

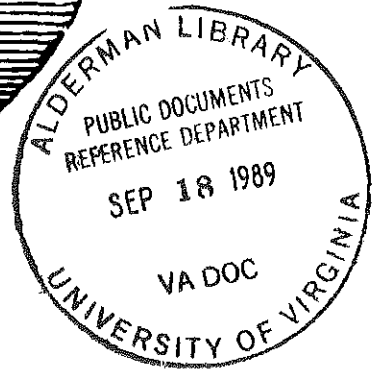
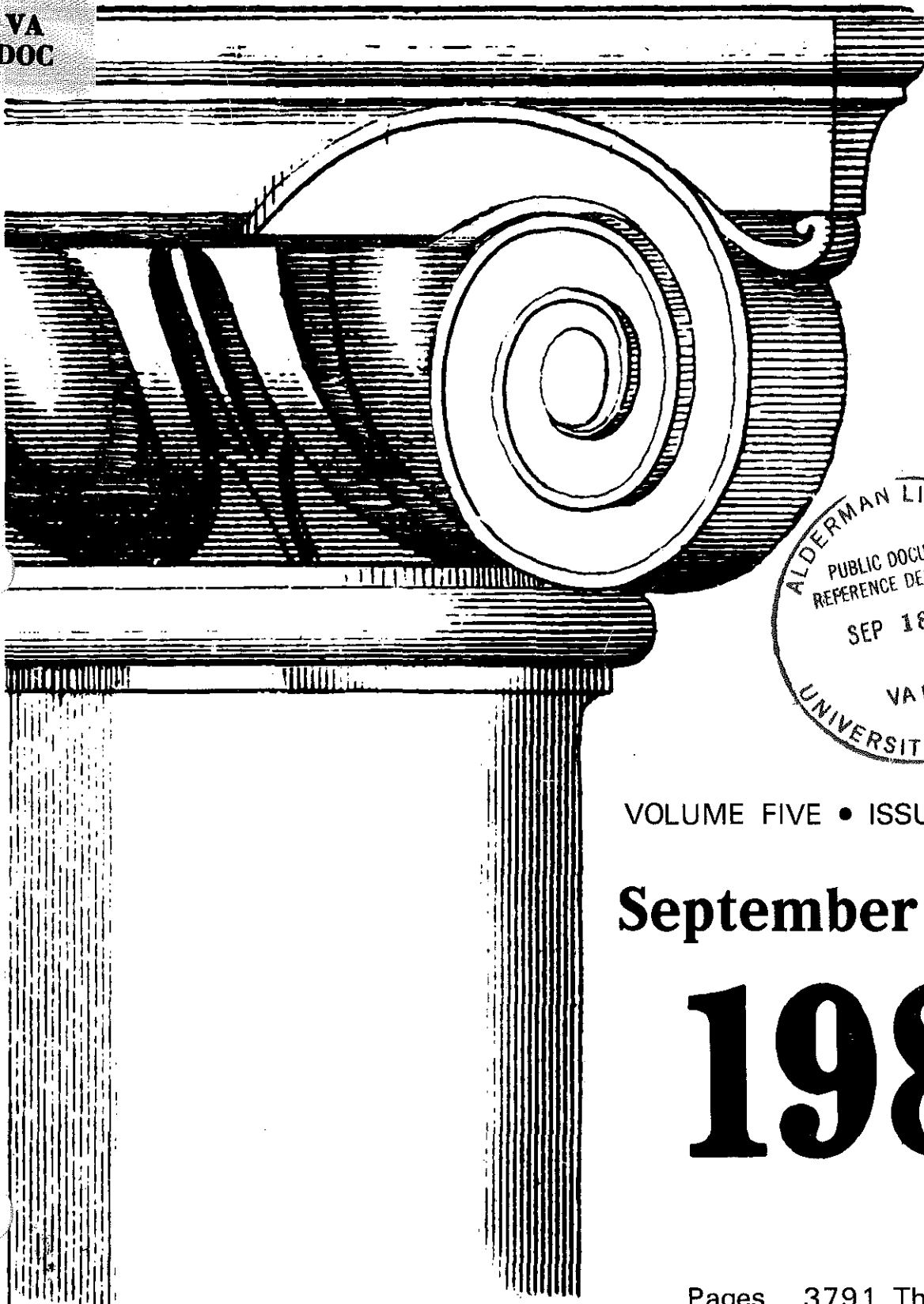
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THE VIRGINIA REGISTER

OF REGULATIONS

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VOLUME FIVE • ISSUE TWENTY-FIVE

September 11, 1989

1989

Pages 3791 Through 3974

VIRGINIA REGISTER

The *Virginia Register* is an official state publication issued every other week throughout the year. Indexes are published quarterly, and the last index of the year is cumulative.

The *Virginia Register* has several functions. The full text of all regulations, both as proposed and as finally adopted or changed by amendment are required by law to be published in the *Virginia Register of Regulations*.

In addition, the *Virginia Register* is a source of other information about state government, including all Emergency Regulations issued by the Governor, and Executive Orders, the *Virginia Tax Bulletin* issued periodically by the Department of Taxation, and notices of all public hearings and open meetings of state agencies.

ADOPTION, AMENDMENT, AND REPEAL OF REGULATIONS

An agency wishing to adopt, amend, or repeal regulations must first publish in the *Virginia Register* a notice of proposed action; a basis, purpose, impact and summary statement; a notice giving the public an opportunity to comment on the proposal, and the text of the proposed regulations.

Under the provisions of the Administrative Process Act, the Registrar has the right to publish a summary, rather than the full text, of a regulation which is considered to be too lengthy. In such case, the full text of the regulation will be available for public inspection at the office of the Registrar and at the office of the promulgating agency.

Following publication of the proposal in the *Virginia Register*, sixty days must elapse before the agency may take action on the proposal.

During this time, the Governor and the General Assembly will review the proposed regulations. The Governor will transmit his comments on the regulations to the Registrar and the agency and such comments will be published in the *Virginia Register*.

Upon receipt of the Governor's comment on a proposed regulation, the agency (i) may adopt the proposed regulation, if the Governor has no objection to the regulation; (ii) may modify and adopt the proposed regulation after considering and incorporating the Governor's suggestions, or (iii) may adopt the regulation without changes despite the Governor's recommendations for change.

The appropriate standing committee of each branch of the General Assembly may meet during the promulgation or final adoption process and file an objection with the *Virginia Registrar* and the promulgating agency. The objection will be published in the *Virginia Register*. Within twenty-one days after receipt by the agency of a legislative objection, the agency shall file a response with the Registrar, the objecting legislative Committee, and the Governor.

When final action is taken, the promulgating agency must again publish the text of the regulation, as adopted, highlighting and explaining any substantial changes in the final regulation. A thirty-day final adoption period will commence upon publication in the *Virginia Register*.

The Governor will review the final regulation during this time and if he objects, forward his objection to the Registrar and the agency. His objection will be published in the *Virginia Register*. If the Governor finds that changes made to the proposed regulation are substantial, he may suspend the regulatory process for thirty days and require the agency to solicit additional public comment on the substantial changes.

A regulation becomes effective at the conclusion of this thirty-day final adoption period, or at any other later date specified by the promulgating agency, unless (i) a legislative objection has been filed, in which event the regulation, unless withdrawn, becomes effective on the date specified, which shall

be after the expiration of the twenty-one day extension period; or (ii) the Governor exercises his authority to suspend the regulatory process for solicitation of additional public comment, in which event the regulation, unless withdrawn, becomes effective on the date specified which date shall be after the expiration of the period for which the Governor has suspended the regulatory process.

Proposed action on regulations may be withdrawn by the promulgating agency at any time before final action is taken.

EMERGENCY REGULATIONS

If an agency determines that an emergency situation exists, it then requests the Governor to issue an emergency regulation. The emergency regulation becomes operative upon its adoption and filing with the Registrar of Regulations, unless a later date is specified. Emergency regulations are limited in time and cannot exceed a twelve-months duration. The emergency regulations will be published as quickly as possible in the *Virginia Register*.

During the time the emergency status is in effect, the agency may proceed with the adoption of permanent regulations through the usual procedures (See "Adoption, Amendment, and Repeal of Regulations," above). If the agency does not choose to adopt the regulations, the emergency status ends when the prescribed time limit expires.

STATEMENT

The foregoing constitutes a generalized statement of the procedures to be followed. For specific statutory language, it is suggested that Article 2 of Chapter 1.1:1 (§§ 9-6.14:6 through 9-6.14:9) of the Code of Virginia be examined carefully.

CITATION TO THE VIRGINIA REGISTER

The *Virginia Register* is cited by volume, issue, page number, and date. 1:3 VA.R. 75-77 November 12, 1984 refers to Volume 1, Issue 3, pages 75 through 77 of the *Virginia Register* issued on November 12, 1984.

"The *Virginia Register of Regulations*" (USPS-001831) is published bi-weekly, except four times in January, April, July and October for \$85 per year by the Virginia Code Commission, General Assembly Building, Capitol Square, Richmond, Virginia 23219. Telephone (804) 786-3591. Second-Class Postage Rates Paid at Richmond, Virginia. POSTMASTER: Send address changes to the *Virginia Register of Regulations*, P.O. Box 3-AG, Richmond, Virginia 23208-1108.

The *Virginia Register of Regulations* is published pursuant to Article 7 of Chapter 1.1:1 (§ 9-6.14:2 et seq.) of the Code of Virginia. Individual copies are available for \$4 each from the Registrar of Regulations.

Members of the Virginia Code Commission: Dudley J. Emick, Jr., Chairman, J. Samuel Glasscock, Vice Chairman; Russell M. Carneal; Joseph V. Gartlan, Jr.; John Wingo Knowles; Gail S. Marshall; E. M. Miller, Jr.; Theodore V. Morrison; William F. Parkerson, Jr.; A. L. Philpott.

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VIRGINIA REGISTER OF REGULATIONS
PUBLICATION DEADLINES AND SCHEDULES
July 1989 through September 1990

MATERIAL SUBMITTED BY **PUBLICATION DATE**
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July 12	July 31
July 26	Aug. 14
Aug. 9	Aug. 28
Aug. 23	Sept. 11
Sept. 6	Sept. 25
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Symbol Key

Roman type indicates existing text of regulations. *Italic type* indicates proposed new text. Language which has been stricken indicates proposed text for deletion.

DEPARTMENT OF CORRECTIONS (STATE BOARD OF)

NOTICE: The State Board of Corrections proposes to REPEAL the following regulation.

Title of Regulations: VR 230-01-002. Rules and Regulations for the Purposes of Services for Clients.

Statutory Authority: § 53.1-5 of the Code of Virginia

Public Hearing Date: N/A - Written comments may be submitted until November 10, 1989.

Summary:

This regulation provides instructions for purchasing services for clients when such services are not available within the Department of Corrections. During the department's two-year reevaluation of regulations, this regulation was determined to be unneeded, as such instructions are adequately provided in the Agency Procurement and Surplus Property Manual as well as in other publications. These instructions require the department's adherence to their procedures.

DEPARTMENT OF EDUCATION (STATE BOARD OF)

Title of Regulation: VR 270-01-0012. Standards for Accrediting Public Schools in Virginia.

The Department of Education is withdrawing the proposed Standards for Accrediting Public Schools in Virginia published in 5:20 VA.R. 2824-2839 July 3, 1989.

DEPARTMENT OF HEALTH (STATE BOARD OF)

Title of Regulation: VR 355-28-01.05. Board of Health Regulations Governing Vital Records.

Statutory Authority: §§ 32.1-250 and 32.1-252 of the Code of Virginia.

Public Hearing Date: September 21, 1989 - 2 p.m.
(See Calendar of Events section for additional information)

Summary:

The proposed amendments to the regulations governing vital records, as approved by the State Board of Health, May 22, 1989, are required to conform health

statistics data collection in Virginia to statistical data requested by the National Center for Health Statistics, as well as the Family Support Act of 1988. (42 U.S.C. § 405).

The amendments will alter the regulations to enumerate the specific items of information required for Virginia's vital records. These records will then conform to the U.S. Standard Certificates which are the bases of vital records for each area of the United States. Standardized records are accepted from one state to another to prove the legal facts of vital events. The statistical data collected pursuant to standardized requirements are comparable to vital statistics data from other states, as well as to national compilations.

