-4115 who negligently (i) fails to provide a description and geographic data sufficient for locating his production field, handler's storage site, or process site; (ii) grows, handles, or processes Cannabis sativa with a tetrahydrocannabinol concentration greater than that allowed by federal law; or (iii) produces a Cannabis sativa product shall comply with any corrective action plan established by the Commissioner in accordance with the provisions of subsection E. The Commissioner shall not deem a grower negligent if such grower makes reasonable efforts to grow industrial hemp and grows Cannabis sativa with a tetrahydrocannabinol concentration that does not exceed the total tetrahydrocannabinol concentration percentage established in federal regulations applicable to negligent violations located at 7 C.F.R. § 990.6(b)(3).

D. A person who grows, handles, or processes industrial hemp and who negligently fails to register pursuant to § 3.2-4115 shall comply with any corrective action plan established by the Commissioner in accordance with the provisions of subsection E.

E. A corrective action plan established by the Commissioner in response to a negligent violation of a provision of this article shall identify a reasonable date by which the person who is the subject of the plan shall correct the negligent violation and shall require such person to report periodically for not less than two calendar years to the Commissioner on the person's compliance with the provisions of this article.

F. No person who negligently violates the provisions of this article three times in a five-year period shall be eligible to grow, handle, or process industrial hemp for a period of five years beginning on the date of the third violation.

§ 3.2-4126. Civil penalties.

A. The Commissioner may, in accordance with the Administrative Process Act (§ 2.2-4000 et seq.), deny the application for a regulated hemp product retail facility registration or suspend or revoke the regulated hemp product retail facility registration of any person that (i) violates a provision of this article or (ii) has repeatedly violated any provisions of the Cannabis Control Act (§ 4.1-600 et seq.) by, without displaying a decal as required pursuant to § 4.1-1106.1, engaging in the illegal sale of marijuana or marijuana products on the licensed premises of an establishment or marketing or labeling products as marijuana or marijuana products.

B. Any person that (i) offers for sale or sells at retail a regulated hemp product without first obtaining a registration to do so from the Commissioner in accordance with § 3.2-4122, (ii) continues to offer for sale or sell at retail a regulated hemp product after revocation or suspension of such registration, (iii) offers for sale or sells at retail a substance intended for human consumption, orally or by inhalation, that (a) contains a total tetrahydrocannabinol concentration that is greater than 0.3 percent or (b) contains more than two milligrams

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60 of total tetrahydrocannabinol per package and does not contain an amount of cannabidiol that is at least 25
 61 times greater than the amount of total tetrahydrocannabinol per package, (iv) offers for sale or sells at retail a
 62 regulated hemp product in violation of § 3.2-4123, ~~or~~ (v) offers for sale or sells at retail a substance intended
 63 for human consumption, orally or by inhalation, that is advertised or labeled as containing an industrial
 64 hemp-derived cannabinoid without a regulated hemp product retail facility registration, *or (vi) has repeatedly*
 65 *violated any provisions of the Cannabis Control Act (§ 4.1-600 et seq.) by, without displaying a decal as*
 66 *required pursuant to § 4.1-1106.1 engaging in the illegal sale of marijuana or marijuana products on the*
 67 *licensed premises of an establishment or marketing or labeling products as marijuana or marijuana products*
 68 is, in addition to any other penalties provided, subject to a civil penalty not to exceed \$10,000 for each day a
 69 violation occurs. Such penalty shall be collected by the Commissioner and the proceeds shall be payable to
 70 the State Treasurer for remittance to the Department.

71 **§ 3.2-5145.2:1. Sellers or manufacturers of industrial hemp extract; penalties.**

72 A. Any person who manufactures, sells, or offers for sale an industrial hemp extract or food containing an
 73 industrial hemp extract shall be subject to the requirements of this chapter and regulations adopted pursuant
 74 to this chapter.

75 B. Any person who (i) manufactures, sells, or offers for sale an industrial hemp extract or food containing
 76 an industrial hemp extract without first obtaining a permit to do so from the Commissioner pursuant to
 77 § 3.2-5100, unless exempt from a permit pursuant to subdivision C 6 of § 3.2-5130; (ii) continues to
 78 manufacture, sell, or offer for sale an industrial hemp extract or food containing an industrial hemp extract
 79 after revocation or suspension of such permit; (iii) fails to disclose on a form prescribed by the Commissioner
 80 that he intends to manufacture, sell, or offer for sale a substance intended to be consumed orally that contains
 81 an industrial hemp-derived cannabinoid; (iv) sells or offers for sale at retail a food that (a) contains a total
 82 tetrahydrocannabinol concentration that is greater than 0.3 percent or (b) contains more than two milligrams
 83 of total tetrahydrocannabinol per package and does not contain an amount of cannabidiol that is at least 25
 84 times greater than the amount of total tetrahydrocannabinol per package; (v) manufactures, offers for sale, or
 85 sells in violation of this chapter or a regulation adopted pursuant to this chapter a substance intended to be
 86 consumed orally that is advertised or labeled as containing an industrial hemp-derived cannabinoid; or (vi)
 87 otherwise violates any provision of this chapter or a regulation adopted pursuant to this chapter, in addition to
 88 any other penalties provided, is subject to a civil penalty not to exceed \$10,000 for each day a violation
 89 occurs. Such penalty shall be collected by the Commissioner and the proceeds shall be payable to the State
 90 Treasurer for remittance to the Department.

91 C. Any person who (i) manufactures, sells, or offers for sale an industrial hemp extract or food containing
 92 an industrial hemp extract without first obtaining a permit to do so from the Commissioner pursuant to
 93 § 3.2-5100, unless exempt from a permit pursuant to subdivision C 6 of § 3.2-5130; (ii) continues to
 94 manufacture, sell, or offer for sale an industrial hemp extract or food containing an industrial hemp extract
 95 after revocation or suspension of such permit; (iii) fails to disclose on a form prescribed by the Commissioner
 96 that he intends to manufacture, sell, or offer for sale a substance intended to be consumed orally that contains
 97 an industrial hemp-derived cannabinoid; (iv) manufactures, offers for sale, or sells in violation of this chapter
 98 or a regulation adopted pursuant to this chapter a substance intended to be consumed orally that is advertised
 99 or labeled as containing an industrial hemp-derived cannabinoid; or (v) otherwise violates any provision of
 100 this chapter or a regulation adopted pursuant to this chapter, in addition to any other penalties provided, is
 101 guilty of a Class 1 misdemeanor. Each day in which a violation occurs shall constitute a separate offense.

102 D. *Notwithstanding any other provision of this section, prior to assessing a civil penalty for a first*
 103 *violation of § 3.2-5145.4:1 related solely to labeling, packaging, batch coding, ingredient declaration,*
 104 *manufacturer identification, or any other labeling requirements that are not related to potency or the*
 105 *tetrahydrocannabinol concentration of the industrial hemp extract or food containing an industrial hemp*
 106 *extract, the Commissioner shall issue a written notice of the violation and provide the person not fewer than*
 107 *15 business days to correct such violation. If the violation is corrected within the prescribed cure period and*
 108 *the industrial hemp extract or food containing an industrial hemp extract does not exceed the*
 109 *tetrahydrocannabinol concentration limits established in clause (iv) of subsection B, no civil penalty shall be*
 110 *assessed for such first violation.*

111 E. *Notwithstanding any other provision of this section, for a violation of § 3.2-5145.4:1 related solely to*
 112 *labeling or packaging controlled by the manufacturer of an industrial hemp extract or food containing an*
 113 *industrial hemp extract, the Commissioner shall provide written notice to the manufacturer of record of such*
 114 *violation and shall not assess a civil penalty against a person who sells or offers for sale such industrial*
 115 *hemp extract or food containing an industrial hemp extract alleged to be in violation for a first violation*
 116 *unless such person has actual knowledge of the violation and continues to sell such product or offer such*
 117 *product for sale after receiving written notice from the Commissioner.*

118 F. *For any violations that are technical in nature and do not involve an industrial hemp extract or food*
 119 *containing an industrial hemp extract that (i) exceeds the total tetrahydrocannabinol concentration limit (ii)*
 120 *exceeds the two milligram tetrahydrocannabinol per package limit; or (iii) does not have the required child-*
 121 *resistant packaging, civil penalties shall not be assessed on the basis of individual items contained within a*

122 package or the number of identical packages of the same product, but may be assessed per package for
123 different products or per inspection event.

124 F. The Commissioner may, in accordance with the Administrative Process Act (§ 2.2-4000 et seq.), deny,
125 suspend, or revoke a permit issued pursuant to § 3.2-5100 if the permitted entity is found to have violated
126 subdivision A 69, 70, 71, 72, 73, or 74 of § 59.1-200 by a court of competent jurisdiction.

127 E. G. This section shall not apply to products that are (i) approved for marketing by the U.S. Food and
128 Drug Administration and scheduled in the Drug Control Act (§ 54.1-3400 et seq.) or (ii) dispensed pursuant
129 to Article 4.2 (§ 54.1-3442.5 et seq.) of Chapter 34 of Title 54.1.

130 **§ 4.1-226. Grounds for which Board shall suspend or revoke licenses.**

131 The Board shall suspend or revoke any license, other than a brewery license, in which case the Board may
132 impose penalties as provided in § 4.1-227, if it finds that:

133 1. A licensee has violated or permitted the violation of § 18.2-331, relating to the illegal possession of a
134 gambling device, upon the premises for which the Board has granted a license for the sale of alcoholic
135 beverages to the public.

136 2. In the licensed establishment of a mixed beverage licensee there (i) is entertainment of an obscene
137 nature, entertainment commonly called stripteasing, topless entertaining, or entertainment that has employees
138 who are not clad both above and below the waist or (ii) are employees who solicit the sale of alcoholic
139 beverages. The provisions of clause (i) shall not apply to persons operating theaters, concert halls, art centers,
140 museums, or similar establishments that are devoted primarily to the arts or theatrical performances, when the
141 performances that are presented are expressing matters of serious literary, artistic, scientific, or political
142 value.

143 3. A licensee has defrauded or attempted to defraud the Board, or any federal, state, or local government
144 or governmental agency or authority, by making or filing any report, document, or tax return required by
145 statute or regulation that is fraudulent or contains a willful or knowing false representation of a material fact
146 or has willfully deceived or attempted to deceive the Board, or any federal, state, or local government or
147 governmental agency or authority, by making or maintaining business records required by statute or
148 regulation that are false or fraudulent.

