

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act 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,*
 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*
 4 *sections numbered 4.1-624.1 and 4.1-1106.1, by adding in Chapter 12 of Title 4.1 a section numbered*
 5 *4.1-1201, and by adding in Chapter 13 of Title 4.1 a section numbered 4.1-1304, relating to marijuana*
 6 *and hemp products; enforcement.*

7 [S 543]

8 Approved

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

10 **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**
 11 **59.1-200 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended**
 12 **by adding sections numbered 4.1-624.1 and 4.1-1106.1, by adding in Chapter 12 of Title 4.1 a section**
 13 **numbered 4.1-1201, and by adding in Chapter 13 of Title 4.1 a section numbered 4.1-1304 as follows:**

14 **§ 3.2-4118. Forfeiture of industrial hemp grower, handler, or processor registration; violations.**

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

22 B. If a registration is revoked as the result of an informal hearing, the decision may be appealed, and upon
 23 appeal an administrative hearing shall be conducted in accordance with the Administrative Process Act
 24 (§ 2.2-4000 et seq.). The grower, handler, or processor may appeal a final order to the circuit court in
 25 accordance with the Administrative Process Act.

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

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

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

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

45 **§ 3.2-4126. Civil penalties.**

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

53 B. Any person that (i) offers for sale or sells at retail a regulated hemp product without first obtaining a
 54 registration to do so from the Commissioner in accordance with § 3.2-4122, (ii) continues to offer for sale or
 55 sell at retail a regulated hemp product after revocation or suspension of such registration, (iii) offers for sale
 56 or sells at retail a substance intended for human consumption, orally or by inhalation, that (a) contains a total

57 tetrahydrocannabinol concentration that is greater than 0.3 percent or (b) contains more than two milligrams
 58 of total tetrahydrocannabinol per package and does not contain an amount of cannabidiol that is at least 25
 59 times greater than the amount of total tetrahydrocannabinol per package, (iv) offers for sale or sells at retail a
 60 regulated hemp product in violation of § 3.2-4123, ~~or~~ (v) offers for sale or sells at retail a substance intended
 61 for human consumption, orally or by inhalation, that is advertised or labeled as containing an industrial
 62 hemp-derived cannabinoid without a regulated hemp product retail facility registration, *or (vi) has repeatedly*
 63 *violated any provisions of the Cannabis Control Act (§ 4.1-600 et seq.) by, without displaying a decal as*
 64 *required pursuant to § 4.1-1106.1 engaging in the illegal sale of marijuana or marijuana products on the*
 65 *licensed premises of an establishment or marketing or labeling products as marijuana or marijuana products*
 66 is, in addition to any other penalties provided, subject to a civil penalty not to exceed \$10,000 for each day a
 67 violation occurs. Such penalty shall be collected by the Commissioner and the proceeds shall be payable to
 68 the State Treasurer for remittance to the Department.

69 **§ 3.2-5145.2:1. Sellers or manufacturers of industrial hemp extract; penalties.**

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

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

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

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

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

116 F. *For any violations that are technical in nature and do not involve an industrial hemp extract or food*
 117 *containing an industrial hemp extract that (i) exceeds the total tetrahydrocannabinol concentration limit (ii)*
 118 *exceeds the two milligram tetrahydrocannabinol per package limit; or (iii) does not have the required child-*

119 *resistant packaging, civil penalties shall not be assessed on the basis of individual items contained within a*
 120 *package or the number of identical packages of the same product, but may be assessed per package for*
 121 *different products or per inspection event.*

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

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

128 **§ 4.1-226. Grounds for which Board shall suspend or revoke licenses.**

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

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

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

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

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

151 **§ 4.1-227. Suspension or revocation of licenses; notice and hearings; imposition of penalties.**

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

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

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

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

177 B. In suspending any license the Board may impose, as a condition precedent to the removal of such
 178 suspension or any portion thereof, a requirement that the licensee pay the cost incurred by the Board in
 179 investigating the licensee and in holding the proceeding resulting in such suspension, or it may impose and
 180 collect such civil penalties as it deems appropriate. In no event shall the Board impose a civil penalty