Special surveys and studies were conducted throughout the United States in determining standard items for the records. Several new items have also been added at the request of staff of the Virginia Department of Health to provide better data for evaluating current health programs.

VR 355-28-01.05. Board of Health Regulations Governing Vital Records.

Section 2.00

§ 1. Data required on vital statistics certificates.

~~2.01~~ A. Birth certificate items.

The certificate of birth to be used shall be:

A. 1. Certificate of Live Birth, Commonwealth of Virginia, for current registrations, and shall contain the following items: child's full name; place of birth; usual residence of mother; sex of child; single or plural birth, and birth order of plural birth; date of birth; full name of father (except when mother is not married to the father); age of father (*except when mother is not married to the father*); birthplace of father (*except when mother is not married to the father*); full maiden name of mother; age of mother; birthplace of mother; certification of parent (if available); certification of attendant at the birth, including title, address and date signed; date the certificate was received by the registrar; registrar's signature; registration area and certificate numbers; state birth number; and supplemental confidential ~~medical~~ data to consist of the following items: *medical record and social security numbers of the mother; medical record number of the child; hispanic origin, if*

Proposed Regulations

any, and race of mother; education of mother; *mother transferred prior to delivery; hispanic origin, if any, and race of father (except when mother is not married to the father); social security numbers of the father* ; education of father (*except when mother is not married to the father*) ; pregnancy history of mother, including date of last live birth and date of last other termination of pregnancy; date of last normal menses and physician's estimate of gestation; month of pregnancy prenatal care began; *source of prenatal care*; number of prenatal visits; birthweight of child in grams; mother married to father of child; Apgar score of child at one minute and five minutes; *obstetric procedures and method of delivery; newborn conditions and congenital malformations or anomalies of child, if any; infant transferred; complications of pregnancy, if any; complications of labor and/or delivery, if any; and concurrent illnesses or conditions affecting the pregnancy, if any medical history for this pregnancy; other history for this pregnancy; and events of labor and delivery.* An optional item for the parent to request the State Registrar to report the birth to the Social Security Administration for account number issuance may be added to the Certificate of Live Birth if the State Registrar and the Social Security Administration develop procedures for such.

2. Delayed Certificate of Birth, Commonwealth of Virginia, for delayed registrations, and shall contain the following items: full name at time of birth; sex; place of birth; date of birth; name of father (except when mother was not married to father at the time of birth or during the 10 months next preceding the birth); race of father (*except when mother was not married to the father*) ; birthplace of father (*except when mother was not married to the father*) ; full maiden name of mother; race of mother; birthplace of mother; certification and signature of applicant; address of applicant; relationship of applicant to registrant; statement and signature of notary public (or other official authorized to administer oaths); description of documentary evidence submitted; certification and authorized signature of the State Registrar; date certificate filed by the State Registrar; and number of certificate.

3.02 § 2. Death certificate items.

The certificate of death to be used shall be the Certificate of Death, Commonwealth of Virginia, and shall contain the following items: full name of deceased *decendent* ; place of death; usual residence of deceased ; date of death; sex of deceased ; *hispanic origin, if any, and race of deceased* ; *education*; date of birth of deceased ; age of deceased ; birthplace; citizenship; usual occupation and industry; veteran status; social security number of deceased ; father's name; mother's maiden name; marital status and name of *husband or wife spouse, if married or widowed* ; informant's name; medical certification of cause of death; autopsy; if female, was there a pregnancy during past three months; and supplementary data concerning

death due to external causes; certification of attending physician or medical examiner, including title, address, and date signed; disposition of the body; signature of funeral director or person legally filing this certificate; name and address of funeral home; date received by registrar; registrar's signature; registration area and certificate numbers; and state file number.

3.03 § 3. Fetal death or induced termination of pregnancy report items.

The record of fetal death or induced termination of pregnancy to be used shall be :

1. The Report of Fetal Death or Induced Termination of Pregnancy Report , Commonwealth of Virginia, and shall contain the following items for spontaneous fetal deaths: place of occurrence; usual residence of *mother patient* ; full name of father (*except when mother is not married to the father*); race of father; age of father; birthplace of father; full maiden name of *mother patient*; *medical record number and social security number of patient*; *hispanic origin, if any, and race of mother patient* ; age of *mother patient* ; birthplace of *mother*; education of *mother patient* ; sex of fetus; *mother patient* married to father; previous deliveries to *mother patient* ; single or plural delivery and order of plural delivery; date of delivery; date of last normal menses and physician's estimate of gestation; weight of fetus in grams; month of pregnancy care began; number of prenatal visits; when fetus died; congenital malformations, if any; *events of labor and delivery; complications related to pregnancy or labor, if any; medical history for this pregnancy; other history for this pregnancy; obstetric procedures and method of delivery*; autopsy; medical certification of cause of spontaneous fetal death; signature of attending physician or medical examiner including title, address and date signed; method of disposal of fetus; signature and address of funeral director or hospital representative; date received by registrar; registrar's signature; registration area and report numbers ; and State file numbers; or the report .

2. The Report of Induced Termination of Pregnancy, Commonwealth of Virginia, and shall contain the following items for induced terminations of pregnancy: place of occurrence; usual residence of patient; patient identification number; age of patient; *hispanic origin, if any, and race of patient*; *birthplace of patient*; education of patient; patient married to father; date of pregnancy termination; pregnancy history of patient; date of last normal menses and physician's estimate of gestation; type of termination procedures; *complications of pregnancy termination, if any; pregnancy terminated because of genetic defect*; signature , title, and address of attending physician. *person completing this report; registration area and report numbers.*

3.04 § 4. Marriage return and certificate items.

Proposed Regulations

The record of marriage to be used shall be the Marriage Return and Certificate, Commonwealth of Virginia, and shall contain the following items: ~~name and~~ city or county of the court of issuance; court clerk's number; for the groom: full name, age, date and place of birth, race, marital status if previously married and ~~date last marriage ended~~, number of marriage, education, usual residence, the names of parents; for the bride: full name, maiden name, age, date and place of birth, race, marital status if previously married and ~~date last marriage ended~~, number of marriage, education, usual residence, and names of parents; signature of clerk of court and date of license; date and place of marriage; whether civil or religious ceremony; certification and signature of officiant indicating title, address, and year and ~~place~~ *court of bond qualification*; date received by clerk of court from officiant; and state file number.

3.05 § 5. Report of divorce or annulment items.

The report of divorce or annulment to be used shall be the Report of Divorce or Annulment, Commonwealth of Virginia, and shall contain the following items: ~~name and~~ city or county of court of issuance; for the husband: full name, date and place of birth, ~~age~~, race, education, number of marriage, if ~~previously married~~, number of ~~previous marriages terminated by death and/or divorce or annulment~~; usual residence; for the wife: full maiden name, date and place of birth, ~~age~~, race, education, number of the marriage, if ~~previously married~~, number of ~~previous marriages terminated by death and/or divorce or annulment~~; usual residence; date and place of marriage; identity of plaintiff and to whom divorce granted; number and *custody* of children ~~ever born alive of this marriage and children~~ under 18 in this family; date of separation; date of divorce; legal grounds or cause of divorce; signature of attorney or petitioner; certification and signature of clerk of court indicating type of decree; court file number; date final order entered; and state file number.

* * * * *

NOTICE: Due to its length, the proposed Regulations Governing Emergency Medical Services filed by the Department of Health are not being published. However, in accordance with § 9-6.14:22 of the Code of Virginia, a summary is being published in lieu of full text. The full text of the regulation is available for public inspection at the office of the Registrar of Regulations and at the Department of Health.

Title of Regulation: VR 355-32-01.01. Regulations Governing Emergency Medical Services

Statutory Authority: § 32.1-12 of the Code of Virginia.

Public Hearing Dates:

September 20, 1989 - 1 p.m.
September 26, 1989 - 1 p.m.
October 5, 1989 - 7 p.m.

October 10, 1989 - 7 p.m.

(See Calendar of Events section for additional information)

Summary:

These regulations specify minimum standards for emergency medical services agencies, vehicles, and personnel and procedures for licensure, certification, and enforcement of the regulations. The regulations incorporate by reference "Procedures and Guidelines for Basic Life Support Training Programs" and "Procedures and Guidelines for Emergency Medical Services Agency and Vehicle Licensure." Amendments to the regulations include (i) a requirement for emergency medical services agencies providing basic life support services to have an operational medical director, (ii) a requirement for EMS vehicles to be supplied with necessary infection control items as recommended by the Centers for Disease Control, (iii) requirements for fixed wing aircraft used for emergency medical transportation and personnel requirements for staffing this unit, (iv) standards of conduct for all categories of emergency medical services personnel, (v) a requirement for operators of Class B, C, D, and E Vehicles to have certification as Emergency Vehicle Operators, (vi) a requirement that the attendant-in-charge on an emergency vehicle be a minimum of 18 years of age, and (vii) as directed by the 1989 Legislative Session, extends the recertification period for First Responder and Emergency Medical Technician from three years to four years. This last change became effective July 1, 1989. Other changes to the main body of the regulations are primarily for clarification and technical correction.

The "Procedures and Guidelines for Basic Life Support Training Programs" have been rewritten to combine three previous documents and to incorporate National Standard Curricula for each of the training levels. This document includes administrative guidelines for these programs and specific course requirements for the First Responder, First Responder Bridge, Emergency Medical Technician (EMT) and EMT Instructor. Additions include (i) a mechanism for "legal recognition" to aid in the certification of previously trained persons coming to Virginia from a state with which Virginia does not have a formal reciprocity agreement, (ii) a provision for "reentry" of individuals whose certification as a First Responder or EMT in Virginia has expired, and (iii) a First Responder Bridge program to facilitate advancement of a First Responder to the full Emergency Medical Technician level.

The "Procedures and Guidelines for Emergency Medical Services Agency and Vehicle Licensure" is a new document which specifies in detail the agency application process and the vehicle inspection process and includes all applicable forms for agency and vehicle inspection.

Proposed Regulations

These regulations and attachments to the regulations are based on recommendations of the State Emergency Medical Services Advisory Board and its various committees as well as recommendations of the Virginia Association of Volunteer Rescue Squads and other interested entities.

* * * * *

Title of Regulation: VR 355-32-02. Regulation Governing Financial Assistance for Emergency Medical Services.

Statutory Authority: §§ 32.1-12 and 32.1-112 through 32.1-116 of the Code of Virginia.

Public Hearing Dates:

September 20, 1989 - 1 p.m.

September 26, 1989 - 1 p.m.

October 5, 1989 - 7 p.m.

October 10, 1989 - 7 p.m.

(See Calendar of Events section for additional information)

Summary:

This regulation governs a matching grant program referred to as the Rescue Squad Assistance Fund. This regulation specifies the grant process, eligibility for applying, criteria used for review, and responsibilities of the grantee. Amendments to the regulation include (i) a requirement to stagger the terms of the Financial Assistance Review Committee members, (ii) a requirement that all programs, services, and equipment funded by the Virginia Rescue Squad Assistance Fund Act comply with all plans, policies, procedures, and guidelines adopted by the State EMS Advisory Board, (iii) a requirement that applications must be received in the Division of EMS office no later than 5 p.m. on the date of the deadline, (iv) a requirement that allows the Financial Assistance Review Committee to reserve funds not to exceed 10% of the total funds available for any one grant cycle not to accumulate in excess of \$100,000 for emergency purposes, (v) a requirement that expands compliance with the regulation to include all procedures, plans, and policies adopted by the State EMS Advisory Board, (vi) expands ownership of equipment awarded through this regulation to include the local jurisdiction in which the EMS agency is located, and (vii) officially incorporates the Division of EMS Program Representatives and Communications Engineer as reviewers of the Rescue Squad Assistance Fund applications.

These amendments to the regulation are based on recommendations of the State EMS Advisory Board, Regional EMS Councils, and the Financial Assistance Review Committee and other interested entities.

VR 355-32-02. Regulation Governing Financial Assistance for Emergency Medical Services.

Section 2.00

PART I.
DEFINITIONS.

2.01 § 1.1. The following words and terms when used in these regulations this regulation shall have the following meaning unless the context clearly indicates otherwise.