149 4. A licensee has repeatedly violated any provisions of the Cannabis Control Act (§ 4.1-600 et seq.) by,
150 without displaying a decal as required pursuant to § 4.1-1106.1, engaging in the illegal sale of marijuana or
151 marijuana products on the licensed premises of an establishment or marketing or labeling products as
152 marijuana or marijuana products.

153 **§ 4.1-227. Suspension or revocation of licenses; notice and hearings; imposition of penalties.**

154 A. Except for temporary licenses, before the Board may impose a civil penalty against a brewery licensee
155 or suspend or revoke any license, reasonable notice of such proposed or contemplated action shall be given to
156 the licensee in accordance with the provisions of § 2.2-4020 of the Administrative Process Act (§ 2.2-4000 et
157 seq.).

158 Notwithstanding the provisions of § 2.2-4022, the Board shall, upon written request by the licensee,
159 permit the licensee to inspect and copy or photograph all (i) written or recorded statements made by the
160 licensee or copies thereof or the substance of any oral statements made by the licensee or a previous or
161 present employee of the licensee to any law-enforcement officer, the existence of which is known by the
162 Board and upon which the Board intends to rely as evidence in any adversarial proceeding under this chapter
163 against the licensee, and (ii) designated books, papers, documents, tangible objects, buildings, or places, or
164 copies or portions thereof, that are within the possession, custody, or control of the Board and upon which the
165 Board intends to rely as evidence in any adversarial proceeding under this chapter against the licensee. In
166 addition, any subpoena for the production of documents issued to any person at the request of the licensee or
167 the Board pursuant to § 4.1-103 shall provide for the production of the documents sought within ten working
168 days, notwithstanding anything to the contrary in § 4.1-103.

169 If the Board fails to provide for inspection or copying under this section for the licensee after a written
170 request, the Board shall be prohibited from introducing into evidence any items the licensee would have
171 lawfully been entitled to inspect or copy under this section.

172 The action of the Board in suspending or revoking any license or in imposing a civil penalty against the
173 holder of a brewery license shall be subject to judicial review in accordance with the Administrative Process
174 Act. Such review shall extend to the entire evidential record of the proceedings provided by the Board in
175 accordance with the Administrative Process Act. An appeal shall lie to the Court of Appeals from any order
176 of the court. Notwithstanding § 8.01-676.1, the final judgment or order of the circuit court shall not be
177 suspended, stayed or modified by such circuit court pending appeal to the Court of Appeals. Neither
178 mandamus nor injunction shall lie in any such case.

179 B. In suspending any license the Board may impose, as a condition precedent to the removal of such
180 suspension or any portion thereof, a requirement that the licensee pay the cost incurred by the Board in
181 investigating the licensee and in holding the proceeding resulting in such suspension, or it may impose and
182 collect such civil penalties as it deems appropriate. In no event shall the Board impose a civil penalty
183 exceeding \$2,000 for the first violation occurring within five years immediately preceding the date of the

184 violation or \$5,000 for the second violation occurring within five years immediately preceding the date of the
 185 second violation. However, if the violation involved selling alcoholic beverages to a person prohibited from
 186 purchasing alcoholic beverages or allowing consumption of alcoholic beverages by underage, intoxicated, or
 187 interdicted persons, the Board may impose a civil penalty not to exceed \$3,000 for the first violation
 188 occurring within five years immediately preceding the date of the violation and \$6,000 for a second violation
 189 occurring within five years immediately preceding the date of the second violation in lieu of such suspension
 190 or any portion thereof, or both. The Board may also impose a requirement that the licensee pay for the cost
 191 incurred by the Board not exceeding \$25,000 in investigating the licensee and in holding the proceeding
 192 resulting in the violation in addition to any suspension or civil penalty incurred.

193 C. Following notice to (i) the licensee of a hearing that may result in the suspension or revocation of his
 194 license or (ii) the applicant of a hearing to resolve a contested application, the Board may accept a consent
 195 agreement as authorized in subdivision 21 of § 4.1-103. The notice shall advise the licensee or applicant of
 196 the option to (a) admit the alleged violation or the validity of the objection; (b) waive any right to a hearing or
 197 an appeal under the Virginia Administrative Process Act (§ 2.2-4000 et seq.); and (c)(1) accept the proposed
 198 restrictions for operating under the license, (2) accept the period of suspension of the licensed privileges
 199 within the Board's parameters, (3) pay a civil penalty in lieu of the period of suspension, or any portion of the
 200 suspension as applicable, or (4) proceed to a hearing.

201 D. In case of an offense by the holder of a brewery license, the Board may (i) require that such holder pay
 202 the costs incurred by the Board in investigating the licensee, (ii) suspend or revoke the on-premises privileges
 203 of the brewery, and (iii) impose a civil penalty not to exceed \$25,000 for the first violation, \$50,000 for the
 204 second violation, and for the third or any subsequent violation, suspend or revoke such license or, in lieu of
 205 any suspension or portion thereof, impose a civil penalty not to exceed \$100,000. Such suspension or
 206 revocation shall not prohibit the licensee from manufacturing or selling beer manufactured by it to the owners
 207 of boats registered under the laws of the United States sailing for ports of call of a foreign country or another
 208 state, and to persons outside the Commonwealth.

209 E. The Board shall, by regulation or written order:

210 1. Designate those (i) objections to an application or (ii) alleged violations that will proceed to an initial
 211 hearing;

212 2. Designate the violations for which a waiver of a hearing and payment of a civil charge in lieu of
 213 suspension may be accepted for a first offense occurring within three years immediately preceding the date of
 214 the violation;

215 3. Provide for a reduction in the length of any suspension and a reduction in the amount of any civil
 216 penalty for any retail licensee where the licensee can demonstrate that it provided to its employees alcohol
 217 server or seller training certified in advance by the Board, which training shall include a course developed or
 218 approved by the Department of Criminal Justice Services pursuant to § 9.1-102 on recognizing and reporting
 219 instances of suspected human trafficking;

220 4. Establish a schedule of penalties for such offenses, prescribing the appropriate suspension of a license
 221 and the civil charge acceptable in lieu of such suspension; and

222 5. Establish a schedule of offenses for which any penalty may be waived upon a showing that the licensee
 223 has had no prior violations within five years immediately preceding the date of the violation. No waiver shall
 224 be granted by the Board, however, for a licensee's willful and knowing violation of this subtitle or Board
 225 regulations.

226 *F. In addition, the Board shall impose a civil penalty against a brewery licensee or suspend or revoke any*
 227 *license pursuant to this section upon a finding that such licensee has repeatedly violated any provisions of the*
 228 *Cannabis Control Act (§ 4.1-600 et seq.) by, without displaying a decal as required pursuant to § 4.1-1106.1,*
 229 *engaging in the illegal sale of marijuana or marijuana products on the licensed premises of an establishment*
 230 *or marketing or labeling products as marijuana or marijuana products.*

231 **§ 4.1-604. Powers and duties of the Board.**

232 The Board shall have the following powers and duties:

233 1. Promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) and
 234 § 4.1-606;

235 2. Control the possession, sale, transportation, and delivery of marijuana and marijuana products;

236 3. Grant, suspend, restrict, revoke, or refuse to grant or renew any license or permit issued or authorized
 237 pursuant to this subtitle;

238 4. Determine the nature, form, and capacity of all containers used for holding marijuana products to be
 239 kept or sold and prescribe the form and content of all labels and seals to be placed thereon;

240 5. Maintain actions to enjoin common nuisances as defined in § 4.1-1113;

241 6. Establish standards and implement an online course for employees of retail marijuana stores that trains
 242 employees on how to educate consumers on the potential risks of marijuana use;

243 7. Establish a plan to develop and disseminate to retail marijuana store licensees a pamphlet or similar
 244 document regarding the potential risks of marijuana use to be prominently displayed and made available to
 245 consumers;

246 8. Establish a position for a Cannabis Social Equity Liaison who shall lead the Cannabis Business Equity
247 and Diversity Support Team and liaise with the Director of Diversity, Equity, and Inclusion on matters
248 related to diversity, equity, and inclusion standards in the marijuana industry;

249 9. Establish a Cannabis Business Equity and Diversity Support Team, which shall (i) develop
250 requirements for the creation and submission of diversity, equity, and inclusion plans by persons who wish to
251 possess a license in more than one license category pursuant to subsection C of § 4.1-805, which may include
252 a requirement that the licensee participate in social equity apprenticeship plan, and an approval process and
253 requirements for implementation of such plans; (ii) be responsible for conducting an analysis of potential
254 barriers to entry for small, women-owned, and minority-owned businesses and veteran-owned businesses
255 interested in participating in the marijuana industry and recommending strategies to effectively mitigate such
256 potential barriers; (iii) provide assistance with business planning for potential marijuana establishment
257 licensees; (iv) spread awareness of business opportunities related to the marijuana marketplace in areas
258 disproportionately impacted by marijuana prohibition and enforcement; (v) provide technical assistance in
259 navigating the administrative process to potential marijuana establishment licensees; and (vi) conduct other
260 outreach initiatives in areas disproportionately impacted by marijuana prohibition and enforcement as
261 necessary;

262 10. Establish a position for an individual with professional experience in a health related field who shall
263 staff the Cannabis Public Health Advisory Council, established pursuant to § 4.1-603, liaise with the Office
264 of the Secretary of Health and Human Resources and relevant health and human services agencies and
265 organizations, and perform other duties as needed;

266 11. Establish and implement a plan, in coordination with the Cannabis Social Equity Liaison and the
267 Director of Diversity, Equity, and Inclusion to promote and encourage participation in the marijuana industry
268 by people from communities that have been disproportionately impacted by marijuana prohibition and
269 enforcement and to positively impact those communities;

270 12. Sue and be sued, implead and be impleaded, and complain and defend in all courts;

271 13. Adopt, use, and alter at will a common seal;

272 14. Fix, alter, charge, and collect rates, rentals, fees, and other charges for the use of property of, the sale
273 of products of, or services rendered by the Authority at rates to be determined by the Authority for the
274 purpose of providing for the payment of the expenses of the Authority;

275 15. Make and enter into all contracts and agreements necessary or incidental to the performance of its
276 duties, the furtherance of its purposes, and the execution of its powers under this subtitle, including
277 agreements with any person or federal agency;

278 16. Employ, at its discretion, consultants, researchers, architects, engineers, accountants, financial experts,
279 investment bankers, superintendents, managers, and such other employees and special agents as may be
280 necessary and fix their compensation to be payable from funds made available to the Authority. Legal
281 services for the Authority shall be provided by the Attorney General in accordance with Chapter 5 (§ 2.2-500
282 et seq.) of Title 2.2;