181 exceeding \$2,000 for the first violation occurring within five years immediately preceding the date of the
 182 violation or \$5,000 for the second violation occurring within five years immediately preceding the date of the
 183 second violation. However, if the violation involved selling alcoholic beverages to a person prohibited from
 184 purchasing alcoholic beverages or allowing consumption of alcoholic beverages by underage, intoxicated, or
 185 interdicted persons, the Board may impose a civil penalty not to exceed \$3,000 for the first violation
 186 occurring within five years immediately preceding the date of the violation and \$6,000 for a second violation
 187 occurring within five years immediately preceding the date of the second violation in lieu of such suspension
 188 or any portion thereof, or both. The Board may also impose a requirement that the licensee pay for the cost
 189 incurred by the Board not exceeding \$25,000 in investigating the licensee and in holding the proceeding
 190 resulting in the violation in addition to any suspension or civil penalty incurred.

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

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

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

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

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

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

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

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

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

229 **§ 4.1-604. Powers and duties of the Board.**

230 The Board shall have the following powers and duties:

231 1. Promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) and
 232 § 4.1-606;

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

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

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

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

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

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

243 consumers;

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

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

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

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

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

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

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

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

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

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

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

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

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

302 21. Develop policies and procedures consistent with Article 4 (§ 2.2-4347 et seq.) of Chapter 43 of Title
303 2.2;

304 22. Acquire, purchase, hold, use, lease, or otherwise dispose of any property, real, personal or mixed,

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

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

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

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

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

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

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

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

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

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

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

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

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

359 **§ 4.1-624.1. Enforcement of laws by Chief Executive Officer or investigators; authority of investigators**
 360 **appointed by Chief Executive Officer.**

361 *A. The Chief Executive Officer or investigators appointed by him shall be sworn to enforce the provisions*
 362 *of this subtitle and Board regulations. The Chief Executive Officer or investigators appointed by him shall*
 363 *have the authority to investigate violations of the statutes and regulations that the Authority is required to*
 364 *enforce. The Chief Executive Officer or investigators appointed by him shall also have the authority to issue*
 365 *summonses for violations of the statutes and regulations governing the unlicensed cultivation, processing,*
 366 *distribution, or selling of marijuana or marijuana products. In the event a person issued such a summons*

367 *fails or refuses to discontinue the unlawful acts or refuses to give a written promise to appear at the time and*
 368 *place specified in the summons, the investigator may appear before a magistrate or other issuing authority*
 369 *having jurisdiction to obtain a criminal warrant pursuant to § 19.2-72.*

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

376 **§ 4.1-1106.1. Selling, etc. without decal; false decal; civil penalty.**

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

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

386 **§ 4.1-1201. Posted decal required; civil penalty.**

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

392 **§ 4.1-1304. Issuance of notice of violation and order to cease by Board; civil penalties.**

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

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

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

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

416 **§ 8.01-216.3. False claims; civil penalty.**

417 *A. Any person who:*

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

429 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2;

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

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

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

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

444 shall be liable to the Commonwealth for a civil penalty of not less than \$10,957 and not more than
445 \$21,916, except that these lower and upper limits on liability shall automatically be adjusted to equal the
446 amounts allowed under the Federal False Claims Act, 31 U.S.C. § 3729 et seq., as amended, as such penalties
447 in the Federal False Claims Act are adjusted for inflation by the Federal Civil Penalties Inflation Adjustment
448 Act of 1990, as amended (28 U.S.C. § 2461 Note, P.L. 101-410), plus three times the amount of damages
449 sustained by the Commonwealth.