2.01-01 "Board" means the State Board of Health.

2.01-02 "Commissioner" means the State Health Commissioner.

2.01-03 Council "EMS Advisory Board" means the Emergency Medical Services Advisory Council Board as appointed by the Governor.

"Division" means the Division of Emergency Medical Services (EMS), Virginia Department of Health.

2.01-04 Emergency Medical Services (EMS) - The services utilized in responding to the perceived individual needs for immediate medical care in order to prevent loss of life or aggravation of physiological or psychological illness or injury. "Emergency Medical Services (EMS)" means the services utilized in responding to the perceived individual needs for immediate medical care in order to prevent loss of life, aggravation of physiological or psychological illness or injury including any or all of the services which could be described as first response, basic life support, advanced life support, specialized life support, patient transportation, medical control, and rescue.

2.01-05 Emergency Medical Services Agency (EMS) agency - Any person as defined herein, engaged in the business, service, or regular activity, whether for profit or not of providing, coordinating or planning emergency medical services. "Emergency medical services agency (EMS agency)" means any person, firm, corporation, or organization engaged in the business, service, or regular activity of providing emergency medical care to persons who are sick, injured, wounded, or otherwise incapacitated or helpless.

2.01-06 Emergency Medical Services Vehicle (EMS) Vehicle - Any privately or publicly owned vehicle or craft that is specially designed, constructed, or modified and equipped and is intended to be used for and is maintained or operated to provide emergency medical services. "Emergency medical services vehicle (EMS vehicle)" means any privately or publicly owned vehicle or craft that is specially designed, constructed, or modified and equipped and is intended to be used for and is maintained or operated to provide emergency medical services, including any vehicle which could be described as an ambulance.

2.01-07 "Fund" means the Virginia Rescue Squads Assistance Fund.

Proposed Regulations

2-01-08 "Nonprofit" means without the intention of financial gain, advantage, or benefit.

Section 1-00

PART II. GENERAL INFORMATION.

1-01 § 2.1. Authority for regulations.

~~Chapter 16-1, Article 2 Chapter 4 of Article 3 (§ 32.1-112 et seq.) of Title 32 32.1 of the Code of Virginia (1950), as amended~~, known as the Virginia Rescue Squads Assistance Act Fund, vests authority for the administration of the Act fund in the State Board of Health. The law specifically requires that the board administer the Act fund in accordance with regulations promulgated for that purpose.

1-02 § 2.2. Purpose of regulations: regulation.

The State Board of Health has promulgated these regulations *this regulation* in order to ensure a fair and equitable means of administration and distribution of the Virginia Rescue Squads Assistance Fund among the rescue squads and other nonprofit emergency medical services agencies and for the training of the personnel of such squads and agencies .

1-03 § 2.3. Administration of regulations: regulation.

These regulations *This regulation* shall be administered by the following:

1-03-01 1. State Board of Health. The Board of Health shall have the responsibility to promulgate, amend, and repeal, as appropriate, regulations for the administration of the Act;

1-03-02 2. State Health Commissioner. The Commissioner, as executive officer of the board, shall administer these regulations *this regulation* and disburse the funds from the Virginia Rescue Squads Assistance Fund;

1-03-03 3. Emergency Medical Services Advisory Council Board . The EMS Advisory Council shall have the responsibility to review applications and recommend priorities for the award of funds within the scope of the criteria established by these regulations. The Council may, by majority vote, delegate its responsibilities to an Emergency Medical Services Financial Assistance Review Committee. The EMS Advisory Board shall have the responsibility to review applications and recommend priorities for the award of funds within the scope of the criteria established by the regulations. The EMS Advisory Board shall delegate its responsibility to a Financial Assistance Review Committee.

D. Financial Assistance Review Committee.

The EMS Advisory Board shall by majority vote elect six members of the EMS Board to serve on a Financial Assistance Review Committee. Each member shall be elected for a two-year term, except that when members are elected in 1990, three members shall be elected for a two-year term and three members shall be elected for a three-year term. Members may serve more than a two-year term.

Any vacancy shall be filled by an election and for the unexpired term. The committee shall represent multiple EMS components. The committee shall elect a chairman by majority vote from among its members.

§ 2.4. Quorum.

A quorum for meeting of the Financial Assistance Review Committee shall consist of not less than four members.

1-04 § 2.5. Application of regulations regulation .

These regulations *This regulation* shall have general application throughout the Commonwealth.

1-05 § 2.6. Effective date of regulations regulation .

These regulations *This regulation* shall become effective January 1, 1979 .

1-07 Severability

If any provision of these regulations or the application thereof to any person or circumstances is held to be invalid, such invalidity shall not affect other provisions or application of any other part of these regulations which can be given effect without the invalid provisions or applications. To this end the provisions of these regulations are declared to be severable.

Section 3-00

PART III. REQUIREMENTS AND CONDITIONS.

3-01 § 3.1. Award of funds.

The following requirements shall apply to the award of funds:

3-01-01 1. Eligibility. Any nonprofit emergency medical services agency within the Commonwealth of Virginia may apply for funds.

3-01-02 2. Criteria. Award of funds shall be based upon the following criteria:

a. Establishment of a new EMS agency, program, or service where needed to improve emergency medical services offered in an area;

Proposed Regulations

b. Expansion or improvement of an existing EMS agency, program or service to meet state or federal standards or requirements or other needs for service or programs ;

c. Replacement of equipment which is unserviceable or procurement of new equipment provided that in the award of Funds for the purchase of EMS vehicles preference shall be given to those vehicles which meet or exceed the current state or federal standards for the type of vehicle; . EMS vehicles purchased with Virginia Rescue Squad Assistance Funds shall meet or exceed the current state or federal standards for the type of vehicle purchased;

d. Establishment, expansion or improvement of programs of EMS training;

e. Hardship cases as approved by the Commissioner All programs, services, and equipment funded by the Virginia Rescue Squad Assistance Fund shall comply with all plans, policies, procedures and guidelines adopted by the State EMS Advisory Board ;

f. Those applicants having a positive history of which are licensed EMS agencies must be in compliance with the Regulations of the Board of Health Governing Ambulance Services Emergency Medical Services and the Health Codes of Virginia as they may apply.

~~3-01-03~~ 3. Grant period. The grant period shall be for a period of 12 months from the date of the award.

a. There shall be two review cycles per year.

b. Deadlines for submission of applications shall be September 15 and March 15 of each year. Applications must be received in the Division of EMS office by 5 p.m. on the date of the deadline. In the event the deadline falls on a Saturday, Sunday, state or federal holiday, the application must be received by 5 p.m. in the Division of EMS office the next business day.

b. c. Dates of award shall be January 1 and July 1 of each year.

e. d. All other appropriate dates in the award process shall be as established by the Commissioner division .

~~3-02~~ § 3.2. Reserved funds.

The Commissioner shall have the right to reserve a portion of the Fund for training purposes and the administration of the Virginia Rescue Squads Assistance Act. Proposals developed for use of the reserved training funds shall be evaluated by the Council along with all other applications. The Financial Assistance Review Committee may reserve a portion of the fund for

emergency purposes. The funds reserved shall not exceed 10% of the total funds available for any one cycle, and shall not accumulate in excess of \$100,000.

Funds in the reserve may be used for any man-made disaster or natural disaster so long as the requirements set forth in § 3.2 of this regulation are met. Applications shall be made to the division.

The Financial Assistance Review Committee shall have discretion in making a recommendation to the commissioner for an award.

The Financial Assistance Review Committee shall make recommendation to the commissioner within 30 days after receipt of applications and the commissioner shall make or reject an award within 10 days after receiving a recommendation from the Financial Assistance Review Committee.

~~3-03~~ § 3.3. Amount of award.

The amount of award granted an applicant shall not exceed 50% of the cost of the project except in documented and approved cases of hardship in which case the amount shall not exceed eighty percent (80%) and awards granted under § 3.2 of this regulation .

~~3-03-01~~ A. Basis.

The amount of award shall be based upon the amount obligated under requested for the project.

~~3-03-02~~ B. Determination by the Council Financial Assistance Review Committee .

The Council Financial Assistance Review Committee shall recommend the percentage of award based upon its determination of reasonable cost for the project.

~~3-03-03~~ C. Hardship cases.

Additional funding to a maximum of thirty percent (30%) shall be reserved for those unique situations where the applicant is able to demonstrate the lack of any reasonable capability to generate a 50% match. The additional funding above a 50% match will be determined by the Financial Assistance Review Committee.

~~3-03-04~~ D. Hardship criteria.

Hardship cases shall require the approval of the Commissioner. It shall be the responsibility of the applicant to provide adequate data to substantiate any claim for hardship status in accordance with criteria and guidelines promulgated by the Financial Assistance Review Committee for that purpose . Criteria the Commissioner shall consider as supplied where possible by the planning district commission, shall include but not be limited to the following:

Proposed Regulations

- a. Population density;
- b. Service area;
- c. Per capita income;
- d. Unique service need;
- e. Previous funding from any source;
- f. Local economic conditions prohibiting normal funding;
- g. Impact of the lack of such funding on EMS in the area.

3.04 § 3.4. Use of funds.

Funds shall be used only for the items, service, or purposes programs for which they were awarded by the Commissioner .

3.04.01 A. Agreement.

The applicant or grantee shall be required to sign an agreement that any funds disbursed shall be properly used and accounted for at all times. *The required agreement form attached as Appendix A shall be made a part of this regulation.*

3.04.02 B. Period of use.

Funds shall not be used for expenditures made prior to the date of the award nor for obligations incurred after the conclusion date for the grant period.

3.04.03 C. Prohibited use.

No funds shall be approved or used for capital outlay for any construction projects or for daily operations costs, i.e., gasoline, oil, tires, insurance, etc.

3.04.04 D. Improper expenditures.

Should any audit reveal expenditures not permitted by the conditions of the award the grantee shall be held responsible for repayment.

3.05 § 3.5. Responsibilities of the grantee.

3.05.01 A. Nondiscrimination.

The grantee shall not discriminate in the provision of its services or in the conduct of its business or affairs on the basis of race, color, creed, religion, sex, or national origin.

3.05.02 B. Compliance with regulations. *regulation.*

The grantee shall comply with these regulations *this regulation* ; and with the regulations of the Board of Health Governing Ambulance Services *Emergency Medical*

Services; with all plans, policies, procedures and guidelines adopted by the State EMS Advisory Board and with the Health Codes of Virginia as they may apply this regulation . The grantee shall be responsible for ensuring that items and services purchased in whole or in part with the use of the state moneys comply with the Regulations of the Board of Health Governing Ambulance Services as they may apply. *this regulation.*

3.05.03 C. Records.

The grantee shall be responsible for the preparation and maintenance of proper accounting records which shall be maintained for a period of not less than five years and which shall be subject to and available for inspection by the commissioner or his agent and for state audit inspections.

3.05.04 D. Final report.

The grantee shall be required to submit a final report to the Commissioner *Division of EMS* within sixty (60) days of the final disbursement of awarded funds. Final report shall *be on forms furnished by the division* and consist of a financial report for the project and a brief narrative describing the completed project.

3.06 § 3.6. Ownership.

The following requirements shall apply to the ownership of equipment purchased in whole or in part with the use of state moneys.

3.06.01 A. Title.

Title for all equipment including EMS vehicles shall be in the name of the organization to which the award has been made *or in the name of the local jurisdiction in which the organization is located* .

3.06.02 B. Use and disposal.

Conditions for the use and disposal of equipment shall require prior approval by the commissioner.

3.07 EMS Financial Assistance Review Committee - If the Council elects to appoint an EMS Financial Assistance Review Committee, membership of such committee shall consist of not less than (5) nor more than seven (7) members representing the multiple EMS components, each to serve a period of one (1) year, or until a successor is appointed. No person may serve more than two (2) consecutive terms.

Section 4-00

PART IV. APPLICATION AND AWARD.

4.01 § 4.1. Application and review.

Proposed Regulations

All applications shall be processed according to the following procedures:

~~4.01-01~~ 1. Application. The applicant shall file written application for a proposed project with the ~~Commissioner~~ *Division of EMS* on forms as specified by the board prior to the application deadline as specified in § 3.1 3 b.