283 17. Receive and accept from any federal or private agency, foundation, corporation, association, or person
284 grants or other aid to be expended in accomplishing the objectives of the Authority, and receive and accept
285 from the Commonwealth or any state and any municipality, county, or other political subdivision thereof or
286 from any other source aid or contributions of either money, property, or other things of value, to be held,
287 used, and applied only for the purposes for which such grants and contributions may be made. All federal
288 moneys accepted under this section shall be accepted and expended by the Authority upon such terms and
289 conditions as are prescribed by the United States and as are consistent with state law, and all state moneys
290 accepted under this section shall be expended by the Authority upon such terms and conditions as are
291 prescribed by the Commonwealth;

292 18. Adopt, alter, and repeal bylaws, rules, and regulations governing the manner in which its business
293 shall be transacted and the manner in which the powers of the Authority shall be exercised and its duties
294 performed. The Board may delegate or assign any duty or task to be performed by the Authority to any
295 officer or employee of the Authority. The Board shall remain responsible for the performance of any such
296 duties or tasks. Any delegation pursuant to this subdivision shall, where appropriate, be accompanied by
297 written guidelines for the exercise of the duties or tasks delegated. Where appropriate, the guidelines shall
298 require that the Board receive summaries of actions taken. Such delegation or assignment shall not relieve the
299 Board of the responsibility to ensure faithful performance of the duties and tasks;

300 19. Conduct or engage in any lawful business, activity, effort, or project consistent with the Authority's
301 purposes or necessary or convenient to exercise its powers;

302 20. Develop policies and procedures generally applicable to the procurement of goods, services, and
303 construction, based upon competitive principles;

304 21. Develop policies and procedures consistent with Article 4 (§ 2.2-4347 et seq.) of Chapter 43 of Title
305 2.2;

306 22. Acquire, purchase, hold, use, lease, or otherwise dispose of any property, real, personal or mixed,
307 tangible or intangible, or any interest therein necessary or desirable for carrying out the purposes of the

308 Authority; lease as lessee any property, real, personal or mixed, tangible or intangible, or any interest therein,
309 at such annual rental and on such terms and conditions as may be determined by the Board; lease as lessor to
310 any person any property, real, personal or mixed, tangible or intangible, or any interest therein, at any time
311 acquired by the Authority, whether wholly or partially completed, at such annual rental and on such terms
312 and conditions as may be determined by the Board; sell, transfer, or convey any property, real, personal or
313 mixed, tangible or intangible, or any interest therein, at any time acquired or held by the Authority on such
314 terms and conditions as may be determined by the Board; and occupy and improve any land or building
315 required for the purposes of this subtitle;

316 23. Purchase, lease, or acquire the use of, by any manner, any plant or equipment that may be considered
317 necessary or useful in carrying into effect the purposes of this subtitle, including rectifying, blending, and
318 processing plants;

319 24. Appoint every agent and employee required for its operations, require any or all of them to give bonds
320 payable to the Commonwealth in such penalty as shall be fixed by the Board, and engage the services of
321 experts and professionals;

322 25. Hold and conduct hearings, issue subpoenas requiring the attendance of witnesses and the production
323 of records, memoranda, papers, and other documents before the Board or any agent of the Board, and
324 administer oaths and take testimony thereunder. The Board may authorize any Board member or agent of the
325 Board to hold and conduct hearings, issue subpoenas, administer oaths and take testimony thereunder, and
326 decide cases, subject to final decision by the Board, on application of any party aggrieved. The Board may
327 enter into consent agreements and may request and accept from any applicant, licensee, or permittee a
328 consent agreement in lieu of proceedings on (i) objections to the issuance of a license or permit or (ii)
329 disciplinary action. Any such consent agreement (a) shall include findings of fact and provisions regarding
330 whether the terms of the consent agreement are confidential and (b) may include an admission or a finding of
331 a violation. A consent agreement shall not be considered a case decision of the Board and shall not be subject
332 to judicial review under the provisions of the Administrative Process Act (§ 2.2-4000 et seq.), but may be
333 considered by the Board in future disciplinary proceedings;

334 26. Make a reasonable charge for preparing and furnishing statistical information and compilations to
335 persons other than (i) officials, including court and police officials, of the Commonwealth and of its
336 subdivisions if the information requested is for official use and (ii) persons who have a personal or legal
337 interest in obtaining the information requested if such information is not to be used for commercial or trade
338 purposes;

339 27. Take appropriate disciplinary action and assess and collect civil penalties and civil charges for
340 violations of this subtitle and Board regulations;

341 28. Review and approve any proposed legislative or regulatory changes suggested by the Chief Executive
342 Officer as the Board deems appropriate;

343 29. Report quarterly to the Secretary of Public Safety and Homeland Security on the law-enforcement
344 activities undertaken to enforce the provisions of this subtitle;

345 30. Establish and collect fees for all permits set forth in this subtitle, including fees associated with
346 applications for such permits;

347 31. Develop and make available on its website guidance documents regarding compliance and safe
348 practices for persons who cultivate marijuana at home for personal use, which shall include information
349 regarding cultivation practices that promote personal and public safety, including child protection, and
350 discourage practices that create a nuisance;

351 32. Develop and make available on its website a resource that provides information regarding (i)
352 responsible marijuana consumption; (ii) health risks and other dangers associated with marijuana
353 consumption, including inability to operate a motor vehicle and other types of transportation and equipment;
354 and (iii) ancillary effects of marijuana consumption, including ineligibility for certain employment
355 opportunities. The Board shall require that the web address for such resource be included on the label of all
356 retail marijuana and retail marijuana product as provided in § 4.1-1402; ~~and~~

357 33. *Create and require a decal for retail marijuana store licensees to prominently display on the premises*
358 *of such store that allows consumers to electronically verify the validity of such store's license from the Board;*
359 *and*

360 34. Do all acts necessary or advisable to carry out the purposes of this subtitle.

361 **§ 4.1-624.1. Enforcement of laws by Chief Executive Officer or investigators; authority of investigators**
362 **appointed by Chief Executive Officer.**

363 *A. The Chief Executive Officer or investigators appointed by him shall be sworn to enforce the provisions*
364 *of this subtitle and Board regulations. The Chief Executive Officer or investigators appointed by him shall*
365 *have the authority to investigate violations of the statutes and regulations that the Authority is required to*
366 *enforce. The Chief Executive Officer or investigators appointed by him shall also have the authority to issue*
367 *summonses for violations of the statutes and regulations governing the unlicensed cultivation, processing,*
368 *distribution, or selling of marijuana or marijuana products. In the event a person issued such a summons*
369 *fails or refuses to discontinue the unlawful acts or refuses to give a written promise to appear at the time and*

370 place specified in the summons, the investigator may appear before a magistrate or other issuing authority
371 having jurisdiction to obtain a criminal warrant pursuant to § 19.2-72.

372 B. All investigators appointed by the Chief Executive Officer are vested with the authority to administer
373 oaths or affirmations for the purpose of receiving complaints and conducting investigations of violations of
374 this subtitle, or any regulation promulgated pursuant to the authority given by this subtitle. Such
375 investigators are vested with the authority to obtain, serve, and execute any warrant, paper, or process issued
376 by any court or magistrate or any regulatory board under the authority of the Chief Executive Officer and
377 request and receive criminal history information under the provisions of § 19.2-389.

378 **§ 4.1-1106.1. Selling, etc. without decal; false decal; civil penalty.**

379 A. No person shall engage in the sale of marijuana or marijuana products or marketing or labeling
380 products as marijuana or marijuana products without a decal issued by the Board and prominently
381 displayed. A person violating this subsection is subject to a civil penalty of \$10,000 per day for each day that
382 such decal is not displayed in violation of this requirement.

383 B. It is unlawful for any person to create or display a falsified decal that purports such person to be
384 licensed by the Board to engage in the sale of marijuana or marijuana products or marketing or labeling
385 products as marijuana or marijuana products. Any person who violates this subsection is subject to a civil
386 penalty of \$10,000 for each falsified decal such person created or \$10,000 per day for each day that such
387 falsified decal is displayed, or both.

388 **§ 4.1-1201. Posted decal required; civil penalty.**

389 No licensee shall engage in the sale of marijuana or marijuana products on the licensed premises of an
390 establishment or marketing or labeling products as marijuana or marijuana products without a decal issued
391 by the Board prominently displayed outside and within such establishment. A licensee violating this section is
392 subject to a civil penalty of \$10,000 per day for each day that such decal is not displayed at the establishment
393 in violation of this requirement.

394 **§ 4.1-1304. Issuance of notice of violation and order to cease by Board; civil penalties.**

395 A. The Board may issue a notice of violation and order to cease unlicensed activity to any person who is
396 engaged in the cultivation, processing, distribution, or selling of marijuana or marijuana products in
397 violation of this subtitle. If the Board issues such notice and order, it may also order the seizure of such
398 marijuana or marijuana products.

399 B. Upon receipt of such notice and order issued pursuant to subsection A, such person shall cease all
400 activities described in subsection A. The Board shall cause a copy of such notice and order to be affixed to
401 the front window, door, or exterior wall of the location where such unlicensed activity is occurring. Such
402 notice and order shall be within five feet of the front door or other opening to such location where customers
403 enter from the street, at a vertical height no less than four feet and no more than six feet from the ground or
404 floor. If such location does not have a direct entrance from the street, the owner of such location shall allow
405 such notice and order to be affixed at the immediate point of entry in a place where potential customers or
406 members of the public are likely to see it. Unless authorized by the Board, such notice or order affixed shall
407 not be removed. Any person who intentionally violates this subsection is subject to a civil penalty prescribed
408 by the board, not to exceed \$5,000.

409 C. In addition to affixing the notice and order pursuant to subsection B, the person subject to such notice
410 and order shall allow the Board to affix one or more warning stickers at or near the front door or other
411 opening to such location where customers enter from the street advising the public that the business is
412 ordered to stop the unlawful activity and of the public health and safety concerns relating to illicit marijuana
413 and marijuana products. Unless authorized by the Board, such warning stickers shall not be removed. Any
414 person who intentionally violates this subsection is subject to a civil penalty prescribed by the board, not to
415 exceed \$5,000.

416 D. Any individual aggrieved by an order issued pursuant to subsection A may appeal the order in
417 accordance with the Administrative Process Act (§ 2.2-4000 et seq.).