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

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

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

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

470 **§ 9.1-102. Powers and duties of the Board and the Department.**

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

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

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

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

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

489 5. Establish (i) compulsory minimum training standards for law-enforcement officers who utilize radar or
490 an electrical or microcomputer device to measure the speed of motor vehicles as provided in § 46.2-882 and

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

553 correctional status information;

554 23. Maintain a liaison with any board, commission, committee, or other body which may be established
555 by law, executive order, or resolution to regulate the privacy and security of information collected by the
556 Commonwealth or any political subdivision thereof;

557 24. Adopt regulations establishing guidelines and standards for the collection, storage, and dissemination
558 of criminal history record information and correctional status information, and the privacy, confidentiality,
559 and security thereof necessary to implement state and federal statutes, regulations, and court orders;

560 25. Operate a statewide criminal justice research center, which shall maintain an integrated criminal
561 justice information system, produce reports, provide technical assistance to state and local criminal justice
562 data system users, and provide analysis and interpretation of criminal justice statistical information;

563 26. Develop a comprehensive, statewide, long-range plan for strengthening and improving law
564 enforcement and the administration of criminal justice throughout the Commonwealth, and periodically
565 update that plan;

566 27. Cooperate with, and advise and assist, all agencies, departments, boards and institutions of the
567 Commonwealth, and units of general local government, or combinations thereof, including planning district
568 commissions, in planning, developing, and administering programs, projects, comprehensive plans, and other
569 activities for improving law enforcement and the administration of criminal justice throughout the
570 Commonwealth, including allocating and subgranting funds for these purposes;

571 28. Define, develop, organize, encourage, conduct, coordinate, and administer programs, projects and
572 activities for the Commonwealth and units of general local government, or combinations thereof, in the
573 Commonwealth, designed to strengthen and improve law enforcement and the administration of criminal
574 justice at every level throughout the Commonwealth;

575 29. Review and evaluate programs, projects, and activities, and recommend, where necessary, revisions or
576 alterations to such programs, projects, and activities for the purpose of improving law enforcement and the
577 administration of criminal justice;

578 30. Coordinate the activities and projects of the state departments, agencies, and boards of the
579 Commonwealth and of the units of general local government, or combination thereof, including planning
580 district commissions, relating to the preparation, adoption, administration, and implementation of
581 comprehensive plans to strengthen and improve law enforcement and the administration of criminal justice;

582 31. Do all things necessary on behalf of the Commonwealth and its units of general local government, to
583 determine and secure benefits available under the Omnibus Crime Control and Safe Streets Act of 1968 (P.L.
584 90-351, 82 Stat. 197), as amended, and under any other federal acts and programs for strengthening and
585 improving law enforcement, the administration of criminal justice, and delinquency prevention and control;

586 32. Receive, administer, and expend all funds and other assistance available to the Board and the
587 Department for carrying out the purposes of this chapter and the Omnibus Crime Control and Safe Streets Act
588 of 1968, as amended;

589 33. Apply for and accept grants from the United States government or any other source in carrying out the
590 purposes of this chapter and accept any and all donations both real and personal, and grants of money from
591 any governmental unit or public agency, or from any institution, person, firm or corporation, and may
592 receive, utilize and dispose of the same. Any arrangements pursuant to this section shall be detailed in the
593 annual report of the Board. Such report shall include the identity of the donor, the nature of the transaction,
594 and the conditions, if any. Any moneys received pursuant to this section shall be deposited in the state
595 treasury to the account of the Department. To these ends, the Board shall have the power to comply with
596 conditions and execute such agreements as may be necessary;

597 34. Make and enter into all contracts and agreements necessary or incidental to the performance of its
598 duties and execution of its powers under this chapter, including but not limited to, contracts with the United
599 States, units of general local government or combinations thereof, in Virginia or other states, and with
600 agencies and departments of the Commonwealth;

601 35. Adopt and administer reasonable regulations for the planning and implementation of programs and
602 activities and for the allocation, expenditure and subgranting of funds available to the Commonwealth and to
603 units of general local government, and for carrying out the purposes of this chapter and the powers and duties
604 set forth herein;

605 36. Certify and decertify law-enforcement officers in accordance with §§ 15.2-1706 and 15.2-1707 and
606 provide for a decertification review process in accordance with § 15.2-1708;