~~4.01-02~~ 2. Verification and distribution. The ~~Department~~ *division* may verify any or all information contained in the application and shall screen the application for completeness and compliance with this regulation. Within 10 days from the application deadline the ~~Department~~ *division* shall complete verification and shall send a complete copy of the application to each of the following:

- a. The appropriate Regional EMS Council ~~where one exists~~ ;
- b. The appropriate *Division of EMS* program representative;
- c. The *Division of EMS communications engineer* if applicant request is for communications equipment or project; and
- ~~b. d.~~ Any other parties deemed appropriate by the ~~Commissioner~~ *Division of EMS* .

~~4.01-03~~ 3. Review. The persons and organizations specified in ~~section 4.1-B.~~ § 4.1 2 shall review the application and return it to the ~~Commissioner~~ *Division of EMS* with their recommendations, review criteria and comments within ~~thirty~~ (30) days of receipt. The failure to return the recommendations within the specified period shall constitute a recommendation of approval.

~~4.01-04~~ 4. Processing. Within ~~ten~~ (10) days of receipt of the reviewed applications the ~~Commissioner~~ *Division of EMS* shall send completed copies of the applications with all appropriate comments and recommendations to the ~~Council~~ *Financial Assistance Review Committee* .

~~4.01-05~~ 5. Evaluation. The ~~Council~~ *Financial Assistance Review Committee* shall evaluate all applications based upon the criteria established in ~~section 3.02-02~~ *this regulation and other criteria they deem necessary* . The ~~Council~~ *Financial Assistance Review Committee* shall submit to the ~~Commissioner~~ *Division of EMS* a list ~~in order of priority~~ of those projects which are recommended for award of funds within ~~thirty~~ (30) 45 days of receipt of the applications.

4.02 § 4.2. Awards.

~~Only The Commissioner~~ *Division of EMS* shall have the authority to award funds ~~make awards after being~~

authorized by the commissioner to award funds .

~~4.02-01~~ A. Date of award.

Awards shall be made and the applicants notified by the ~~Commissioner~~ *Division of EMS* within ~~twenty~~ (20) days of the date of the award.

~~4.02-02~~ B. Conditions of award.

An award shall remain in effect with the following conditions:

- a. 1. Awards shall remain in effect for the grant period unless and until revoked or suspended by the ~~Commissioner~~ *Division of EMS* ;
- b. 2. Awards shall neither be transferable nor renewable.

~~4.02-03~~ C. Disbursement of funds.

Funds may be disbursed to the grantee at any time within the grant period.

- a. 1. Agreement to any attached conditions shall be secured prior to any disbursements.
- b. 2. Disbursements shall ordinarily be made on a reimbursement basis. Following expenditure or obligation of funds for items or services approved in the award, the project director shall submit a reimbursement voucher to the ~~Commissioner~~ *Division of EMS* . The ~~Commissioner~~ *Division of EMS* shall then disburse the appropriate funds.
- e. 3. Funds not obligated by formal contract by the end of the grant period shall revert to the fund unless the grant period is extended.

~~4.03~~ § 4.3. Modification of an award.

Any changes in the project, including any changes in the approved items or services, shall be permitted only by modification of the award.

~~4.03-01~~ A. Request.

The grantee shall request in writing the modifications desired and the reasons and circumstances necessitating such a request *to the division* .

~~4.03-02~~ B. Approval.

~~Only The Commissioner~~ *Division of EMS* may modify an award *after the commissioner has made the award* .

~~a.1.~~ C. The ~~Commissioner~~ *Division of EMS* may take any appropriate action ~~he deems advisable~~ which may include but shall not be limited to the following:

Proposed Regulations

1. Request full or partial review and recommendation from the Financial Assistance Review Committee on the requested modification;

2. Approval;

3. Refusal.

b. D. The Commissioner Division of EMS shall render his a decision within thirty (30) days of receipt of the request unless he seeks the full review and recommendations of the Council Financial Assistance Review Committee is requested , in which case he the Division of EMS shall respond within sixty (60) days of receipt of the request.

4.04 § 4.4. Extension of grant period.

Any extension of the period shall require approval by the Commissioner Division of EMS .

4.04.01 A. Request.

The grantee shall request in writing the extension desired and the reasons and circumstances necessitating such a request.

4.04.02 B. Approval.

The Commissioner Division of EMS shall render a decision within thirty (30) days of receipt of the request.

4.054.5 § 4.5. Suspension of an award.

The Commissioner Division of EMS may suspend an award and all disbursements of funds attached thereto without a hearing pending an investigation and revocation procedures.

4.05.01 A. Cause.

There shall exist reasonable cause for suspension prior to such action by the Commissioner Division of EMS . Such cause shall include:

a. 1. Failure to comply with these regulations this regulation ;

b. 2. Failure to comply with the Regulations of the Board of Health Governing Ambulance Services Emergency Medical Services as they may apply;

3. Failure to comply with any plans, policies, procedures and guidelines adopted by the State EMS Advisory Board and the Health Codes of Virginia as they may apply;

e. 4. Violation of the terms of any conditions or agreement attached to an award;

d. 5. A reasonable belief by the Commissioner Division

of EMS that any such violations might otherwise continue unabated.

4.05.02 B. Notification.

The Commissioner Division of EMS shall notify the grantee of the suspension by certified mail to his last known address.

4.05.03 C. Period of effect.

A suspension shall take effect immediately upon receipt of notification unless otherwise specified. A suspension shall remain in effect until reinstated or revoked by the Commissioner division .

4.06 § 4.6. Revocation of an award.

The Commissioner Division of EMS may revoke an award and all disbursements of funds attached thereto after a hearing or waiver thereof.

4.06.01 A. Cause.

There shall exist reasonable cause for revocation prior to such action by the Commissioner Division of EMS . Such cause shall include : any condition as listed in § 4.5 A of this regulation.

a. Failure to comply with these regulations.

b. Failure to comply with the regulations of the Board of Health Governing Ambulance Services as they may apply;

e. Violation of the terms of any conditions or agreement attached to an award.

4.06.02 B. Notification.

The Commissioner Division of EMS shall notify the grantee of the revocation by certified mail to his last known address.

4.06.03 C. Period of effect.

A revocation shall take effect immediately upon receipt of notification unless otherwise specified. A revocation shall be permanent unless and until overturned on appeal.

AGREEMENT

AGREEMENT BETWEEN THE DIVISION OF EMERGENCY MEDICAL SERVICES AND _____ Agency Name As a As a grantee under the terms of the Virginia Rescue Squads Assistance Act Agency Name does hereby agree to abide by the following requirements and conditions.

1. Awards shall not be transferable.

Proposed Regulations

2. Any funds disbursed pursuant to an award be properly used and accounted for at all times. Funds shall be used only for the items, services or purposes for which they are awarded by the Commissioner .
3. Funds shall not be used for expenditures made prior to the date of the award nor for obligations incurred after the conclusion date for the grant period.
4. No funds shall be approved or used for capital outlay for any construction projects or for daily operations costs, i.e., gasoline, oil, tires, insurance, etc.
5. Should any audit reveal expenditures not permitted by the conditions of the award the grantee shall be held responsible for repayment.
6. Funds not obligated by formal contract by the end of the grant period shall revert to the Virginia Rescue Squads Assistance Fund unless the grant period is extended.
7. Title for any equipment purchased in whole or in part with the use of state moneys shall be in the name of the organization to which the award has been made or in the name of the local jurisdiction in which the organization is located .
8. The equipment purchased in whole or in part with the use of state monies shall be used for emergency purposes at least ~~.....~~ percent of the time.
9. The equipment purchased in whole or in part with the use of state moneys shall be used by the grantee and shall remain for use within the project area of the grant.
9. Sale, trade, transfer, or disposal, within *three* years of purchase, ~~or~~ of items purchased in whole or in part with the use of state moneys shall require prior approval by the *Commissioner Division* .
10. No Any conditions for use and disposal of equipment of project funds shall be attached.
11. The grantee shall not discriminate in the provision of its services or in the conduct of its business or affairs on the basis of race, color, creed, religion, sex, or national origin.
12. The grantee shall comply with the Regulations of the Board of Health Governing Financial Assistance for Emergency Medical Services; ~~and~~ the Regulations of the Board of Health Governing Ambulance Emergency Medical Services, as they apply . The grantee shall be responsible for ensuring that items and services purchased in whole or in part with the use of state monies comply with the Regulations of the Board of Health Governing Ambulance Services. ; all plans, policies, procedures and guidelines adopted by the State EMS Advisory Board as they may apply;

and the Health Codes of Virginia as they may apply.

13. The grantee shall be responsible for the preparation and maintenance of proper accounting records which shall be maintained for a period of not less than five years and which shall be subject to and available for inspection by the Commissioner or his agent and for state audit inspections.
14. The grantee shall be required to submit a final report to the ~~Commissioner~~ *Division* within 60 days of the final disbursement of awarded funds.

Name of Grantee

Name of Authorized Agent

Title of Authorized Agent

Signature of Authorized Agent

Date

BOARD OF MEDICINE

Title of Regulation: VR 465-02-01. Regulations Governing the Practice of Medicine, Osteopathic Medicine, Chiropractic, Podiatry, Clinical Psychology, and Acupuncture.

Statutory Authority: § 54.1-2400 and Chapter 29 (§ 54.1-2900 et seq.) of Title 54.1 of the Code of Virginia.

Public Hearing Date: N/A - Written comments may be submitted until November 10, 1989
(See Calendar of Events section for additional information)

Summary:

The proposed regulations establish the requirements for licensure by endorsement for medicine and osteopathy; the environment for supervised clinical pregraduate training in the United States; the periods of postgraduate training required; other approved postgraduate training that may be substituted, if approved by the board, for two years of the required three years of training in this country if substantially equivalent; and additional training required of a candidate who has failed the licensure examination after three unsuccessful attempts.

VR 465-02-01. Regulations Governing the Practice of Medicine, Osteopathic Medicine, Chiropractic, Podiatry, Clinical Psychology, and Acupuncture.

PART I. GENERAL PROVISIONS.

§ 1.1. Definitions.

Proposed Regulations

A. The following words and terms, when used in these regulations, shall have the meaning ascribed to them in § 54.1-2900 of the Code of Virginia:

Acupuncture

Board

Clinical psychologist

Practice of clinical psychology

Practice of medicine or osteopathy

Practice of chiropractic

Practice of podiatry

The healing arts.

B. The following words and terms, when used in these regulations, shall have the following meanings, unless the context clearly indicates otherwise:

"American institution" means any accredited licensed medical school, college of osteopathic medicine, school of podiatry, chiropractic college, or institution of higher education offering a doctoral program in clinical psychology, located in the United States, its territories, or Canada.

"Approved foreign institution" means any foreign institution that is approved by the board under the provisions of VR 465-02-2, Regulations for Granting Approval of Foreign Medical Schools and Other Foreign Institutions That Teach the Healing Arts.

"Foreign institution" means any medical school, college of osteopathic medicine, school of podiatry, chiropractic college, or institution of higher education offering a doctoral program in clinical psychology, located elsewhere than in the United States, its territories, or Canada.

"Home country" means the country in which a foreign institution's principal teaching and clinical facilities are located.

"Principal site" means the location in the home country where a foreign institution's principal teaching and clinical facilities are located.

§ 1.2. A separate Virginia State Board of Medicine regulation, VR 465-02-2, Requirements for Approval of Foreign Medical Schools and Other Foreign Institutions That Teach the Healing Arts, is incorporated by reference in these regulations. Prospective applicants for licensure in Virginia who studied at a foreign institution should refer to that regulation in addition to the regulations contained here.

§ 1.3. A separate board regulation, VR 465-01-1, entitled

Public Participation Guidelines, which provides for involvement of the public in the development of all regulations of the Virginia State Board of Medicine, is incorporated by reference in these regulations.

§ 1.4. Advertising ethics.

Any statement specifying a fee for professional services which does not include the cost of all related procedures, services and products which, to a substantial likelihood will be necessary for the completion of the advertised service as it would be understood by an ordinarily prudent person, shall be deemed to be deceptive or misleading, or both. Where reasonable disclosure of all relevant variables and considerations is made, a statement of a range of prices for specifically described services shall not be deemed to be deceptive or misleading.