418 **§ 8.01-216.3. False claims; civil penalty.**

419 A. Any person who:

- 420 1. Knowingly presents, or causes to be presented, a false or fraudulent claim for payment or approval;
- 421 2. Knowingly makes, uses, or causes to be made or used, a false record or statement material to a false or
422 fraudulent claim;
- 423 3. Conspires to commit a violation of subdivision 1, 2, 4, 5, 6, 7, 8, ~~or~~ 9, or 10;
- 424 4. Has possession, custody, or control of property or money used, or to be used, by the Commonwealth
425 and knowingly delivers, or causes to be delivered, less than all such money or property;
- 426 5. Has possession, custody, or control of an illegal gambling device, as defined in § 18.2-325, knowing
427 such device is illegal, and knowingly conceals, avoids, or decreases an obligation to pay or transmit money to
428 the Commonwealth that is derived from the operation of such device;
- 429 6. Manufactures for sale, sells, or distributes an illegal gaming device knowing that such device is or is
430 intended to be operated in the Commonwealth in violation of Article 1 (§ 18.2-325 et seq.) or Article 1.1:1
431 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2;

432 7. Is authorized to make or deliver a document certifying receipt of property used, or to be used, by the
433 Commonwealth and, intending to defraud the Commonwealth, makes or delivers the receipt without
434 completely knowing that the information on the receipt is true;

435 8. Knowingly buys or receives as a pledge of an obligation or debt, public property from an officer or
436 employee of the Commonwealth who lawfully may not sell or pledge the property; ~~or~~

437 9. Knowingly makes, uses, or causes to be made or used, a false record or statement material to an
438 obligation to pay or transmit money or property to the Commonwealth or knowingly conceals or knowingly
439 and improperly avoids or decreases an obligation to pay or transmit money or property to the
440 Commonwealth; *or*

441 10. *Except as otherwise permitted by the Cannabis Control Act (§ 4.1-600 et seq.), offers for sale or sells*
442 *at retail a substance intended for human consumption, orally or by inhalation, that (i) contains a total*
443 *tetrahydrocannabinol concentration that is greater than 0.3 percent or (ii) contains more than two*
444 *milligrams of total tetrahydrocannabinol per package in violation of § 3.2-4126 or Article 1 (§ 18.2-247 et*
445 *seq.) of Chapter 7 of Title 18.2;*

446 shall be liable to the Commonwealth for a civil penalty of not less than \$10,957 and not more than
447 \$21,916, except that these lower and upper limits on liability shall automatically be adjusted to equal the
448 amounts allowed under the Federal False Claims Act, 31 U.S.C. § 3729 et seq., as amended, as such penalties
449 in the Federal False Claims Act are adjusted for inflation by the Federal Civil Penalties Inflation Adjustment
450 Act of 1990, as amended (28 U.S.C. § 2461 Note, P.L. 101-410), plus three times the amount of damages
451 sustained by the Commonwealth.

452 A person violating this section shall be liable to the Commonwealth for reasonable attorney fees and costs
453 of a civil action brought to recover any such penalties or damages. All such fees and costs shall be paid to the
454 Attorney General's Office by the defendant and shall not be included in any damages or civil penalties
455 recovered in a civil action based on a violation of this section.

456 B. If the court finds that (i) the person committing the violation of this section furnished officials of the
457 Commonwealth responsible for investigating false claims violations with all information known to the person
458 about the violation within 30 days after the date on which the defendant first obtained the information; (ii)
459 such person fully cooperated with any Commonwealth investigation of such violation; (iii) at the time such
460 person furnished the Commonwealth with the information about the violation, no criminal prosecution, civil
461 action, or administrative action had commenced with respect to such violation; and (iv) the person did not
462 have actual knowledge of the existence of an investigation into such violation, the court may assess not less
463 than two times the amount of damages that the Commonwealth sustains because of the act of that person. A
464 person violating this section shall also be liable to the Commonwealth for the costs of a civil action brought
465 to recover any such penalty or damages.

466 C. For purposes of this section, the terms "knowing" and "knowingly" mean that a person, with respect to
467 information, (i) has actual knowledge of the information; (ii) acts in deliberate ignorance of the truth or
468 falsity of the information; or (iii) acts in reckless disregard of the truth or falsity of the information and
469 require no proof of specific intent to defraud.

470 D. Except as provided in subdivision A 5, this section shall not apply to claims, records, or statements
471 relating to state or local taxes.

472 **§ 9.1-102. Powers and duties of the Board and the Department.**

473 The Department, under the direction of the Board, which shall be the policy-making body for carrying out
474 the duties and powers hereunder, shall have the power and duty to:

475 1. Adopt regulations, pursuant to the Administrative Process Act (§ 2.2-4000 et seq.), for the
476 administration of this chapter including the authority to require the submission of reports and information by
477 law-enforcement officers within the Commonwealth. Any proposed regulations concerning the privacy,
478 confidentiality, and security of criminal justice information shall be submitted for review and comment to any
479 board, commission, or committee or other body which may be established by the General Assembly to
480 regulate the privacy, confidentiality, and security of information collected and maintained by the
481 Commonwealth or any political subdivision thereof;

482 2. Establish compulsory minimum training standards subsequent to employment as a law-enforcement
483 officer in (i) permanent positions and (ii) temporary or probationary status and establish the time required for
484 completion of such training. Such compulsory minimum training standards shall include crisis intervention
485 training in accordance with clause (i) of § 9.1-188;

486 3. Establish minimum training standards and qualifications for certification and recertification for law-
487 enforcement officers serving as field training officers;

488 4. Establish compulsory minimum curriculum requirements for in-service and advanced courses and
489 programs for schools, whether located in or outside the Commonwealth, which are operated for the specific
490 purpose of training law-enforcement officers;

491 5. Establish (i) compulsory minimum training standards for law-enforcement officers who utilize radar or
492 an electrical or microcomputer device to measure the speed of motor vehicles as provided in § 46.2-882 and
493 establish the time required for completion of the training and (ii) compulsory minimum qualifications for

- 494 certification and recertification of instructors who provide such training;
 495 6. [Repealed];
 496 7. Establish compulsory minimum entry-level, in-service and advanced training standards for those
 497 persons designated to provide courthouse and courtroom security pursuant to the provisions of § 53.1-120,
 498 and to establish the time required for completion of such training;
 499 8. Establish compulsory minimum entry-level, in-service and advanced training standards for deputy
 500 sheriffs designated to serve process pursuant to the provisions of § 8.01-293, and establish the time required
 501 for the completion of such training;
 502 9. Establish compulsory minimum entry-level, in-service, and advanced training standards, as well as the
 503 time required for completion of such training, for persons employed as deputy sheriffs and jail officers by
 504 local criminal justice agencies and correctional officers employed by the Department of Corrections under the
 505 provisions of Title 53.1. For deputy sheriffs and jail officers who are employees of local or regional
 506 correctional facilities and correctional officers employed by the Department of Corrections, such standards
 507 shall include training on the general care of pregnant women, the impact of restraints on pregnant inmates
 508 and fetuses, the impact of being placed in restrictive housing or solitary confinement on pregnant inmates,
 509 and the impact of body cavity searches on pregnant inmates;
 510 10. Establish compulsory minimum training standards for all dispatchers employed by or in any local or
 511 state government agency, whose duties include the dispatching of law-enforcement personnel. Such training
 512 standards shall apply only to dispatchers hired on or after July 1, 1988. Such training shall include training in
 513 the identification of, communication with, and facilitation of the safe return of individuals diagnosed with
 514 Alzheimer's disease and dementia, which shall include (i) techniques for respectful and effective
 515 communication with individuals with Alzheimer's disease and dementia and their caregivers; (ii) techniques
 516 for addressing the behavioral symptoms of Alzheimer's disease and dementia, including alternatives to
 517 physical restraint; (iii) protocols for identifying and reporting incidents of abuse, neglect, and exploitation of
 518 individuals with Alzheimer's disease and dementia to adult protective services; (iv) protocols for contacting
 519 caregivers when an individual with Alzheimer's disease or dementia is found wandering or during an
 520 emergency or crisis situation; (v) a reference list of local resources available for individuals with Alzheimer's
 521 disease and dementia; and (vi) a reference list of local and national organizations that assist law-enforcement
 522 personnel with locating missing and wandering individuals with Alzheimer's disease and dementia and
 523 returning them to their caregivers;
 524 11. Establish compulsory minimum training standards for all auxiliary police officers employed by or in
 525 any local or state government agency. Such training shall be graduated and based on the type of duties to be
 526 performed by the auxiliary police officers. Such training standards shall not apply to auxiliary police officers
 527 exempt pursuant to § 15.2-1731;
 528 12. Consult and cooperate with counties, municipalities, agencies of the Commonwealth, other state and
 529 federal governmental agencies, and institutions of higher education within or outside the Commonwealth,
 530 concerning the development of police training schools and programs or courses of instruction;
 531 13. Approve institutions, curricula and facilities, whether located in or outside the Commonwealth, for
 532 school operation for the specific purpose of training law-enforcement officers; but this shall not prevent the
 533 holding of any such school whether approved or not;
 534 14. Establish and maintain police training programs through such agencies and institutions as the Board
 535 deems appropriate;
 536 15. Establish compulsory minimum qualifications of certification and recertification for instructors in
 537 criminal justice training academies approved by the Department;
 538 16. Conduct and stimulate research by public and private agencies which shall be designed to improve
 539 police administration and law enforcement;
 540 17. Make recommendations concerning any matter within its purview pursuant to this chapter;
 541 18. Coordinate its activities with those of any interstate system for the exchange of criminal history record
 542 information, nominate one or more of its members to serve upon the council or committee of any such
 543 system, and participate when and as deemed appropriate in any such system's activities and programs;
 544 19. Conduct inquiries and investigations it deems appropriate to carry out its functions under this chapter
 545 and, in conducting such inquiries and investigations, may require any criminal justice agency to submit
 546 information, reports, and statistical data with respect to its policy and operation of information systems or
 547 with respect to its collection, storage, dissemination, and usage of criminal history record information and
 548 correctional status information, and such criminal justice agencies shall submit such information, reports, and
 549 data as are reasonably required;
 550 20. Conduct audits as required by § 9.1-131;
 551 21. Conduct a continuing study and review of questions of individual privacy and confidentiality of
 552 criminal history record information and correctional status information;
 553 22. Advise criminal justice agencies and initiate educational programs for such agencies with respect to
 554 matters of privacy, confidentiality, and security as they pertain to criminal history record information and
 555 correctional status information;