607 37. Establish training standards and publish and periodically update model policies for law-enforcement
608 personnel in the following subjects:

609 a. The handling of family abuse, domestic violence, sexual assault, and stalking cases, including standards
610 for determining the predominant physical aggressor in accordance with § 19.2-81.3. The Department shall
611 provide technical support and assistance to law-enforcement agencies in carrying out the requirements set
612 forth in subsection A of § 9.1-1301;

613 b. The identification of, communication with, and facilitation of the safe return of individuals diagnosed
614 with Alzheimer's disease and dementia, which shall include (i) techniques for respectful and effective

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

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

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

629 e. Communication of death notifications;

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

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

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

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

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

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

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

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

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

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

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

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

676 42. Establish, in consultation with the Department of Education and the Virginia State Crime

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

693 43. License and regulate property bail bondsmen and surety bail bondsmen in accordance with Article 11
694 (§ 9.1-185 et seq.);

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

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

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

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

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

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

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

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

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

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

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

739 bias; (vii) working with students with disabilities, mental health needs, substance use disorders, or past
 740 traumatic experiences; and (viii) student behavioral dynamics, including current child and adolescent
 741 development and brain research;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

800 70. Establish a model policy for best practices for law-enforcement officers responding to or investigating

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

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

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

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

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

831 **§ 58.1-3700. License requirement; requiring evidence of payment of business license, business**
 832 **personal property, meals and admissions taxes; license revocation.**

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

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

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

848 **§ 59.1-200. Prohibited practices.**

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

851 1. Misrepresenting goods or services as those of another;
 852 2. Misrepresenting the source, sponsorship, approval, or certification of goods or services;
 853 3. Misrepresenting the affiliation, connection, or association of the supplier, or of the goods or services,
 854 with another;

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

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

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

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

863 "not first class";

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

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

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

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

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

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

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

887 13a. Failing to provide to a consumer, or failing to use or include in any written document or material
888 provided to or executed by a consumer, in connection with a consumer transaction any statement, disclosure,
889 notice, or other information however characterized when the supplier is required by 16 C.F.R. Part 433 to so
890 provide, use, or include the statement, disclosure, notice, or other information in connection with the
891 consumer transaction;

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

894 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,
895 or 3.2-6519 is a violation of this chapter;

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

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

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

915 16a. Failing to provide written notice to a consumer of an existing open-end credit balance in excess of \$5
916 (i) on an account maintained by the supplier and (ii) resulting from such consumer's overpayment on such
917 account. Suppliers shall give consumers written notice of such credit balances within 60 days of receiving
918 overpayments. If the credit balance information is incorporated into statements of account furnished
919 consumers by suppliers within such 60-day period, no separate or additional notice is required;