§ 1.5. Vitamins, minerals and food supplements.

A. The use or recommendations of vitamins, minerals or food supplements and the rationale for that use or recommendation shall be documented by the practitioner. The rationale for said use must be therapeutically proven and not experimental.

B. Vitamins, minerals, or food supplements, or a combination of the three, shall not be sold, dispensed, recommended, prescribed, or suggested in toxic doses.

C. The practitioner shall conform to the standards of his particular branch of the healing arts in the therapeutic application of vitamins, minerals or food supplement therapy.

PART II. LICENSURE: GENERAL REQUIREMENTS AND LICENSURE BY EXAMINATION.

§ 2.1. Licensure, general.

A. No person shall practice medicine, osteopathy, chiropractic, podiatry, acupuncture, or clinical psychology in the Commonwealth of Virginia without a license from this board, except as provided in § 4.3, Exemption for temporary consultant, of these regulations.

B. For all applicants for licensure by this board except those in clinical psychology, licensure shall be by examination by this board or by endorsement, whichever is appropriate.

C. Applicants for licensure in clinical psychology shall take the examination of the Virginia State Board of Psychology, which will recommend those qualifying to the Board of Medicine for licensure.

§ 2.2. Licensure by examination.

A. Prerequisites to examination.

Proposed Regulations

1. Every applicant for examination by the Board of Medicine for initial licensure shall:

- a. Meet the educational requirements specified in subdivision 2 or 3 of this subsection;
- b. File the complete application and credentials required in subdivision 4 of this subsection with the executive director of the board not less than 75 days prior to the date of examination; and
- c. Pay the appropriate fee, specified in § 7.1, of these regulations, at the time of filing the application.

2. Education requirements: Graduates of American institutions.

Such an applicant shall be a graduate of an American institution that meets the criteria of subdivision a, b, c, or d of § 2.2 A.2, whichever is appropriate to the profession in which he seeks to be licensed:

- a. For licensure in medicine. The institution shall be a medical school that is approved or accredited by the Liaison Committee on Medical Education or other official accrediting body recognized by the American Medical Association, or by the Committee for the Accreditation of Canadian Medical Schools or its appropriate subsidiary agencies or any other organization approved by the board.
- b. For licensure in osteopathy. The institution shall be a college of osteopathic medicine that is approved or accredited by the Committee on Colleges and Bureau of Professional Education of the American Osteopathic Association or any other organization approved by the board.
- c. For licensure in podiatry. The institution shall be a school of podiatry approved and recommended by the Council on Podiatry Education of the American Podiatry Medical Association or any other organization approved by the board.
- d. For licensure in chiropractic.

(1) If the applicant matriculated in a chiropractic college on or after July 1, 1975, he shall be a graduate of a chiropractic college approved by the Commission on Accreditation of the Council of Chiropractic Education or any other organization approved by the board.

(2) If the applicant matriculated in a chiropractic college prior to July 1, 1975, he shall be a graduate of a chiropractic college approved by the American Chiropractic Association or the International Chiropractic Association or any other organization approved by the board.

3. Educational requirements: Graduates and former students of foreign institutions.

a. No person who studied at or graduated from a foreign institution shall be eligible for board examination unless that institution has been granted approval by the board according to the provisions of VR 465-02-2, Regulations for Granting Approval of Foreign Medical Schools and Other Foreign Institutions That Teach the Healing Arts.

b. A graduate of an approved foreign institution applying for board examination for licensure shall also present documentary evidence that he:

(1) Was enrolled and physically in attendance at the institution's principal site for a minimum of two consecutive years and fulfilled at least half of the degree requirements while enrolled two consecutive academic years at the institution's principal site.

(2) Received a degree from the institution; and

(3) Has fulfilled the applicable requirements of §§ 54.1-2930 and 54.1-2935 of the Code of Virginia.

c. A graduate of an approved foreign institution applying for examination for licensure in medicine or osteopathy shall also possess a standard Educational Council of Foreign Medical Graduates certificate (ECFMG), or its equivalent. Proof of licensure by the board of another state or territory of the United States or a Province of Canada may be accepted in lieu of ECFMG certification.

d. An applicant for examination for licensure in medicine who completed all degree requirements except social services and postgraduate internship at an approved foreign institution shall be admitted to examination provided that he:

(1) Was enrolled at the institution's principal site for a minimum of two consecutive years and fulfilled at least half of the degree requirements while enrolled at the institution's principal site;

(2) Has qualified for and completed an appropriate supervised clinical training program as established by the American Medical Association;

(3) Has completed the postgraduate hospital training required of all applicants for licensure as defined in §§ 54.1-2930 and 54.1-2935 of the Code of Virginia; and

(4) Presents a document issued by the approved foreign institution certifying that he has met all the formal requirements of the institution for a degree except social services and postgraduate internship.

These regulations are promulgated pursuant to §

54.1-2958 of the Code of Virginia and shall not be deemed to apply to graduates of foreign medical schools who matriculated before July 1, 1985. By resolution adopted at a public meeting on November 20, 1982, the board voted to promulgate the following regulations to be effective July 1, 1985, thereby placing potential foreign medical students on notice that such regulations would become effective on said date. Foreign medical students matriculating on and after July 1, 1985, should take care to determine whether their school satisfies these regulations before applying for licensure in Virginia. Inquiries may be directed to the board office at 1601 Rolling Hills Drive, Richmond, Virginia 23229-5005, (804) 662-9908.

4. Credentials to be filed prior to examination.

Applicants shall file with the executive director of the board, along with their applications for board examination (and at least 75 days prior to the date of examination) the credentials specified in subdivisions a, b, or c of § 2.2 A.4, whichever are appropriate:

a. Every applicant who is a graduate of an American institution shall file:

(1) Documentary evidence that he received a degree from the institution; and

(2) A complete chronological record of all professional activities since graduation, giving location, dates, and types of services performed.

b. Every applicant who attended a foreign institution shall file:

(1) The documentary evidence of education required by subdivisions 3.b, c, or d of this subsection, whichever is or are appropriate;

(2) For all such documents not in the English language, a translation made and endorsed by the consul of the home country of the applicant or by a professional translating service; and

(3) A complete chronological record of all professional activities since the applicant attended the foreign institution, giving location, dates, and types of services performed.

c. Every applicant discharged from the United States military service within the last 10 years shall in addition file with his application a notarized photostatic copy of his discharge papers.

B. Applicants for licensure by board examination shall take the appropriate examination prescribed by the board as provided in § 3.1 Examinations, of these regulations.

§ 2.3. Supervision of unlicensed persons practicing as psychologists in exempt settings.

A. Supervision.

Pursuant to subdivision 4 of § 54.1-3601 of the Code of Virginia, supervision by a licensed psychologists, shall mean that the supervisor shall:

1. Provide supervision of unlicensed personnel who are providing psychological services as defined in § 54.1-3600 and who are functioning in practice and title as a professional psychologist, including the review of assessment protocols, intervention plans and psychological reports, with review denoted by countersignature on all client records and reports as specified in the required protocols within 30 days of origination;

2. Determine and carry out instructional and evaluative consultation with supervisees appropriate to their levels of training and skill, and adjust their service delivery according to current standards of professional practice; and

3. Supervise only those psychological services that fall within the supervisor's area of competence as demonstrated by his own professional practice and experience.

B. Reporting.

A clinical psychologist who is providing supervision, as provided for in subdivision 4 of § 54.1-3601, shall:

1. Submit to the board, within 120 days of the effective date of this regulation, a copy of the supervisory protocol established for each unlicensed supervisee and signed by the supervisor, supervisee, and authorized representative of the institution or agency.

2. Notify the board of any changes in supervisory relationships, including terminations or additions, prior to or within 10 days of such change, with copies of supervisory protocol for all new supervisory relationships to follow within 30 days of such notice.

PART III. EXAMINATIONS.

§ 3.1. Examinations, general.

The following general provisions shall apply for applicants taking Board of Medicine examinations:

A. Applicants may take Parts I and II of the Federation Licensing Examination (FLEX) separately or as a unit. However, in no case shall an applicant who has not passed Part I be eligible to sit for Part II as a separate examination.

B. A minimum score of 75 is required for passing each part of the examination for licensure administered or

Proposed Regulations

recognized by the board.

§ 3.2. Reexamination.

An applicant for licensure by examination who fails three consecutive attempts to pass the examination(s) administered by the board shall be eligible to sit for another series of three consecutive attempts upon presenting proof to the Credentials Committee of the board that he has fulfilled the requirements of subsection A, B, or C of this section, whichever is appropriate.

A. An applicant for licensure in medicine or osteopathy who fails three consecutive attempts to pass Part I and Part II of the FLEX examination in Virginia or any other state or territory of the United States, the District of Columbia, or Province of Canada, shall engage in one year of additional postgraduate training to be obtained in a hospital in the United States or Canada approved by the American Medical Association or the American Osteopathic Association.

B. An applicant for licensure in podiatry who fails three consecutive attempts to pass the Virginia examination administered by the board shall appear before the Credentials Committee of the board and shall engage in such additional postgraduate training as may be deemed appropriate by the Credentials Committee.

C. An unsuccessful candidate for chiropractic licensure after each series of three unsuccessful attempts for licensure by examination, shall engage in one year of additional professional training approved by the board before he will be eligible to retake another series of examinations.

§ 3.3. Administration of examination.

A. The board may employ monitors for the examination.

B. For examinations given by the board other than those for which answer sheets are furnished, plain paper shall be used, preferably white, and no reference shall be made indicating either school or date of graduation. One side of paper only may be written upon and as soon as each sheet is finished, it shall be reversed to prevent its being read by others.

C. Questions will be given out and papers collected punctually at the appointed time and all papers shall be handed in at once when expiration time is announced by the chief proctor.

D. Sections of the examination shall be in such sequence as may be determined by the Federation Licensure Examination (FLEX) Committee or appropriate testing agency.

E. The order of examination shall be posted or announced at the discretion of the board. If the board has no objections, the examiners may exchange hours or days

of monitoring the examination.

F. For the guidance of examiners and examinees, the following rules shall govern the examination.

1. Only members of the board, office staff, proctors, and applicants shall be permitted in the examination room, except by consent of the chief proctor.

2. Applicants shall be seated as far apart as possible at desks or desk chairs and each shall have in plain view an admission card bearing his number and photograph.

3. No examinee shall have any compendium, notes or textbooks in the examination room.

4. Any conversation between applicants will be considered prima facie evidence of an attempt to give or receive assistance.

5. Applicants are not permitted to leave the room except by permission of and when accompanied by an examiner or monitor.

6. The use of unfair methods will be grounds to disqualify an applicant from further examination at that meeting.

7. No examiner shall tell an applicant his grade until the executive director has notified the applicant that he has passed or failed.

8. No examination will be given in absentia or at any time other than the regularly scheduled examination.

9. The chief proctor shall follow the rules and regulations recommended by the FLEX Test Committee or other testing agencies.

§ 3.4. Scoring of examination.

Scores forwarded to the executive director shall be provided to the candidate within 30 days or receipt of the scores provided by the testing service.

PART IV. LICENSURE BY ENDORSEMENT.

§ 4.1. Licensure by endorsement.

A. An applicant for licensure by endorsement will be considered on his merits and in no case shall be licensed unless the Credentials Committee is satisfied that he has passed an examination equivalent to the Virginia Board of Medicine examination at the time he was examined and meets all other requirements of the Virginia Board of Medicine.

B. A Doctor of Medicine who meets the requirements of the Virginia Board of Medicine and has passed the

Proposed Regulations

examination of the National Board of Medical Examiners, FLEX, or the examination of the Licensing Medical Council of Canada may be accepted for licensure by endorsement without further examination.

No applicant for licensure to practice medicine and surgery by endorsement will be considered for licensure unless the applicant has met all the following requirements for pre or postgraduate training as follows:

1. Graduates of schools of medicine approved by an accrediting agency recognized by the board shall have completed one year of satisfactory postgraduate training in a hospital approved by the Accreditation Council for Graduate Medical Education, Licensing Medical Council of Canada or other official accrediting body recognized by the American Medical Association for intern or residency training.