- 556 23. Maintain a liaison with any board, commission, committee, or other body which may be established
557 by law, executive order, or resolution to regulate the privacy and security of information collected by the
558 Commonwealth or any political subdivision thereof;
- 559 24. Adopt regulations establishing guidelines and standards for the collection, storage, and dissemination
560 of criminal history record information and correctional status information, and the privacy, confidentiality,
561 and security thereof necessary to implement state and federal statutes, regulations, and court orders;
- 562 25. Operate a statewide criminal justice research center, which shall maintain an integrated criminal
563 justice information system, produce reports, provide technical assistance to state and local criminal justice
564 data system users, and provide analysis and interpretation of criminal justice statistical information;
- 565 26. Develop a comprehensive, statewide, long-range plan for strengthening and improving law
566 enforcement and the administration of criminal justice throughout the Commonwealth, and periodically
567 update that plan;
- 568 27. Cooperate with, and advise and assist, all agencies, departments, boards and institutions of the
569 Commonwealth, and units of general local government, or combinations thereof, including planning district
570 commissions, in planning, developing, and administering programs, projects, comprehensive plans, and other
571 activities for improving law enforcement and the administration of criminal justice throughout the
572 Commonwealth, including allocating and subgranting funds for these purposes;
- 573 28. Define, develop, organize, encourage, conduct, coordinate, and administer programs, projects and
574 activities for the Commonwealth and units of general local government, or combinations thereof, in the
575 Commonwealth, designed to strengthen and improve law enforcement and the administration of criminal
576 justice at every level throughout the Commonwealth;
- 577 29. Review and evaluate programs, projects, and activities, and recommend, where necessary, revisions or
578 alterations to such programs, projects, and activities for the purpose of improving law enforcement and the
579 administration of criminal justice;
- 580 30. Coordinate the activities and projects of the state departments, agencies, and boards of the
581 Commonwealth and of the units of general local government, or combination thereof, including planning
582 district commissions, relating to the preparation, adoption, administration, and implementation of
583 comprehensive plans to strengthen and improve law enforcement and the administration of criminal justice;
- 584 31. Do all things necessary on behalf of the Commonwealth and its units of general local government, to
585 determine and secure benefits available under the Omnibus Crime Control and Safe Streets Act of 1968 (P.L.
586 90-351, 82 Stat. 197), as amended, and under any other federal acts and programs for strengthening and
587 improving law enforcement, the administration of criminal justice, and delinquency prevention and control;
- 588 32. Receive, administer, and expend all funds and other assistance available to the Board and the
589 Department for carrying out the purposes of this chapter and the Omnibus Crime Control and Safe Streets Act
590 of 1968, as amended;
- 591 33. Apply for and accept grants from the United States government or any other source in carrying out the
592 purposes of this chapter and accept any and all donations both real and personal, and grants of money from
593 any governmental unit or public agency, or from any institution, person, firm or corporation, and may
594 receive, utilize and dispose of the same. Any arrangements pursuant to this section shall be detailed in the
595 annual report of the Board. Such report shall include the identity of the donor, the nature of the transaction,
596 and the conditions, if any. Any moneys received pursuant to this section shall be deposited in the state
597 treasury to the account of the Department. To these ends, the Board shall have the power to comply with
598 conditions and execute such agreements as may be necessary;
- 599 34. Make and enter into all contracts and agreements necessary or incidental to the performance of its
600 duties and execution of its powers under this chapter, including but not limited to, contracts with the United
601 States, units of general local government or combinations thereof, in Virginia or other states, and with
602 agencies and departments of the Commonwealth;
- 603 35. Adopt and administer reasonable regulations for the planning and implementation of programs and
604 activities and for the allocation, expenditure and subgranting of funds available to the Commonwealth and to
605 units of general local government, and for carrying out the purposes of this chapter and the powers and duties
606 set forth herein;
- 607 36. Certify and decertify law-enforcement officers in accordance with §§ 15.2-1706 and 15.2-1707 and
608 provide for a decertification review process in accordance with § 15.2-1708;
- 609 37. Establish training standards and publish and periodically update model policies for law-enforcement
610 personnel in the following subjects:
- 611 a. The handling of family abuse, domestic violence, sexual assault, and stalking cases, including standards
612 for determining the predominant physical aggressor in accordance with § 19.2-81.3. The Department shall
613 provide technical support and assistance to law-enforcement agencies in carrying out the requirements set
614 forth in subsection A of § 9.1-1301;
- 615 b. The identification of, communication with, and facilitation of the safe return of individuals diagnosed
616 with Alzheimer's disease and dementia, which shall include (i) techniques for respectful and effective
617 communication with individuals with Alzheimer's disease and dementia and their caregivers; (ii) techniques

618 for addressing the behavioral symptoms of Alzheimer's disease and dementia, including alternatives to
 619 physical restraint; (iii) protocols for identifying and reporting incidents of abuse, neglect, and exploitation of
 620 individuals with Alzheimer's disease and dementia to adult protective services; (iv) protocols for contacting
 621 caregivers when an individual with Alzheimer's disease or dementia is found wandering or during an
 622 emergency or crisis situation; (v) a reference list of local resources available for individuals with Alzheimer's
 623 disease and dementia; and (vi) a reference list of local and national organizations that assist law-enforcement
 624 personnel with locating missing and wandering individuals with Alzheimer's disease and dementia and
 625 returning them to their caregivers;

626 c. Sensitivity to and awareness of systemic and individual racism, cultural diversity, and the potential for
 627 racially biased policing and bias-based profiling as defined in § 52-30.1, which shall include recognizing
 628 implicit biases in interacting with persons who have a mental illness, substance use disorder, or
 629 developmental or cognitive disability;

630 d. Protocols for local and regional sexual assault and human trafficking response teams;

631 e. Communication of death notifications;

632 f. The questioning of individuals suspected of driving while intoxicated concerning the physical location
 633 of such individual's last consumption of an alcoholic beverage and the communication of such information to
 634 the Virginia Alcoholic Beverage Control Authority;

635 g. Vehicle patrol duties that embody current best practices for pursuits and for responding to emergency
 636 calls;

637 h. Criminal investigations that embody current best practices for conducting photographic and live
 638 lineups;

639 i. Sensitivity to and awareness of human trafficking offenses and the identification of victims of human
 640 trafficking offenses for personnel involved in criminal investigations or assigned to vehicle or street patrol
 641 duties;

642 j. The recognition, prevention, and reporting of human trafficking;

643 k. Missing children, missing adults, and search and rescue protocol;

644 l. The handling and use of tear gas or other gases and kinetic impact munitions, as defined in § 19.2-83.3,
 645 that embody current best practices for using such items as a crowd control measure or during an arrest or
 646 detention of another person; and

647 m. The use of naloxone or other opioid antagonists to prevent opioid overdose deaths, in coordination
 648 with statewide naloxone training programs developed by the Department of Behavioral Health and
 649 Developmental Services and the Virginia Department of Health;

650 38. Establish compulsory training standards for basic training and the recertification of law-enforcement
 651 officers to ensure (i) sensitivity to and awareness of systemic and individual racism, cultural diversity, and
 652 the potential for racially biased policing and bias-based profiling as defined in § 52-30.1, which shall include
 653 recognizing implicit biases in interacting with persons who have a mental illness, substance use disorder, or
 654 developmental or cognitive disability; (ii) training in de-escalation techniques; and (iii) training in the lawful
 655 use of force, including the use of deadly force, as defined in § 19.2-83.3, only when necessary to protect the
 656 law-enforcement officer or another person;

657 39. Review and evaluate community-policing programs in the Commonwealth, and recommend where
 658 necessary statewide operating procedures, guidelines, and standards that strengthen and improve such
 659 programs, including sensitivity to and awareness of systemic and individual racism, cultural diversity, and the
 660 potential for racially biased policing and bias-based profiling as defined in § 52-30.1, which shall include
 661 recognizing implicit biases in interacting with persons who have a mental illness, substance use disorder, or
 662 developmental or cognitive disability;

663 40. Establish a Virginia Law-Enforcement Accreditation Center. The Center may, in cooperation with
 664 Virginia law-enforcement agencies, provide technical assistance and administrative support, including
 665 staffing, for the establishment of voluntary state law-enforcement accreditation standards. The Center may
 666 provide accreditation assistance and training, resource material, and research into methods and procedures
 667 that will assist the Virginia law-enforcement community efforts to obtain Virginia accreditation status;

668 41. Promote community policing philosophy and practice throughout the Commonwealth by providing
 669 community policing training and technical assistance statewide to all law-enforcement agencies, community
 670 groups, public and private organizations and citizens; developing and distributing innovative policing
 671 curricula and training tools on general community policing philosophy and practice and contemporary critical
 672 issues facing Virginia communities; serving as a consultant to Virginia organizations with specific
 673 community policing needs; facilitating continued development and implementation of community policing
 674 programs statewide through discussion forums for community policing leaders, development of law-
 675 enforcement instructors; promoting a statewide community policing initiative; and serving as a statewide
 676 information source on the subject of community policing including, but not limited to periodic newsletters, a
 677 website and an accessible lending library;

678 42. Establish, in consultation with the Department of Education and the Virginia State Crime
 679 Commission, compulsory minimum standards for employment and job-entry and in-service training curricula

680 and certification requirements for school security officers, including school security officers described in
681 clause (b) of § 22.1-280.2:1, which training and certification shall be administered by the Virginia Center for
682 School and Campus Safety (VCSCS) pursuant to § 9.1-184. Such training standards shall be specific to the
683 role and responsibility of school security officers and shall include (i) relevant state and federal laws; (ii)
684 school and personal liability issues; (iii) security awareness in the school environment; (iv) mediation and
685 conflict resolution, including de-escalation techniques such as a physical alternative to restraint; (v) disaster
686 and emergency response; (vi) awareness of systemic and individual racism, cultural diversity, and implicit
687 bias; (vii) working with students with disabilities, mental health needs, substance use disorders, and past
688 traumatic experiences; and (viii) student behavioral dynamics, including child and adolescent development
689 and brain research. The Department shall establish an advisory committee consisting of local school board
690 representatives, principals, superintendents, and school security personnel to assist in the development of the
691 standards and certification requirements in this subdivision. The Department shall require any school security
692 officer who carries a firearm in the performance of his duties to provide proof that he has completed a
693 training course provided by a federal, state, or local law-enforcement agency that includes training in active
694 shooter emergency response, emergency evacuation procedure, and threat assessment;

695 43. License and regulate property bail bondsmen and surety bail bondsmen in accordance with Article 11
696 (§ 9.1-185 et seq.);

697 44. License and regulate bail enforcement agents in accordance with Article 12 (§ 9.1-186 et seq.);