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

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

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

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

- 925 21. Violating any provision of the Virginia Lease-Purchase Agreement Act, Chapter 17.4 (§ 59.1-207.17
926 et seq.);
- 927 22. Violating any provision of the Prizes and Gifts Act, Chapter 31 (§ 59.1-415 et seq.);
- 928 23. Violating any provision of the Virginia Public Telephone Information Act, Chapter 32 (§ 59.1-424 et
929 seq.);
- 930 24. Violating any provision of § 54.1-1505;
- 931 25. Violating any provision of the Motor Vehicle Manufacturers' Warranty Adjustment Act, Chapter 17.6
932 (§ 59.1-207.34 et seq.);
- 933 26. Violating any provision of § 3.2-5627, relating to the pricing of merchandise;
- 934 27. Violating any provision of the Pay-Per-Call Services Act, Chapter 33 (§ 59.1-429 et seq.);
- 935 28. Violating any provision of the Extended Service Contract Act, Chapter 34 (§ 59.1-435 et seq.);
- 936 29. Violating any provision of the Virginia Membership Camping Act, Chapter 25 (§ 59.1-311 et seq.);
- 937 30. Violating any provision of the Comparison Price Advertising Act, Chapter 17.7 (§ 59.1-207.40 et
938 seq.);
- 939 31. Violating any provision of the Virginia Travel Club Act, Chapter 36 (§ 59.1-445 et seq.);
- 940 32. Violating any provision of §§ 46.2-1231 and 46.2-1233.1;
- 941 33. Violating any provision of Chapter 40 (§ 54.1-4000 et seq.) of Title 54.1;
- 942 34. Violating any provision of Chapter 10.1 (§ 58.1-1031 et seq.) of Title 58.1;
- 943 35. Using the consumer's social security number as the consumer's account number with the supplier, if
944 the consumer has requested in writing that the supplier use an alternate number not associated with the
945 consumer's social security number;
- 946 36. Violating any provision of Chapter 18 (§ 6.2-1800 et seq.) of Title 6.2;
- 947 37. Violating any provision of § 8.01-40.2;
- 948 38. Violating any provision of Article 7 (§ 32.1-212 et seq.) of Chapter 6 of Title 32.1;
- 949 39. Violating any provision of Chapter 34.1 (§ 59.1-441.1 et seq.);
- 950 40. Violating any provision of Chapter 20 (§ 6.2-2000 et seq.) of Title 6.2;
- 951 41. Violating any provision of the Virginia Post-Disaster Anti-Price Gouging Act, Chapter 46 (§ 59.1-525
952 et seq.). For the purposes of this subdivision, "consumer transaction" has the same meaning as provided in
953 § 59.1-526;
- 954 42. Violating any provision of Chapter 47 (§ 59.1-530 et seq.);
- 955 43. Violating any provision of § 59.1-443.2;
- 956 44. Violating any provision of Chapter 48 (§ 59.1-533 et seq.);
- 957 45. Violating any provision of Chapter 25 (§ 6.2-2500 et seq.) of Title 6.2;
- 958 46. Violating the provisions of clause (i) of subsection B of § 54.1-1115;
- 959 47. Violating any provision of § 18.2-239;
- 960 48. Violating any provision of Chapter 26 (§ 59.1-336 et seq.);
- 961 49. Selling, offering for sale, or manufacturing for sale a children's product the supplier knows or has
962 reason to know was recalled by the U.S. Consumer Product Safety Commission. There is a rebuttable
963 presumption that a supplier has reason to know a children's product was recalled if notice of the recall has
964 been posted continuously at least 30 days before the sale, offer for sale, or manufacturing for sale on the
965 website of the U.S. Consumer Product Safety Commission. This prohibition does not apply to children's
966 products that are used, secondhand or "seconds";
- 967 50. Violating any provision of Chapter 44.1 (§ 59.1-518.1 et seq.);
- 968 51. Violating any provision of Chapter 22 (§ 6.2-2200 et seq.) of Title 6.2;
- 969 52. Violating any provision of § 8.2-317.1;
- 970 53. Violating subsection A of § 9.1-149.1;
- 971 54. Selling, offering for sale, or using in the construction, remodeling, or repair of any residential dwelling
972 in the Commonwealth, any drywall that the supplier knows or has reason to know is defective drywall. This
973 subdivision shall not apply to the sale or offering for sale of any building or structure in which defective
974 drywall has been permanently installed or affixed;
- 975 55. Engaging in fraudulent or improper or dishonest conduct as defined in § 54.1-1118 while engaged in a
976 transaction that was initiated (i) during a declared state of emergency as defined in § 44-146.16 or (ii) to
977 repair damage resulting from the event that prompted the declaration of a state of emergency, regardless of
978 whether the supplier is licensed as a contractor in the Commonwealth pursuant to Chapter 11 (§ 54.1-1100 et
979 seq.) of Title 54.1;
- 980 56. Violating any provision of Chapter 33.1 (§ 59.1-434.1 et seq.);
- 981 57. Violating any provision of § 18.2-178, 18.2-178.1, or 18.2-200.1;
- 982 58. Violating any provision of Chapter 17.8 (§ 59.1-207.45 et seq.). For the purposes of this subdivision,
983 "consumer transaction" also includes transactions involving an automatic renewal or continuous service offer
984 by a supplier to a small business, as those terms are defined in § 59.1-207.45;
- 985 59. Violating any provision of subsection E of § 32.1-126;
- 986 60. Violating any provision of § 54.1-111 relating to the unlicensed practice of a profession licensed under