2. Graduates of schools of medicine not approved by an accrediting agency recognized by the board who serve supervised clinical training in the United States as part of the curriculum of a foreign medical school, shall serve the clerkships in an approved hospital, institution or school of medicine offering an approved residency program in the specialty area for the clinical training received.

3. Graduates of schools of medicine not approved by an accrediting agency recognized by the board shall have completed three years of satisfactory postgraduate training in a hospital approved by the Accreditation Council for Graduate Medical Education, Licensing Medical Council of Canada or other official accrediting body recognized by the American Medical Association for intern or residency training. The board may consider other approved postgraduate training in the United States or Canada as a substitute for up to two of the three years of the required postgraduate training if it finds that such training is substantially equivalent to that required by these regulations.

4. An applicant for licensure by the FLEX examination who has experienced more than three unsuccessful attempts, shall submit proof of one additional year of approved postgraduate studies in the United States following each series of three attempts to pass the FLEX to be eligible for licensure to practice medicine and surgery in Virginia.

C. A Doctor of Osteopathy who meets the requirements of the Virginia Board of Medicine and has passed the examination of the National Board of Osteopathic Examiners may be accepted for licensure by endorsement without further examination.

No applicant for licensure to practice osteopathy by endorsement will be considered for licensure unless the applicant has met all the following requirements for pre or postgraduate training as follows:

1. Graduates of schools of osteopathy approved by an accrediting agency recognized by the board shall have completed one year of satisfactory postgraduate training in a hospital approved by the American Osteopathic Association, Licensing Medical Council of Canada or other official accrediting body recognized by the American Medical Association for intern or residency training.

2. Graduates of schools of osteopathy not approved by an accrediting agency recognized by the board who serve supervised clinical training in the United States as part of curriculum of a foreign osteopathic school, shall serve the clerkships in an approved hospital, institution or school of osteopathy offering an approved residency program in the specialty area for the clinical training received.

3. Graduates of schools of osteopathy not approved by an accrediting agency recognized by the board shall have completed three years of satisfactory postgraduate training in a hospital approved by the American Osteopathic Association, Licensing Medical Council of Canada or other official accrediting body recognized by the American Medical Association for intern or residency training. The board may consider other approved postgraduate training in the United States or Canada as a substitute for up to two of the three years of the required postgraduate training if it finds that such training is substantially equivalent to that required by these regulations.

4. An applicant for licensure by the FLEX examination who has experienced more than three unsuccessful attempts, shall submit proof of one additional year of approved postgraduate studies in the United States following each series of three attempts to pass the FLEX to be eligible for licensure to practice osteopathy and surgery in Virginia.

D. A Doctor of Podiatry who meets the requirements of the Virginia Board of Medicine and has passed the National Board of Podiatry Examiners examination and has passed a clinical competence examination equivalent to the Virginia Board of Medicine examination may be accepted for licensure by endorsement without further examination.

E. A Doctor of Chiropractic who meets the requirements of the Virginia Board of Medicine, who has passed the National Board of Chiropractic Examiners examination, and has passed an examination equivalent to the Virginia Board of Medicine Part III examination, may be accepted for licensure without further examination.

§ 4.2. Licensure to practice acupuncture.

Acupuncture is an experimental therapeutic procedure, used primarily for the relief of pain, which involves the insertion of needles at various points in the human body. There are many acupuncture points, and these points are

Proposed Regulations

located on most portions of the human body. Insufficient information is available regarding the general usefulness of acupuncture and the risks attendant. Among the risks that attend upon it are the possibilities of prolonged and inappropriate therapy. It is clear that the administration of acupuncture is accompanied by the possibility of serious side effects and injuries, and there are reported cases of such injuries. Possible complications and injuries include peritonitis, damage from broken needles, infections, serum hepatitis, acquired immunity deficiency syndrome, pneumothorax, cerebral vascular accident (stroke), damage to the eye or the external or middle ear, and the inducement of cardiac arrhythmia.

In the judgment of the board, acupuncture shall be performed only by those practitioners of the healing arts who are trained and experienced in medicine, as only such a practitioner has (i) skill and equipment to determine the underlying cause of the pain; (ii) the capability of administering acupuncture in the context of a complete patient medical program in which other methods of therapeutics and relief of pain, including the use of drugs and other medicines, are considered and coordinated with the acupuncture treatment; and (iii) skill and training which will minimize the risks attendant with its use.

Based on the foregoing considerations, the board will license as acupuncturists only doctors of medicine, osteopathy, and podiatry, as only these practitioners have demonstrated a competence in medicine by passing the medicine/osteopathy licensure examination or podiatry licensure examination.

A. No person shall practice acupuncture in the Commonwealth of Virginia without being licensed by the board to do so.

B. The board shall license as acupuncturists only licensed doctors of medicine, osteopathy, and podiatry. Such licensure shall be subject to the following conditions:

The applicant shall first have obtained:

1. At least 100 hours of instruction in general and basic aspects, specific uses and techniques of acupuncture and indications and contraindications for acupuncture administration; and
2. At least 100 hours of supervised clinical experience approved by the Board of Medicine and under the supervision of a currently licensed physician in acupuncture.

C. A podiatrist may use acupuncture only for treatment of pain syndromes originating in the human foot.

D. The licensee shall maintain records of the diagnosis, treatment and patient response to acupuncture and shall submit records to the board upon request.

§ 4.3. Exemption for temporary consultant.

A. A practitioner may be exempted from licensure in Virginia if:

1. He is authorized by another state or foreign country to practice the healing arts;
2. Authorization for such exemption is granted by the executive director of the board; and
3. The practitioner is called in for consultation by a licensee of the Virginia State Board of Medicine.

B. Such practitioner shall not open an office or designate a place to meet patients or receive calls from his patient within this Commonwealth, nor shall he be exempted from licensure for more than two weeks unless such continued exemption is expressly approved by the board upon a showing of good cause.

PART V. RENEWAL OF LICENSE; REINSTATEMENT.

§ 5.1. Renewal of license.

Every licensee who intends to continue his practice shall renew his license biennially during his birth month and pay to the board the renewal fee prescribed in § 7.1, Fees ..., of these regulations.

A. A practitioner who has not renewed his license by the first day of the month following the month in which renewal is required shall be dropped from the registration roll.

B. An additional fee to cover administrative costs for processing a late application shall be imposed by the board. The additional fee for late renewal of licensure shall be \$25 for each renewal cycle.

§ 5.2. Reinstatement of lapsed license.

A practitioner who has not renewed his certificate in accordance with § 54.1-2904 of the Code of Virginia for two successive years or more and who requests reinstatement of licensure shall:

A. Submit to the board a chronological account of his professional activities since the last renewal of his license; and

B. Pay the reinstatement fee prescribed in § 7.1 of these regulations.

PART VI. ADVISORY COMMITTEES AND PROFESSIONAL BOARDS.

§ 6.1. Advisory committees to the board.

A. Advisory Committee on Acupuncture.

Proposed Regulations

The board may appoint an Advisory Committee on Acupuncture from licensed practitioners in this Commonwealth to advise and assist the board on all matters relating to acupuncture. The committee shall consist of three members from the state-at-large and two members from the board. Nothing herein is to be construed to make any recommendation by the Advisory Committee on Acupuncture binding upon the board. The term of office of each member of the committee shall be for one year or until his successor is appointed.

B. Psychiatric Advisory Committee.

1. The board may appoint a Psychiatric Advisory Committee from licensed practitioners in this Commonwealth to examine persons licensed under these regulations and advise the board concerning the mental or emotional condition of such person when his mental or emotional condition is an issue before the board. Nothing herein is to be construed to make any recommendations by the Psychiatric Advisory Committee binding upon the Board of Medicine.

2. The term of office for each member of the Psychiatric Advisory Committee shall be one year or until his successor is appointed.

PART VII. FEES REQUIRED BY THE BOARD.

§ 7.1. Fees required by the board are:

A. Examination fee for medicine or osteopathy: The fee for the Federation Licensing Examination (FLEX) for Component I shall be \$275 and Component II shall be \$275.

B. Examination fee for podiatry: The fee for the Virginia Podiatry Examination shall be \$250.

C. Examination fee for chiropractic: The fee for the Virginia Chiropractic Examination shall be \$250.

D. The fees for taking the FLEX, podiatry, and chiropractic examination are nonrefundable. An applicant may, upon request 21 days prior to the scheduled exam, and payment of a \$100 fee, reschedule for the next time such examination is given.

E. The fee for rescoring the Virginia Chiropractic Examination or the Virginia Podiatry Examination shall be \$75.

F. Certification of licensure: The fee for certification of licensure/grades to another state or the District of Columbia by the board shall be \$25. The fee shall be due and payable upon submitting the form to the board.

G. The fee for a limited license issued pursuant to § 54.1-2936 of the Code of Virginia shall be \$125. The annual renewal is \$25.

H. The fee for a duplicate certificate shall be \$25.

I. Biennial renewal of license: The fee for renewal shall be \$125, due in the licensee's birth month. An additional fee to cover administrative costs for processing a late application may be imposed by the board. The additional fee for late renewal of licensure shall be \$25 for each renewal cycle.

J. The fee for requesting reinstatement of licensure pursuant to § 54.1-2921 of the Code of Virginia shall be \$750.

K. The fee for a temporary permit to practice medicine pursuant to § 54.1-2927 B of the Code of Virginia shall be \$25.

L. The fee for licensure by endorsement for medicine, osteopathy, chiropractic, and podiatry shall be \$300.

M. The fee for licensure to practice acupuncture shall be \$100. The biennial renewal fee shall be \$80, due and payable by June 30 of each even-numbered year.

N. Lapsed license: The fee for reinstatement of a license issued by the Board of Medicine pursuant to § 54.1-2904, which has expired for a period of two years or more, shall be \$250 and shall be submitted with an application for licensure reinstatement.

O. The fee for a limited license issued pursuant to § 54.1-2937 shall be \$10 a year. An additional fee for late renewal of licensure shall be \$10.

P. The fee for a letter of good standing/verification to another state for a license shall be \$10.

HRB-30-034
Revised: 06-08-88

AMERICAN

INSTRUCTIONS FOR COMPLETING FLEX ENDORSEMENT APPLICATION

Completed application should be returned to this office along with the statutory licensure fee of \$300.00, made payable to the Treasurer of Virginia, by CERTIFIED CHECK or MONEY ORDER. PERSONAL CHECKS WILL BE RETURNED.

FEES SENT BEFORE THE RECEIPT OF AN APPLICATION WILL BE RETURNED.

APPLICATION SENT WITHOUT THE FEE WILL BE RETURNED.

1. Send enclosed card to the Federation of State Medical Boards.
2. Forward the entire application to your professional school of graduation for certification of your professional degree (bottom, page 4). You may, a) attach your CERTIFIED CHECK or MONEY ORDER to the application and forward to your school for completion and have them sent directly to the Board of Medicine, or, b) you may forward the application to your school for completion of the education section and have them return the application to you to attach the CERTIFIED CHECK or MONEY ORDER and send to the Board of Medicine.
3. Provide this office with a transcript of grades from your professional school. We will accept an unofficial copy.
4. Forward form #B (Hospital/employment questionnaire) to each place of training and/or employment that you have listed on the chronological page of your application. All professional activities since graduation from your professional school, or for the past ten years, must be included.
5. Follow instructions as directed on form #C (State questionnaire). FORMS #B AND #C MAY BE XEROXED FOR YOUR CONVENIENCE.
6. Complete form #D (AMA/AOA Profile) where designated, and forward as directed.
7. All candidates must have one year of approved post-graduate training in the United States or Canada. If your training was completed over ten years ago, submit a copy of certificate of internship or residency.
8. If you have been discharged from the United States Military Service within the past ten years, submit a photostatic notarized copy of your discharge papers.

If a candidate withdraws after the application has been submitted, a processing fee will be retained by the Board.

YOUR APPLICATION WILL NOT BE CONSIDERED COMPLETE UNTIL ALL OF THE REQUIRED INFORMATION IS RECEIVED. ADDITIONAL INFORMATION MAY BE REQUESTED.