698 45. In conjunction with the Virginia State Police and the State Compensation Board, advise criminal
699 justice agencies regarding the investigation, registration, and dissemination of information requirements as
700 they pertain to the Sex Offender and Crimes Against Minors Registry Act (§ 9.1-900 et seq.);

701 46. Establish minimum standards for (i) employment, (ii) job-entry and in-service training curricula, and
702 (iii) certification requirements for campus security officers. Such training standards shall include, but not be
703 limited to, the role and responsibility of campus security officers, relevant state and federal laws, school and
704 personal liability issues, security awareness in the campus environment, and disaster and emergency
705 response. The Department shall provide technical support and assistance to campus police departments and
706 campus security departments on the establishment and implementation of policies and procedures, including
707 but not limited to: the management of such departments, investigatory procedures, judicial referrals, the
708 establishment and management of databases for campus safety and security information sharing, and
709 development of uniform record keeping for disciplinary records and statistics, such as campus crime logs,
710 judicial referrals and Clery Act statistics. The Department shall establish an advisory committee consisting of
711 college administrators, college police chiefs, college security department chiefs, and local law-enforcement
712 officials to assist in the development of the standards and certification requirements and training pursuant to
713 this subdivision;

714 47. Assess and report, in accordance with § 9.1-190, the crisis intervention team programs established
715 pursuant to § 9.1-187;

716 48. In conjunction with the Office of the Attorney General, advise law-enforcement agencies and
717 attorneys for the Commonwealth regarding the identification, investigation, and prosecution of human
718 trafficking offenses using the common law and existing criminal statutes in the Code of Virginia;

719 49. Register tow truck drivers in accordance with § 46.2-116 and carry out the provisions of § 46.2-117;

720 50. Administer the activities of the Virginia Sexual and Domestic Violence Program Professional
721 Standards Committee by providing technical assistance and administrative support, including staffing, for the
722 Committee;

723 51. In accordance with § 9.1-102.1, design and approve the issuance of photo-identification cards to
724 private security services registrants registered pursuant to Article 4 (§ 9.1-138 et seq.);

725 52. In consultation with the State Council of Higher Education for Virginia and the Virginia Association
726 of Campus Law Enforcement Administrators, develop multidisciplinary curricula on trauma-informed sexual
727 assault investigation;

728 53. In consultation with the Department of Behavioral Health and Developmental Services, develop a
729 model addiction recovery program that may be administered by sheriffs, deputy sheriffs, jail officers,
730 administrators, or superintendents in any local or regional jail. Such program shall be based on any existing
731 addiction recovery programs that are being administered by any local or regional jails in the Commonwealth.
732 Participation in the model addiction recovery program shall be voluntary, and such program may address
733 aspects of the recovery process, including medical and clinical recovery, peer-to-peer support, availability of
734 mental health resources, family dynamics, and aftercare aspects of the recovery process;

735 54. Establish compulsory minimum training standards for certification and recertification of law-
736 enforcement officers serving as school resource officers. Such training shall be specific to the role and
737 responsibility of a law-enforcement officer working with students in a school environment and shall include
738 (i) relevant state and federal laws; (ii) school and personal liability issues; (iii) security awareness in the
739 school environment; (iv) mediation and conflict resolution, including de-escalation techniques; (v) disaster
740 and emergency response; (vi) awareness of systemic and individual racism, cultural diversity, and implicit
741 bias; (vii) working with students with disabilities, mental health needs, substance use disorders, or past

742 traumatic experiences; and (viii) student behavioral dynamics, including current child and adolescent
743 development and brain research;

744 55. Establish a model policy for the operation of body-worn camera systems as defined in § 15.2-1723.1
745 that also addresses the storage and maintenance of body-worn camera system records;

746 56. Establish compulsory minimum training standards for detector canine handlers employed by the
747 Department of Corrections, standards for the training and retention of detector canines used by the
748 Department of Corrections, and a central database on the performance and effectiveness of such detector
749 canines that requires the Department of Corrections to submit comprehensive information on each canine
750 handler and detector canine, including the number and types of calls and searches, substances searched for
751 and whether or not detected, and the number of false positives, false negatives, true positives, and true
752 negatives;

753 57. Establish compulsory training standards for basic training of law-enforcement officers for recognizing
754 and managing stress, self-care techniques, and resiliency;

755 58. Establish guidelines and standards for psychological examinations conducted pursuant to subsection C
756 of § 15.2-1705;

757 59. Establish compulsory in-service training standards, to include frequency of retraining, for
758 law-enforcement officers in the following subjects: (i) relevant state and federal laws; (ii) awareness of
759 cultural diversity and the potential for bias-based profiling as defined in § 52-30.1; (iii) de-escalation
760 techniques; (iv) working with individuals with disabilities, mental health needs, or substance use disorders;
761 and (v) the lawful use of force, including the use of deadly force, as defined in § 19.2-83.3, only when
762 necessary to protect the law-enforcement officer or another person;

763 60. Develop a model curriculum and lesson plans for the compulsory minimum entry-level, in-service,
764 and advanced training standards to be employed by criminal justice training academies approved by the
765 Department when conducting training;

766 61. Adopt statewide professional standards of conduct applicable to all certified law-enforcement officers
767 and certified jail officers and appropriate due process procedures for decertification based on serious
768 misconduct in violation of those standards and provide for a decertification review process in accordance
769 with § 15.2-1708;

770 62. Establish and administer a waiver process, in accordance with §§ 2.2-5515 and 15.2-1721.1, for
771 law-enforcement agencies to use certain military property. Any waivers granted by the Criminal Justice
772 Services Board shall be published by the Department on the Department's website;

773 63. Establish compulsory training standards for basic training and the recertification of law-enforcement
774 officers to include crisis intervention training in accordance with clause (ii) of § 9.1-188;

775 64. Advise and assist the Department of Behavioral Health and Developmental Services, and support local
776 law-enforcement cooperation, with the development and implementation of the Marcus alert system, as
777 defined in § 37.2-311.1, including the establishment of local protocols for law-enforcement participation in
778 the Marcus alert system pursuant to § 9.1-193 and for reporting requirements pursuant to §§ 9.1-193 and
779 37.2-311.1;

780 65. Develop an online course to train hotel proprietors and their employees to recognize and report
781 instances of suspected human trafficking;

782 66. Develop an online course to train unarmed security officers, armed security officers, couriers, security
783 canine handlers, and alarm respondents to recognize and report instances of suspected human trafficking to
784 meet the compulsory minimum, entry-level, and in-service training standards as required by § 9.1-141;

785 67. Establish standards and procedures for when the Board may grant a petition for reinstatement of
786 certification of a decertified officer pursuant to subsection E of § 15.2-1708;

787 68. Establish compulsory minimum and in-service training standards for law-enforcement officers on
788 communicating with individuals with an intellectual disability or a developmental disability as defined in
789 § 37.2-100, such as autism spectrum disorder as defined in the most recent edition of the Diagnostic and
790 Statistical Manual of Mental Disorders of the American Psychiatric Association, which shall include (i) an
791 overview and behavioral recognition of autism spectrum disorder, (ii) best practices for crisis prevention and
792 de-escalation techniques, (iii) an objective review of any relevant tools and technology available to assist in
793 communication, and (iv) education on law-enforcement agency and community resources for the autism
794 community on future crisis prevention. Such training standards shall be established in consultation with at
795 least one individual with autism spectrum disorder, one family member of an individual with autism spectrum
796 disorder, one specialist who works with individuals with autism spectrum disorder, one representative from
797 the Department of Behavioral Health and Developmental Services, and one representative from a state or
798 local law-enforcement agency;

799 69. Develop an online course for the Virginia Alcoholic Beverage Control Authority to offer to retail
800 licensees and their employees to train such licensees and employees to recognize and report instances of
801 suspected human trafficking;

802 70. Establish a model policy for best practices for law-enforcement officers responding to or investigating
803 an overdose, when prescriber information has been obtained during the course of such response or

804 investigation, to notify the prescriber of any controlled substance found to be in the possession of or believed
 805 to have been ingested by the victim that such prescription of a controlled substance was involved in an
 806 overdose. Such model policy shall include that a notification to a prescriber of a controlled substance shall
 807 not be required if such notification would jeopardize an active law-enforcement investigation;

808 71. Establish a training curriculum for law-enforcement agencies, law-enforcement officers, and special
 809 conservators of the peace on the discretion such officers can exercise regarding arrests as provided in Chapter
 810 7 (§ 19.2-71 et seq.) of Title 19.2. Such training shall include (i) instruction on the scope and nature of
 811 law-enforcement officer discretion in arrest decisions, with particular emphasis on encounters with
 812 individuals experiencing a mental health crisis, including individuals currently subject to an emergency
 813 custody order pursuant to § 37.2-808, a temporary detention order pursuant to § 37.2-809, or an involuntary
 814 admission order pursuant to § 37.2-817, and (ii) instruction on the immediate and long-term effects of arrests
 815 on individuals in need of mental health services due to a mental health crisis, including impacts on treatment
 816 outcomes as identified in substantially accepted peer-reviewed research literature;

817 72. Establish a model policy for the provision of security at nonprofit institutions that serve individuals
 818 and communities at risk of hate crimes as defined in § 52-8.5 within the Commonwealth, incorporating
 819 relevant information about various traditions, services, or activities that any law-enforcement officer,
 820 unarmed security officer, or armed security officer providing such security may encounter; ~~and~~

821 73. *Establish compulsory minimum and in-service training standards for law-enforcement officers on the*
 822 *enforcement of the Cannabis Control Act (§ 4.1-600 et seq.) and provisions of law related to hemp pursuant*
 823 *to Chapter 41.1 (§ 3.2-4112 et seq.) of Title 3.2 and §§ 18.2-371.2 and 18.2-371.2:1. Such standards shall*
 824 *include (i) education on applicable marijuana and hemp laws in the Commonwealth; (ii) methods for*
 825 *identifying illicit marijuana and hemp products; (iii) education regarding enforcement mechanisms and*
 826 *applicable penalties for violation of the Commonwealth's marijuana and hemp laws; and (iv) education*
 827 *regarding opportunities for collaboration with the Virginia Cannabis Control Authority, Virginia Alcoholic*
 828 *Beverage Control Authority, and Virginia Department of Agriculture and Consumer Services. Such training*
 829 *standards shall be established in consultation with at least one representative of the Virginia Cannabis*
 830 *Control Authority, Virginia Alcoholic Beverage Control Authority, and Virginia Department of Agriculture*
 831 *and Consumer Services; and*

832 74. Perform such other acts as may be necessary or convenient for the effective performance of its duties.