987 Chapter 11 (§ 54.1-1100 et seq.) or Chapter 21 (§ 54.1-2100 et seq.) of Title 54.1;
 988 61. Violating any provision of § 2.2-2001.5;
 989 62. Violating any provision of Chapter 5.2 (§ 54.1-526 et seq.) of Title 54.1;
 990 63. Violating any provision of § 6.2-312;
 991 64. Violating any provision of Chapter 20.1 (§ 6.2-2026 et seq.) of Title 6.2;
 992 65. Violating any provision of Chapter 26 (§ 6.2-2600 et seq.) of Title 6.2;
 993 66. Violating any provision of Chapter 54 (§ 59.1-586 et seq.);
 994 67. Knowingly violating any provision of § 8.01-27.5;
 995 68. Failing to, in accordance with § 59.1-207.46, (i) make available a conspicuous online option to cancel
 996 a recurring purchase of a good or service or (ii) with respect to a free trial lasting more than 30 days, notify a
 997 consumer of his option to cancel such free trial within 30 days of the end of the trial period to avoid an
 998 obligation to pay for the goods or services;
 999 69. Selling or offering for sale any substance intended for human consumption, orally or by inhalation,
 1000 that contains a synthetic derivative of tetrahydrocannabinol. As used in this subdivision, "synthetic
 1001 derivative" means a chemical compound produced by man through a chemical transformation to turn a
 1002 compound into a different compound by adding or subtracting molecules to or from the original compound.
 1003 This subdivision shall not (i) apply to products that are approved for marketing by the U.S. Food and Drug
 1004 Administration and scheduled in the Drug Control Act (§ 54.1-3400 et seq.) or (ii) be construed to prohibit
 1005 any conduct permitted under Chapter 16 (§ 4.1-1600 et seq.) of Title 4.1;
 1006 70. Selling or offering for sale (i) to a person younger than 21 years of age any substance intended for
 1007 human consumption, orally or by inhalation, that contains tetrahydrocannabinol or (ii) *except as otherwise*
 1008 *permitted by the Cannabis Control Act (§ 4.1-600 et seq.), to any person a substance intended for human*
 1009 *consumption, orally or by inhalation, that (a) contains a total tetrahydrocannabinol concentration that is*
 1010 *greater than 0.3 percent or (b) contains more than two milligrams of total tetrahydrocannabinol per package*
 1011 *in violation of § 3.2-4126 or Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2. This subdivision shall*
 1012 *not (i) apply to products that are approved for marketing by the U.S. Food and Drug Administration and*
 1013 *scheduled in the Drug Control Act (§ 54.1-3400 et seq.) or (ii) be construed to prohibit any conduct permitted*
 1014 *under Chapter 16 (§ 4.1-1600 et seq.) of Title 4.1;*
 1015 71. Selling or offering for sale any substance intended for human consumption, orally or by inhalation,
 1016 that contains tetrahydrocannabinol, unless such substance is (i) contained in child-resistant packaging, as
 1017 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
 1018 inch, (a) that the substance contains tetrahydrocannabinol and may not be sold to persons younger than 21
 1019 years of age, (b) all ingredients contained in the substance, (c) the amount of such substance that constitutes a
 1020 single serving, and (d) the total percentage and milligrams of tetrahydrocannabinol included in the substance
 1021 and the number of milligrams of tetrahydrocannabinol that are contained in each serving; and (iii)
 1022 accompanied by a certificate of analysis, produced by an independent laboratory that is accredited pursuant to
 1023 standard ISO/IEC 17025 of the International Organization of Standardization by a third-party accrediting
 1024 body, that states the tetrahydrocannabinol concentration of the substance or the tetrahydrocannabinol
 1025 concentration of the batch from which the substance originates. This subdivision shall not (i) apply to
 1026 products that are approved for marketing by the U.S. Food and Drug Administration and scheduled in the
 1027 Drug Control Act (§ 54.1-3400 et seq.) or (ii) be construed to prohibit any conduct permitted under Chapter
 1028 16 (§ 4.1-1600 et seq.) of Title 4.1;
 1029 72. Manufacturing, offering for sale at retail, or selling at retail an industrial hemp extract, as defined in
 1030 § 3.2-5145.1, a food containing an industrial hemp extract, or a substance containing tetrahydrocannabinol
 1031 that depicts or is in the shape of a human, animal, vehicle, or fruit;
 1032 73. Selling or offering for sale any substance intended for human consumption, orally or by inhalation,
 1033 that contains tetrahydrocannabinol and, without authorization, bears, is packaged in a container or wrapper
 1034 that bears, or is otherwise labeled to bear the trademark, trade name, famous mark as defined in 15 U.S.C. §
 1035 1125, or other identifying mark, imprint, or device, or any likeness thereof, of a manufacturer, processor,
 1036 packer, or distributor of a product intended for human consumption other than the manufacturer, processor,
 1037 packer, or distributor that did in fact so manufacture, process, pack, or distribute such substance;
 1038 74. Selling or offering for sale a topical hemp product, as defined in § 3.2-4112, that does not include a
 1039 label stating that the product is not intended for human consumption. This subdivision shall not (i) apply to
 1040 products that are approved for marketing by the U.S. Food and Drug Administration and scheduled in the
 1041 Drug Control Act (§ 54.1-3400 et seq.), (ii) be construed to prohibit any conduct permitted under Chapter 16
 1042 (§ 4.1-1600 et seq.) of Title 4.1, or (iii) apply to topical hemp products that were manufactured prior to July
 1043 1, 2023, provided that the person provides documentation of the date of manufacture if requested;
 1044 75. Violating any provision of § 59.1-466.8;
 1045 76. Violating subsection F of § 36-96.3:1;
 1046 77. Selling or offering for sale (i) any kratom product to a person younger than 21 years of age or (ii) any
 1047 kratom product that does not include a label listing all ingredients and with the following guidance: "This
 1048 product may be harmful to your health, has not been evaluated by the FDA, and is not intended to diagnose,