HRB-30-034
REVISED: 11/29/88

INSTRUCTIONS FOR COMPLETING FLEX ENDORSEMENT APPLICATION

FOREIGN GRADUATE APPLICANTS

Completed application should be returned to this office along with the statutory licensure fee of \$300.00, made payable to the Treasurer of Virginia, by CERTIFIED CHECK or MONEY ORDER. PERSONAL CHECKS WILL BE RETURNED.

FEES SENT BEFORE THE RECEIPT OF AN APPLICATION WILL BE RETURNED.

APPLICATIONS SENT WITHOUT THE FEE WILL BE RETURNED.

- 1) Send enclosed card to the Federation of State Medical Boards.
- 2) Submit a notarized copy of your professional school diploma with the English translation, along with a transcript of grades from your professional school. DO NOT SEND MEDICAL EDUCATION SECTION OF APPLICATION TO YOUR MEDICAL SCHOOL.
- 3) Forward form #G to the ECFMG office as directed.
- 4) Forward form #B (Hospital/employment questionnaire) to each place of training and/or employment that you have listed on the chronological page of your application. All professional activities since graduation from your professional school, or for the past ten years, must be included.
- 5) Follow instructions as directed on form #C (State questionnaire).

FORMS #B AND #C MAY BE XEROXED FOR YOUR CONVENIENCE.

- 6) Completed form #D (AMA/AOA Profile) where designated, and forward as directed.

NOTE: AS OF JULY 1, 1988:

- 7) All candidates must have three (3) years of approved postgraduate training in the United States or Canada. The Board may, in its discretion, consider other postgraduate training as a substitute for up to two of the three years of the required postgraduate training if it

finds that such training is substantially equivalent to that required by this section. If your training was completed over ten years ago, submit a copy of a certificate of internship or residency.

- 8) If you have been discharged from the United States Military Service within the past ten years, submit a photostatic copy of your discharge papers.

If a candidate withdraws after the application has been submitted, a processing fee will be retained by the Board.

YOUR APPLICATION WILL NOT BE CONSIDERED COMPLETE UNTIL ALL OF THE REQUIRED INFORMATION IS RECEIVED.

ADDITIONAL INFORMATION MAY BE REQUIRED

HR9-30-056
11-13-87

COMMONWEALTH of VIRGINIA

DEPT. OF HEALTH PROFESSIONS
BOARD OF MEDICINE
1801 ROLLING HILLS DR.
RICHMOND, VA 23229-5005

EXAM _____

END _____

APPLICATION
FOR A
CERTIFICATE
TO PRACTICE
MEDICINE/OSTEOPATHY

SECURELY PASTE A PASSPORT-TYPE PHOTOGRAPH NOT LESS THAN 2 1/4" x 2 1/2" IN THIS SPACE

PLEASE SIGN PHOTO

TO THE BOARD OF MEDICINE OF VIRGINIA:

I HEREBY MAKE APPLICATION FOR A CERTIFICATE TO PRACTICE MEDICINE/OSTEOPATHY IN THE STATE OF VIRGINIA AND SUBMIT THE FOLLOWING STATEMENTS:

1. NAME IN FULL (PLEASE PRINT OR TYPE)

(LAST)	(FIRST)	(MIDDLE/MAIDEN)	(GENDER)
(STREET)	(CITY)	(STATE)	(ZIP CODE)
(DATE OF BIRTH) MO DAY YR	(PLACE OF BIRTH)	(SOCIAL SECURITY NUMBER)	
(GRADUATION DATE) MO DAY YR	(PROF. SCH. DEGREE)	(SCHOOL, CITY, STATE)	
PLEASE INDICATE SPECIALTIES 1-3 IF YOU ARE BOARD CERTIFIED--4-6 IF YOU ARE NOT			(FOREIGN GRADS ONLY) ECFMG CERT. NO.
1 DIPLOMATE	2 DIPLOMATE	3 DIPLOMATE	4 SPEC
5 SPEC	6 SPEC		

APPLICANTS DO NOT USE SPACES BELOW THIS LINE — FOR OFFICE USE ONLY

APPROVED BY: _____

(CLASS)	(LICENSE NO.)	(SUFFIX)	(SCH. CODE)	(FEE)	(HOW REG.)	(BASE STATE)
(LICENSE NO.)		(EXPIRATION DATE)		(DATE ISSUED)		

(ADDRESS CHANGE)

(STREET)	(CITY)	(STATE)	(ZIP CODE)
----------	--------	---------	------------

PLEASE SUBMIT ADDRESS CHANGES IN WRITING IMMEDIATELY

*PLEASE ATTACH CERTIFIED CHECK OR MONEY ORDER. APPLICATIONS WILL NOT BE PROCESSED WITHOUT THE APPROPRIATE FEE. DO NOT SUBMIT FEE WITHOUT AN APPLICATION. IT WILL BE RETURNED.

Please print full name _____
(FIRST) (MIDDLE) (LAST)

2. List in chronological order all professional activities since graduation, including internships, hospital affiliations and absences from work. Also list all periods of non-professional activity or employment for more than three months. Please account for all time. If engaged in private practice, list hospital affiliations. If none, please explain.

FROM	TO	LOCATION AND COMPLETE ADDRESS	POSITION HELD
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
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_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

ALL QUESTIONS MUST BE ANSWERED. If any of the following questions is answered YES, explain and substantiate with available documentation. Letters must be submitted by your attorney regarding malpractice suits. Letters must be submitted by any treating professionals regarding treatment. These shall include diagnosis, treatment, and prognosis.

- 3. I hereby certify that I studied medicine/osteopathy and received the degree of _____ on _____ from _____.
(DATE) (SCHOOL)
- 4. Do you intend to engage in the active practice of medicine/osteopathy in the Commonwealth of Virginia? _____. If YES, give location _____.
- 5. List all states in which you have been issued a license to practice medicine/osteopathy and surgery, active or inactive. Indicate number and date issued. _____
- 6. Have you ever been denied a license or the privilege of taking a medical licensure/competency examination, or any other examination before any state, territory, or country licensing board? If yes, please explain, giving the location. _____
- 7. Have you ever taken the Flex examination? _____.
If yes, how many times, and list by state, month, and year in which you took the Flex. _____
- 8. Have you ever been convicted of a violation of or Pled Nolo Contendere to any Federal, State, or local statute, regulation or ordinance, or entered into any plea bargaining relating to a felony or misdemeanor? (Excluding traffic violations, except convictions for driving under the influence). _____
- 9. Have you ever voluntarily surrendered your clinical privileges while under investigation, been censured or warned, or requested to withdraw from the staff of any hospital, nursing home, or other health care facility, or health care provider? _____
- 10. Have you ever had any of the following disciplinary actions taken against your license to practice medicine, DEA permit, state controlled substances registration, medicare, medicaid, or are any such actions pending (a) suspension/revocation (b) probation (c) reprimand/cease and desist (d) have your practice monitored or (e) limitation placed on scheduled drugs? If YES, please send complete details. _____
- 11. Have you ever had any membership in a state or local professional society revoked, suspended, or sanctioned in any manner? _____
- 12. Have you voluntarily withdrawn from any professional society while under investigation? _____
- 13. Have you had any malpractice suits brought against you in the last ten years? If so, how many, and provide a letter from your attorney explaining each case. _____
- 14. Have you ever been physically or emotionally dependent upon the use of alcohol/drugs or treated by, consulted with, or been under the care of a professional for substance abuse? If so, please provide a letter from the treating professional. _____
- 15. Have you ever received treatment for/ or been hospitalized for a nervous, emotional or mental disorder? If so, please provide a letter from your treating professional summarizing diagnosis, treatment, and prognosis. _____
- 16. Do you have a serious physical disease or diagnosis which could affect your performance of professional duties? If so, please provide a letter from the treating professional. _____
- 17. Have you ever been adjudged mentally incompetent or been voluntarily committed to a mental institution? Please provide details _____

AFFIDAVIT OF APPLICANT:

I, _____, being first duly sworn, depose and say that I am the person referred to in the foregoing application and supporting documents.

I hereby authorize all hospitals, institutions, or organizations, my references, personal physicians, employers (past and present), business and professional associates (past and present) and all governmental agencies and instrumentalities (local, state, federal, or foreign) to release to the Virginia State Board of Medicine any information, files, or records requested by the Board in connection with the processing of individuals and groups listed above, any information which is material to me and my application.

I have carefully read the questions in the foregoing application and have answered them completely, without reservations of any kind, and I declare under penalty of perjury that my answers and all statements made by me herein are true and correct. Should I furnish any false information in this application, I hereby agree that such act shall constitute cause for the denial, suspension or revocation of my license to practice medicine and surgery in the state of Virginia.

RIGHT THUMB PRINT


IF RIGHT THUMB IS MISSING, USE LEFT AND SO INDICATE

SIGNATURE OF APPLICANT

*** — THIS MUST BE NOTARIZED — ***

NOTARY: City/County of _____ State of _____ Subscribed
and Sworn to before me this _____ day of _____ 19____

My Commission Expires _____ NOTARY PUBLIC

NOTARY SEAL

CERTIFICATE OF MEDICAL EDUCATION

It is hereby certified that _____ of _____
matriculated in _____ at _____ date _____
attended _____ courses of lectures of _____ months each,
and received a diploma from _____ conferring the degree of _____

DATE _____
SCHOOL SEAL _____
(PRESIDENT, SECRETARY or DEAN)

FOREIGN MEDICAL GRADUATES — Attach a notarized copy of your diploma and transcript of grades from medical school, with an ENGLISH translation.

Proposed Regulations

FEDERATION OF STATE MEDICAL BOARD
 2630 West Freeway, Suite 138
 Fort Worth, Texas 76102-7199
 (817) 335-1141

The Federation Licensing Examination (FLEX) is the examination used for physician licensure by all U.S. medical licensing authorities. Regulations concerning license eligibility, application acceptable FLEX scores, etc. are established by the licensing boards in each state/jurisdiction. It must be emphasized that the regulations of licensing boards are subject to change without notice. Candidates for physician licensure should contact directly the licensing board in the state/jurisdiction from which license is being sought. To do so, a list of names, addresses and phone numbers can be obtained from the Federation of State Medical Boards at the address shown above.

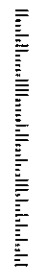
In support of your application for licensure and in accordance with licensing board requirements, the Federation will provide a Certification of your FLEX scores directly to the licensing board to which you are applying. The Certification will also include information, if applicable on any disciplinary action taken against you and reported to the Federation by a licensing and/or other credentialing agency.



PLACE
STAMP
HERE

FEDERATION OF STATE MEDICAL BOARDS
 OF THE U.S., INC.
 2630 West Freeway, Suite 138
 Fort Worth, Texas 76102-7199

CERTIFICATION



To request that the Federation send a FLEX Certification to your licensing board, you must:

1. Complete the attached request form.
2. Provide a money order for \$35 for each certification requested. Make money orders payable to the Federation of State Medical Boards.
NOTE: Personal checks cannot be accepted and will be returned.
3. Return the completed form and money order in the envelope provided.

DO NOT SEND YOUR LICENSE APPLICATION AND/OR SUPPORTING DOCUMENTATION TO THIS OFFICE. DOING SO MAY DELAY YOUR LICENSE APPLICATION.

The Federation of State Medical Boards endeavors to meet licensing boards' deadlines for acceptance of applications. However, requests for FLEX Certifications should be forwarded to the Federation as far in advance of the deadline as possible.

I am applying for medical license in the state/jurisdiction of _____ and request Certification of my FLEX scores be sent to the licensing board in that jurisdiction. Documents in support of my application must be submitted to the board by _____.

DETACH HERE

Date of last FLEX _____

Number of times FLEX taken _____

(Name - Print full name) _____

(Current mailing address) _____

(City and State) _____

(Telephone provide area code and number) _____

(State where you took FLEX exam) _____

(Medical School) _____

(Country in which school is located) _____

(Date of State Verification) _____

(Social Security Number) _____

(Regulator) _____

(Country of Examine upon leaving school) _____

(FLEX Board No. if known) _____

(Year of graduation) _____

(FLEX Number if applicable) _____

(Date) _____

DETACH THIS FORM AND MAIL IN ENVELOPE PROVIDED WITH

EC
FND
EXAM

EDUCATIONAL COMMISSION FOR FOREIGN MEDICAL GRADUATES
3624 Market Street
Philadelphia, PA 19104

Please certify that the following applicant for licensure in Virginia has a Standard ECFMG Certificate.