833 **§ 58.1-3700. License requirement; requiring evidence of payment of business license, business**
 834 **personal property, meals and admissions taxes; license revocation.**

835 A. Whenever a license is required by ordinance adopted pursuant to this chapter and whenever the local
 836 governing body shall impose a license fee or levy a license tax on any business, employment or profession, it
 837 shall be unlawful to engage in such business, employment or profession without first obtaining the required
 838 license. The governing body of any county, city, or town may require that no business license under this
 839 chapter shall be issued until the applicant has produced satisfactory evidence that all delinquent business
 840 license, real estate, personal property, meals, transient occupancy, severance and admissions taxes owed by
 841 the business to the county, city or town have been paid which have been properly assessed against the
 842 applicant by the county, city or town.

843 B. Any person who engages in a business without obtaining a required local license, or after being refused
 844 a license, shall not be relieved of the tax imposed by the ordinance.

845 C. *The governing body of any locality shall revoke a business license issued under this chapter if a*
 846 *licensee has repeatedly violated any provisions of the Cannabis Control Act (§ 4.1-600 et seq.) by, without*
 847 *displaying a decal as required pursuant to § 4.1-1106.1, engaging in the illegal sale of marijuana or*
 848 *marijuana products on the licensed premises of an establishment or marketing or labeling products as*
 849 *marijuana or marijuana products.*

850 **§ 59.1-200. Prohibited practices.**

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

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

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

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

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

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

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

861 7. Advertising or offering for sale goods that are used, secondhand, repossessed, defective, blemished,
 862 deteriorated, or reconditioned, or that are "seconds," irregulars, imperfects, or "not first class," without clearly
 863 and unequivocally indicating in the advertisement or offer for sale that the goods are used, secondhand,
 864 repossessed, defective, blemished, deteriorated, reconditioned, or are "seconds," irregulars, imperfects, or
 865 "not first class";

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

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

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

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

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

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

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

889 13a. Failing to provide to a consumer, or failing to use or include in any written document or material
890 provided to or executed by a consumer, in connection with a consumer transaction any statement, disclosure,
891 notice, or other information however characterized when the supplier is required by 16 C.F.R. Part 433 to so
892 provide, use, or include the statement, disclosure, notice, or other information in connection with the
893 consumer transaction;

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

896 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,
897 or 3.2-6519 is a violation of this chapter;

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

899 a. The return of goods for refund, exchange, or credit. Such disclosure shall be by means of a sign
900 attached to the goods, or placed in a conspicuous public area of the premises of the supplier, so as to be
901 readily noticeable and readable by the person obtaining the goods from the supplier. If the supplier does not
902 permit a refund, exchange, or credit for return, he shall so state on a similar sign. The provisions of this
903 subdivision shall not apply to any retail merchant who has a policy of providing, for a period of not less than
904 20 days after date of purchase, a cash refund or credit to the purchaser's credit card account for the return of
905 defective, unused, or undamaged merchandise upon presentation of proof of purchase. In the case of
906 merchandise paid for by check, the purchase shall be treated as a cash purchase and any refund may be
907 delayed for a period of 10 banking days to allow for the check to clear. This subdivision does not apply to
908 sale merchandise that is obviously distressed, out of date, post season, or otherwise reduced for clearance; nor
909 does this subdivision apply to special order purchases where the purchaser has requested the supplier to order
910 merchandise of a specific or unusual size, color, or brand not ordinarily carried in the store or the store's
911 catalog; nor shall this subdivision apply in connection with a transaction for the sale or lease of motor
912 vehicles, farm tractors, or motorcycles as defined in § 46.2-100;

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

917 16a. Failing to provide written notice to a consumer of an existing open-end credit balance in excess of \$5
918 (i) on an account maintained by the supplier and (ii) resulting from such consumer's overpayment on such
919 account. Suppliers shall give consumers written notice of such credit balances within 60 days of receiving
920 overpayments. If the credit balance information is incorporated into statements of account furnished
921 consumers by suppliers within such 60-day period, no separate or additional notice is required;

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

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

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

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

927 21. Violating any provision of the Virginia Lease-Purchase Agreement Act, Chapter 17.4 (§ 59.1-207.17

- 928 et seq.);
- 929 22. Violating any provision of the Prizes and Gifts Act, Chapter 31 (§ 59.1-415 et seq.);
- 930 23. Violating any provision of the Virginia Public Telephone Information Act, Chapter 32 (§ 59.1-424 et
- 931 seq.);
- 932 24. Violating any provision of § 54.1-1505;
- 933 25. Violating any provision of the Motor Vehicle Manufacturers' Warranty Adjustment Act, Chapter 17.6
- 934 (§ 59.1-207.34 et seq.);
- 935 26. Violating any provision of § 3.2-5627, relating to the pricing of merchandise;
- 936 27. Violating any provision of the Pay-Per-Call Services Act, Chapter 33 (§ 59.1-429 et seq.);
- 937 28. Violating any provision of the Extended Service Contract Act, Chapter 34 (§ 59.1-435 et seq.);
- 938 29. Violating any provision of the Virginia Membership Camping Act, Chapter 25 (§ 59.1-311 et seq.);
- 939 30. Violating any provision of the Comparison Price Advertising Act, Chapter 17.7 (§ 59.1-207.40 et
- 940 seq.);
- 941 31. Violating any provision of the Virginia Travel Club Act, Chapter 36 (§ 59.1-445 et seq.);
- 942 32. Violating any provision of §§ 46.2-1231 and 46.2-1233.1;
- 943 33. Violating any provision of Chapter 40 (§ 54.1-4000 et seq.) of Title 54.1;
- 944 34. Violating any provision of Chapter 10.1 (§ 58.1-1031 et seq.) of Title 58.1;
- 945 35. Using the consumer's social security number as the consumer's account number with the supplier, if
- 946 the consumer has requested in writing that the supplier use an alternate number not associated with the
- 947 consumer's social security number;
- 948 36. Violating any provision of Chapter 18 (§ 6.2-1800 et seq.) of Title 6.2;
- 949 37. Violating any provision of § 8.01-40.2;
- 950 38. Violating any provision of Article 7 (§ 32.1-212 et seq.) of Chapter 6 of Title 32.1;
- 951 39. Violating any provision of Chapter 34.1 (§ 59.1-441.1 et seq.);
- 952 40. Violating any provision of Chapter 20 (§ 6.2-2000 et seq.) of Title 6.2;
- 953 41. Violating any provision of the Virginia Post-Disaster Anti-Price Gouging Act, Chapter 46 (§ 59.1-525
- 954 et seq.). For the purposes of this subdivision, "consumer transaction" has the same meaning as provided in
- 955 § 59.1-526;
- 956 42. Violating any provision of Chapter 47 (§ 59.1-530 et seq.);
- 957 43. Violating any provision of § 59.1-443.2;
- 958 44. Violating any provision of Chapter 48 (§ 59.1-533 et seq.);
- 959 45. Violating any provision of Chapter 25 (§ 6.2-2500 et seq.) of Title 6.2;
- 960 46. Violating the provisions of clause (i) of subsection B of § 54.1-1115;
- 961 47. Violating any provision of § 18.2-239;
- 962 48. Violating any provision of Chapter 26 (§ 59.1-336 et seq.);
- 963 49. Selling, offering for sale, or manufacturing for sale a children's product the supplier knows or has
- 964 reason to know was recalled by the U.S. Consumer Product Safety Commission. There is a rebuttable
- 965 presumption that a supplier has reason to know a children's product was recalled if notice of the recall has
- 966 been posted continuously at least 30 days before the sale, offer for sale, or manufacturing for sale on the
- 967 website of the U.S. Consumer Product Safety Commission. This prohibition does not apply to children's
- 968 products that are used, secondhand or "seconds";
- 969 50. Violating any provision of Chapter 44.1 (§ 59.1-518.1 et seq.);
- 970 51. Violating any provision of Chapter 22 (§ 6.2-2200 et seq.) of Title 6.2;
- 971 52. Violating any provision of § 8.2-317.1;
- 972 53. Violating subsection A of § 9.1-149.1;
- 973 54. Selling, offering for sale, or using in the construction, remodeling, or repair of any residential dwelling
- 974 in the Commonwealth, any drywall that the supplier knows or has reason to know is defective drywall. This
- 975 subdivision shall not apply to the sale or offering for sale of any building or structure in which defective
- 976 drywall has been permanently installed or affixed;
- 977 55. Engaging in fraudulent or improper or dishonest conduct as defined in § 54.1-1118 while engaged in a
- 978 transaction that was initiated (i) during a declared state of emergency as defined in § 44-146.16 or (ii) to
- 979 repair damage resulting from the event that prompted the declaration of a state of emergency, regardless of
- 980 whether the supplier is licensed as a contractor in the Commonwealth pursuant to Chapter 11 (§ 54.1-1100 et
- 981 seq.) of Title 54.1;
- 982 56. Violating any provision of Chapter 33.1 (§ 59.1-434.1 et seq.);
- 983 57. Violating any provision of § 18.2-178, 18.2-178.1, or 18.2-200.1;
- 984 58. Violating any provision of Chapter 17.8 (§ 59.1-207.45 et seq.). For the purposes of this subdivision,
- 985 "consumer transaction" also includes transactions involving an automatic renewal or continuous service offer
- 986 by a supplier to a small business, as those terms are defined in § 59.1-207.45;
- 987 59. Violating any provision of subsection E of § 32.1-126;
- 988 60. Violating any provision of § 54.1-111 relating to the unlicensed practice of a profession licensed under
- 989 Chapter 11 (§ 54.1-1100 et seq.) or Chapter 21 (§ 54.1-2100 et seq.) of Title 54.1;