1049 treat, cure, or prevent any disease." As used in this subdivision, "kratom" means any part of the leaf of the
1050 plant *Mitragyna speciosa* or any extract thereof;

1051 78. Advertising of any ignition interlock system in Virginia by an ignition interlock vendor not approved
1052 by the Commission on the Virginia Alcohol Safety Action Program to operate in Virginia; targeted
1053 advertising of any ignition interlock system to a person before determination of guilt; and any advertising,
1054 whether before or after determination of guilt, without a conspicuous statement that such advertisement is not
1055 affiliated with any government agency. For purposes of this subdivision, "ignition interlock system" has the
1056 same meaning as ascribed to that term in § 18.2-270.1 and "targeted advertising" has the same meaning
1057 ascribed to that term in § 59.1-575 and includes direct mailings to an individual. This provision shall not
1058 apply to ignition interlock service vendor ads, pamphlets, or kiosk advertisements approved by the
1059 Commission on the Virginia Alcohol Safety Action Program and provided at a Commission-approved
1060 location;

1061 79. Failing to disclose the total cost of a good or continuous service, as defined in § 59.1-207.45, to a
1062 consumer, including any mandatory fees or charges, prior to entering into an agreement for the sale of any
1063 such good or provision of any such continuous service;

1064 80. Violating any provision of the Unfair Real Estate Service Agreement Act (§ 55.1-3200 et seq.);