- 990 61. Violating any provision of § 2.2-2001.5;
- 991 62. Violating any provision of Chapter 5.2 (§ 54.1-526 et seq.) of Title 54.1;
- 992 63. Violating any provision of § 6.2-312;
- 993 64. Violating any provision of Chapter 20.1 (§ 6.2-2026 et seq.) of Title 6.2;
- 994 65. Violating any provision of Chapter 26 (§ 6.2-2600 et seq.) of Title 6.2;
- 995 66. Violating any provision of Chapter 54 (§ 59.1-586 et seq.);
- 996 67. Knowingly violating any provision of § 8.01-27.5;
- 997 68. Failing to, in accordance with § 59.1-207.46, (i) make available a conspicuous online option to cancel
- 998 a recurring purchase of a good or service or (ii) with respect to a free trial lasting more than 30 days, notify a
- 999 consumer of his option to cancel such free trial within 30 days of the end of the trial period to avoid an
- 1000 obligation to pay for the goods or services;
- 1001 69. Selling or offering for sale any substance intended for human consumption, orally or by inhalation,
- 1002 that contains a synthetic derivative of tetrahydrocannabinol. As used in this subdivision, "synthetic
- 1003 derivative" means a chemical compound produced by man through a chemical transformation to turn a
- 1004 compound into a different compound by adding or subtracting molecules to or from the original compound.
- 1005 This subdivision shall not (i) apply to products that are approved for marketing by the U.S. Food and Drug
- 1006 Administration and scheduled in the Drug Control Act (§ 54.1-3400 et seq.) or (ii) be construed to prohibit
- 1007 any conduct permitted under Chapter 16 (§ 4.1-1600 et seq.) of Title 4.1;
- 1008 70. Selling or offering for sale (i) to a person younger than 21 years of age any substance intended for
- 1009 human consumption, orally or by inhalation, that contains tetrahydrocannabinol or (ii) *except as otherwise*
- 1010 *permitted by the Cannabis Control Act (§ 4.1-600 et seq.), to any person a substance intended for human*
- 1011 *consumption, orally or by inhalation, that (a) contains a total tetrahydrocannabinol concentration that is*
- 1012 *greater than 0.3 percent or (b) contains more than two milligrams of total tetrahydrocannabinol per package*
- 1013 *in violation of § 3.2-4126 or Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2. This subdivision shall*
- 1014 *not (i) apply to products that are approved for marketing by the U.S. Food and Drug Administration and*
- 1015 *scheduled in the Drug Control Act (§ 54.1-3400 et seq.) or (ii) be construed to prohibit any conduct permitted*
- 1016 *under Chapter 16 (§ 4.1-1600 et seq.) of Title 4.1;*
- 1017 71. Selling or offering for sale any substance intended for human consumption, orally or by inhalation,
- 1018 that contains tetrahydrocannabinol, unless such substance is (i) contained in child-resistant packaging, as
- 1019 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
- 1020 inch, (a) that the substance contains tetrahydrocannabinol and may not be sold to persons younger than 21
- 1021 years of age, (b) all ingredients contained in the substance, (c) the amount of such substance that constitutes a
- 1022 single serving, and (d) the total percentage and milligrams of tetrahydrocannabinol included in the substance
- 1023 and the number of milligrams of tetrahydrocannabinol that are contained in each serving; and (iii)
- 1024 accompanied by a certificate of analysis, produced by an independent laboratory that is accredited pursuant to
- 1025 standard ISO/IEC 17025 of the International Organization of Standardization by a third-party accrediting
- 1026 body, that states the tetrahydrocannabinol concentration of the substance or the tetrahydrocannabinol
- 1027 concentration of the batch from which the substance originates. This subdivision shall not (i) apply to
- 1028 products that are approved for marketing by the U.S. Food and Drug Administration and scheduled in the
- 1029 Drug Control Act (§ 54.1-3400 et seq.) or (ii) be construed to prohibit any conduct permitted under Chapter
- 1030 16 (§ 4.1-1600 et seq.) of Title 4.1;
- 1031 72. Manufacturing, offering for sale at retail, or selling at retail an industrial hemp extract, as defined in
- 1032 § 3.2-5145.1, a food containing an industrial hemp extract, or a substance containing tetrahydrocannabinol
- 1033 that depicts or is in the shape of a human, animal, vehicle, or fruit;
- 1034 73. Selling or offering for sale any substance intended for human consumption, orally or by inhalation,
- 1035 that contains tetrahydrocannabinol and, without authorization, bears, is packaged in a container or wrapper
- 1036 that bears, or is otherwise labeled to bear the trademark, trade name, famous mark as defined in 15 U.S.C. §
- 1037 1125, or other identifying mark, imprint, or device, or any likeness thereof, of a manufacturer, processor,
- 1038 packer, or distributor of a product intended for human consumption other than the manufacturer, processor,
- 1039 packer, or distributor that did in fact so manufacture, process, pack, or distribute such substance;
- 1040 74. Selling or offering for sale a topical hemp product, as defined in § 3.2-4112, that does not include a
- 1041 label stating that the product is not intended for human consumption. This subdivision shall not (i) apply to
- 1042 products that are approved for marketing by the U.S. Food and Drug Administration and scheduled in the
- 1043 Drug Control Act (§ 54.1-3400 et seq.), (ii) be construed to prohibit any conduct permitted under Chapter 16
- 1044 (§ 4.1-1600 et seq.) of Title 4.1, or (iii) apply to topical hemp products that were manufactured prior to July
- 1045 1, 2023, provided that the person provides documentation of the date of manufacture if requested;
- 1046 75. Violating any provision of § 59.1-466.8;
- 1047 76. Violating subsection F of § 36-96.3:1;
- 1048 77. Selling or offering for sale (i) any kratom product to a person younger than 21 years of age or (ii) any
- 1049 kratom product that does not include a label listing all ingredients and with the following guidance: "This
- 1050 product may be harmful to your health, has not been evaluated by the FDA, and is not intended to diagnose,
- 1051 treat, cure, or prevent any disease." As used in this subdivision, "kratom" means any part of the leaf of the

1052 plant *Mitragyna speciosa* or any extract thereof;

1053 78. Advertising of any ignition interlock system in Virginia by an ignition interlock vendor not approved
 1054 by the Commission on the Virginia Alcohol Safety Action Program to operate in Virginia; targeted
 1055 advertising of any ignition interlock system to a person before determination of guilt; and any advertising,
 1056 whether before or after determination of guilt, without a conspicuous statement that such advertisement is not
 1057 affiliated with any government agency. For purposes of this subdivision, "ignition interlock system" has the
 1058 same meaning as ascribed to that term in § 18.2-270.1 and "targeted advertising" has the same meaning
 1059 ascribed to that term in § 59.1-575 and includes direct mailings to an individual. This provision shall not
 1060 apply to ignition interlock service vendor ads, pamphlets, or kiosk advertisements approved by the
 1061 Commission on the Virginia Alcohol Safety Action Program and provided at a Commission-approved
 1062 location;

1063 79. Failing to disclose the total cost of a good or continuous service, as defined in § 59.1-207.45, to a
 1064 consumer, including any mandatory fees or charges, prior to entering into an agreement for the sale of any
 1065 such good or provision of any such continuous service;

1066 80. Violating any provision of the Unfair Real Estate Service Agreement Act (§ 55.1-3200 et seq.);

1067 81. Selling or offering for sale services as a professional mold remediator to be performed upon any
 1068 residential dwelling without holding a mold remediation certification from a nationally or internationally
 1069 recognized certifying body for mold remediation, and failing to comply with (i) the U.S. Environmental
 1070 Protection Agency's publication on Mold Remediation in Schools and Commercial Buildings, as revised; (ii)
 1071 the ANSI/IICRC S520 Standard for Professional Mold Remediation, as revised; or (iii) any other equivalent
 1072 ANSI-accredited mold remediation standard, when conducting or offering to conduct mold remediation in the
 1073 Commonwealth;

1074 82. Willfully violating any provision of § 59.1-444.4;

1075 83. Violating any provision of Chapter 23.2 (§ 59.1-293.10 et seq.);

1076 84. Selling any food that is required by the FDA to have a nutrition label that does not meet the
 1077 requirements of 21 C.F.R. Part 101;

1078 85. Obtaining, disclosing, selling, or disseminating any personally identifiable reproductive or sexual
 1079 health information without the consent of the consumer;

1080 86. Violating any provision of Chapter 58 (§ 59.1-607 et seq.); and

1081 87. (Effective July 1, 2026) Violating any provision of the Medical Debt Protection Act (§ 59.1-611 et
 1082 seq.).

1083 B. Nothing in this section shall be construed to invalidate or make unenforceable any contract or lease
 1084 solely by reason of the failure of such contract or lease to comply with any other law of the Commonwealth
 1085 or any federal statute or regulation, to the extent such other law, statute, or regulation provides that a violation
 1086 of such law, statute, or regulation shall not invalidate or make unenforceable such contract or lease.

1087 **2. That the Department of Criminal Justice Services shall establish the compulsory minimum and in-**
 1088 **service training standards as required by subdivision 73 of § 9.1-102 of the Code of Virginia, as**
 1089 **amended by this act, by January 1, 2027.**

1090 **3. That any person employed as a law-enforcement officer prior to July 1, 2026, shall complete the**
 1091 **compulsory in-service training as required by subdivision 73 of § 9.1-102 of the Code of Virginia, as**
 1092 **amended by this act, by July 1, 2028.**

1093 **4. That the Secretary of Public Safety and Homeland Security and the Secretary of Health and Human**
 1094 **Resources shall convene a work group to analyze the current efforts in the Commonwealth to combat**
 1095 **the sale of illicit cannabis products and develop recommendations to enhance such enforcement efforts**
 1096 **with a focus on protecting consumers and children from harmful, untested, and unregulated cannabis**
 1097 **products. The work group shall include among its members the Chief Executive Officer of the Virginia**
 1098 **Cannabis Control Authority or his designee, a representative from the Office of the Attorney General,**
 1099 **the Commissioner of Agriculture and Consumer Services or his designee, a representative from the**
 1100 **Virginia State Police, a representative from a local law-enforcement agency, an attorney for the**
 1101 **Commonwealth, the Executive Director of Virginia NORML or his designee, a representative from a**
 1102 **cannabis pharmaceutical processor licensed in the Commonwealth, a representative from the Virginia**
 1103 **State Crime Commission, a member of the House of Delegates, a member of the Senate of Virginia, a**
 1104 **forensic scientist with knowledge of or experience with testing cannabis products, and two health**
 1105 **professionals. The work group shall complete its work and submit a report regarding its findings and**
 1106 **recommendations to the Chairs of the House Committees on Appropriations, on General Laws, and for**
 1107 **Courts of Justice and the Senate Committees on Finance and Appropriations, on General Laws and**
 1108 **Technology, on Rehabilitation and Social Services, and for Courts of Justice by October 1, 2026.**

1109 **5. That the Board of Directors of the Cannabis Control Authority (the Board) shall, in promulgating**
 1110 **regulations for the creation of the decal pursuant to § 4.1-604, as amended by this act, include a quick**
 1111 **response (QR) Code in such decal that links to a webpage from the Cannabis Control Authority to**
 1112 **confirm the validity of a retail marijuana store's license from the Board. Such decal shall also**
 1113 **prominently display the words "LICENSED BY THE VIRGINIA CANNABIS CONTROL**

1114 AUTHORITY".

SENATE SUBSTITUTE

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