1065 81. Selling or offering for sale services as a professional mold remediator to be performed upon any
1066 residential dwelling without holding a mold remediation certification from a nationally or internationally
1067 recognized certifying body for mold remediation, and failing to comply with (i) the U.S. Environmental
1068 Protection Agency's publication on Mold Remediation in Schools and Commercial Buildings, as revised; (ii)
1069 the ANSI/IICRC S520 Standard for Professional Mold Remediation, as revised; or (iii) any other equivalent
1070 ANSI-accredited mold remediation standard, when conducting or offering to conduct mold remediation in the
1071 Commonwealth;

1072 82. Willfully violating any provision of § 59.1-444.4;

1073 83. Violating any provision of Chapter 23.2 (§ 59.1-293.10 et seq.);

1074 84. Selling any food that is required by the FDA to have a nutrition label that does not meet the
1075 requirements of 21 C.F.R. Part 101;

1076 85. Obtaining, disclosing, selling, or disseminating any personally identifiable reproductive or sexual
1077 health information without the consent of the consumer;

1078 86. Violating any provision of Chapter 58 (§ 59.1-607 et seq.); and

1079 87. (Effective July 1, 2026) Violating any provision of the Medical Debt Protection Act (§ 59.1-611 et
1080 seq.).

1081 B. Nothing in this section shall be construed to invalidate or make unenforceable any contract or lease
1082 solely by reason of the failure of such contract or lease to comply with any other law of the Commonwealth
1083 or any federal statute or regulation, to the extent such other law, statute, or regulation provides that a violation
1084 of such law, statute, or regulation shall not invalidate or make unenforceable such contract or lease.

1085 **2. That the Department of Criminal Justice Services shall establish the compulsory minimum and in-**
1086 **service training standards as required by subdivision 73 of § 9.1-102 of the Code of Virginia, as**
1087 **amended by this act, by January 1, 2027.**

1088 **3. That any person employed as a law-enforcement officer prior to July 1, 2026, shall complete the**
1089 **compulsory in-service training as required by subdivision 73 of § 9.1-102 of the Code of Virginia, as**
1090 **amended by this act, by July 1, 2028.**

1091 **4. That the Secretary of Public Safety and Homeland Security and the Secretary of Health and Human**
1092 **Resources shall convene a work group to analyze the current efforts in the Commonwealth to combat**
1093 **the sale of illicit cannabis products and develop recommendations to enhance such enforcement efforts**
1094 **with a focus on protecting consumers and children from harmful, untested, and unregulated cannabis**
1095 **products. The work group shall include among its members the Chief Executive Officer of the Virginia**
1096 **Cannabis Control Authority or his designee, a representative from the Office of the Attorney General,**
1097 **the Commissioner of Agriculture and Consumer Services or his designee, a representative from the**
1098 **Virginia State Police, a representative from a local law-enforcement agency, an attorney for the**
1099 **Commonwealth, the Executive Director of Virginia NORML or his designee, a representative from a**
1100 **cannabis pharmaceutical processor licensed in the Commonwealth, a representative from the Virginia**
1101 **State Crime Commission, a member of the House of Delegates, a member of the Senate of Virginia, a**
1102 **forensic scientist with knowledge of or experience with testing cannabis products, and two health**
1103 **professionals. The work group shall complete its work and submit a report regarding its findings and**
1104 **recommendations to the Chairs of the House Committees on Appropriations, on General Laws, and for**
1105 **Courts of Justice and the Senate Committees on Finance and Appropriations, on General Laws and**
1106 **Technology, on Rehabilitation and Social Services, and for Courts of Justice by October 1, 2026.**

1107 **5. That the Board of Directors of the Cannabis Control Authority (the Board) shall, in promulgating**
1108 **regulations for the creation of the decal pursuant to § 4.1-604, as amended by this act, include a quick**
1109 **response (QR) Code in such decal that links to a webpage from the Cannabis Control Authority to**
1110 **confirm the validity of a retail marijuana store's license from the Board. Such decal shall also**

1111 prominently display the words "LICENSED BY THE VIRGINIA CANNABIS CONTROL
1112 AUTHORITY".

ENROLLED

SB543ER