(Name of Applicant) _____ ECFMG # _____

APPLICANTS DO NOT COMPLETE BELOW - - - FOR ECFMG USE ONLY

This is to certify that _____
(Full Name of Applicant)

was granted the Commission for Foreign Medical Graduates Standard Certificate

Number _____ on the _____ day of _____, 19 _____

This certificate is:

- 1. _____ Valid Indefinitely
- 2. _____ Under Investigation
- 3. _____ Recertified (Date)
- 4. _____ Other (Explain)

Signature _____
Executive Director

Date _____

Please return directly to:

Virginia State Board of Medicine
1601 Rolling Hills Drive
Richmond, Virginia 23229-5005

(Copy of Form)

#B END _____
EXAM _____
REN _____

VIRGINIA BOARD OF MEDICINE
1601 Rolling Hills Drive
Richmond, VA 23229-5005

Please print or type name of hospital place of employment:

(Name of applicant - Please Print)

The Virginia Board of Medicine, in its consideration of a candidate for licensure, depends on information from persons and institutions regarding the candidate's employment, training, affiliations and staff privileges.

Please complete this form to the best of your ability and return it to the Board so the information you provide can be given consideration in the processing of this candidate's application in a timely manner.

I hereby authorize all hospitals, institutions, or organizations, my references, personal physicians, employers (past and present), business and professional associates (past and present) and governmental agencies and instrumentalities (local, state, federal or foreign) to release to the Virginia Board of Medicine any information, files or records requested by the Board in connection with the processing of my application.

Signature of Applicant _____

1. Date and type of service: This doctor served with us as _____
from (month) _____ (year) _____ to (month) _____ (year) _____

2. Please evaluate: (Please indicate with check mark)

	Poor	Fair	Good	Superior
Professional knowledge				
Clinical judgement				
Relationship with patients				
Ethical/professional conduct				
Interest in work				
Ability to communicate				

3. Recommendation: (Please indicate with check mark) 1. Recommend highly and without reservation _____
2. Recommend as qualified and competent _____
3. Recommend with some reservation (explain) _____
4. Do not recommend (explain) _____

4. Of particular value to us in evaluating any candidate are comments regarding any notable strengths and weaknesses (including personal demeanor). We would appreciate such comments from you.

5. The above report is based on: (Please indicate with check mark) 1. Close personal observation _____
2. General impression _____
3. A composite of evaluations _____
4. Other _____

Date: _____

Signed: _____

(This report will become a part of the applicant's file and may be reviewed by the applicant upon demand)

(Please print or type name)

END X EXAM REG #C

Please complete top portion and forward one form to each State Medical Board where you hold or have held a medical license. Extra copies may be xeroxed if needed.

NOTE: Some states require a fee, paid in advance, for providing clearance information. To expedite, you may wish to contact the applicable state/states.

 CLEARANCE FROM OTHER STATE BOARDS

I was granted license # _____ on _____ by the state of _____ The Virginia Board of Medicine requests that I submit evidence that my license in the state of _____ is in good standing.
 You are hereby authorized to release any information in your files, favorable, or otherwise, directly to the Virginia Board of Medicine, 1601 Rolling Hills Dr., Richmond, Virginia. Your early attention is appreciated.

 SIGNATURE

 (Please print or type name)

 EXECUTIVE OFFICE OF STATE BOARD:

Please complete and return this form to the Virginia Board of Medicine, 1601 Rolling Hills Drive, Richmond, Virginia 23229-5005.

State Of _____ Name of Licensee _____

Graduate of _____ License No. _____ Issued _____

By reciprocity/endorsement _____ by examination _____

License is current _____ lapsed _____

Has applicant's license ever been suspended or revoked? _____

If so, for what reasons? _____

Derogatory information, if any _____

Comments, if any _____

(Board Seal) Signed _____
 Title _____

#D

VIRGINIA

REQUEST FOR PHYSICIAN PROFILE

THIS IS TO BE COMPLETED BY THE PHYSICIAN (WHETHER A MEMBER OR NOT) AND MAILED DIRECTLY TO ONE OF THE FOLLOWING:

AMERICAN MEDICAL ASSOC. AMERICAN OSTEOPATHIC ASSOC.
 DEPT. OF DATA RELEASE DEPT. OF MEMBERSHIP & INFO. SERV.
 535 N. DEARBORN OR 212 EAST OHIO STREET
 CHICAGO, ILLINOIS 60610 CHICAGO, ILLINOIS 60611

PLEASE PRINT OR TYPE

FULL NAME: _____
 FIRST MIDDLE LAST

ADDRESS: _____
 STREET CITY STATE ZIP

DATE OF BIRTH: _____ PLACE OF BIRTH _____

MEDICAL/OSTEOPATHIC SCHOOL _____

DATE OF GRADUATION: _____

ECFMG # IF FOREIGN MEDICAL GRADUATE: _____

STATE(S) IN WHICH LICENSE(S) ARE HELD: 1) _____ 2) _____

LICENSE NUMBERS(S): 1) _____ 2) _____

DATE(S) ISSUED: 1) _____ 2) _____

REQUESTING ORGANIZATION: VIRGINIA BOARD OF MEDICINE
 1601 ROLLING HILLS DRIVE
 RICHMOND, VIRGINIA 23229 - 5005

(AHA/AOA--PLEASE RETURN INFORMATION TO ABOVE ADDRESS.)

PURPOSE OF REQUEST FOR INFORMATION: LICENSURE/EXAMINATION

LICENSURE REGISTRATION

#E

PLEASE COMPLETE THIS FORM AND MAIL TO:

DISCIPLINARY INQUIRIES
Federation of State Medical Boards
2630 West Freeway - Suite 138
Fort Worth, Texas 76102-7199

The VIRGINIA BOARD OF MEDICINE requests a disciplinary search concerning the following physician:

NAME
STREET ADDRESS
CITY, STATE AND ZIP CODE
DATE OF BIRTH SOCIAL SECURITY NUMBER
MEDICAL SCHOOL OF GRADUATION AND BRANCH LOCATION
DATE OF GRADUATION

PHYSICIAN'S SIGNATURE

PLEASE NOTE: THERE IS NO CHARGE TO THE PHYSICIAN FOR THIS SERVICE.

The Federation will mail the results to the following address:

VIRGINIA BOARD OF MEDICINE
1601 ROLLING HILLS DRIVE
RICHMOND, VIRGINIA 23229-5005

ATTENTION: MRS. OLA POWERS
ADMINISTRATIVE ASSISTANT

CERTIFICATE NUMBER DATE DECLARED REGISTERED
FOR OFFICE USE ONLY

When my Virginia license is issued I would like to have my Certificate of Registration engrossed with my name as follows:

PLEASE PRINT LEGIBLY or TYPE

NAME:

Upon issuance of license a wall certificate will be mailed as soon as engrossing is complete. Certificates of Registration are renewable bi-annually, every even year on your birth month. The renewal fee is \$125.00. Renewal notices are mailed sixty (60) days prior to the last day of your birth month to the address on record in this office.

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF HEALTH PROFESSIONS

BOARD OF MEDICINE
1601 Rolling Hills Drive
Richmond, VA 23229-5005

Proposed Regulations

BOARD OF PHARMACY

Title of Regulation: VR 530-01-02. Regulations for Practitioners of the Healing Arts to Sell Controlled Substances.

Statutory Authority: §§ 54.1-2400 and 54.1-3302 of the Code of Virginia.

Public Hearing Date: November 29, 1989 - 9:30 a.m.
(See Calendar of Events section for additional information)

Summary:

The Board of Pharmacy proposes regulations to govern the licensure of practitioners of the healing arts (doctors of medicine, osteopathy or podiatry) who sell controlled substances and to establish examination requirements and standards relative to the security of and accountability for controlled substances sold by these licensed practitioners. The proposed regulations implement Virginia Acts of Assembly 904 (1989) enacted by the 1989 General Assembly as a result of Senate Bill 425.

VR 530-01-02. Regulations for Practitioners of the Healing Arts to Sell Controlled Substances.

PART I. GENERAL PROVISIONS.

§ 1.1. Definitions.

The following words and terms when used in these regulations shall have the following meaning unless the context clearly indicates otherwise.

"Licensee" as used in these regulations shall mean a practitioner who is licensed by the Board of Pharmacy to sell controlled substances.

"U.S.P.-N.F." means the United States Pharmacopeia-National Formulary.

"Practitioner" as used in these regulations shall mean a doctor of medicine, osteopathy or podiatry.

"Special packaging" means packaging that is designed or constructed to be significantly difficult for children under five years of age to open or obtain a toxic or harmful amount of the controlled substance contained therein within a reasonable time and not difficult for normal adults to use properly, but does not mean packaging which all such children cannot open or obtain a toxic or harmful amount within a reasonable time.

PART II. LICENSURE REQUIREMENTS.

§ 2.1. Examination requirement.

A. In order to sell controlled substances as provided for in § 54.1-2914(B) of the Code of Virginia, a practitioner shall make application to the Board of Pharmacy on a form provided by the board.

B. The application shall be submitted to the board 45 days prior to the examination date with a fee of \$300.

C. In order to establish his qualifications for licensure, the applicant shall pass an examination to assure that the applicant possesses a knowledge of pharmacy, pharmacokinetics and chemistry to sell controlled substances. He shall also pass an examination on state drug laws and federal controlled substance regulations. The passing grade on the examinations shall be not less than 75.

§ 2.2. Renewal of license.

A license so issued shall be valid until December 31 of the year of issue. A renewal of the license shall be made on or before December 31. The fee shall be the same fee as that set for a pharmacist license.

§ 2.3. Acts restricted to the licensee.

The selection of the controlled substance from the stock, any compounding, preparation or packaging of a controlled substance or the preparation of a label for a controlled substance to be transferred to a patient shall be personally performed by the licensee.

§ 2.4. Licensees ceasing to sell controlled substances.

Licensees ceasing to sell controlled substances; inventory required prior to disposal.

A. Any licensee who desires to cease selling controlled substances shall notify the board 10 days prior to cessation and his license will be placed on an inactive status.

B. Any Schedule II through V controlled substances shall be inventoried and may be disposed of by transferring the controlled substance stock to another licensee or other practitioner or by destruction as set forth in these regulations.

C. The licensee or other responsible person shall inform the board of the name and address of the licensee to whom the controlled substances are transferred.

§ 2.5. Inactive status.

Any licensee in an inactive status shall apply to the board to reactivate his license and shall pay the fee charged for license renewal.

PART III. INSPECTION REQUIREMENTS, STANDARDS AND SECURITY FOR STORAGE AREA.

Proposed Regulations

§ 3.1. Maintenance of a common stock of controlled substances.

Any two or more licensees who elect to maintain a common stock of controlled substances for dispensing shall:

1. Designate a licensee who shall be the primary person responsible for the stock, the required inventory, the records of receipt and destruction, safeguards against diversion and compliance with these regulations.
2. Report to the board the name of the licensee and the location of the controlled substance stock on a form provided by the board.
3. Upon a change in the licensee so designated, an inventory of all Schedule II through V controlled substances shall be conducted in the manner set forth in § 54.1-3404 of the Drug Control Act and such change shall immediately be reported to the board.
4. Nothing shall relieve the other individual licensees who sell controlled substances at the location of the responsibility for the requirements set forth in these regulations.

§ 3.2. Inspection and notice required.

A. The area designated for the storage and selling of controlled substances shall be inspected by an agent of the board prior to the issuance of a license.

B. Applications for licenses which indicate a requested inspection date, or requests which are received after the application is filed, shall be honored provided a 14-day notice to the board is allowed prior to the requested inspection date.

C. Requested inspection dates which do not allow a 14-day notice to the board may be adjusted by the board to provide 14 days for the scheduling of the inspection.

D. At the time of the inspection, the controlled substance selling and storage area shall comply with §§ 3.3, 3.4, 3.5, 3.6 and 3.7 of these regulations.

E. No license shall be issued to sell controlled substances until adequate safeguards against diversion have been provided for the controlled substance storage and selling area and approved by the board or its authorized agent.

§ 3.3. Physical standards.

Physical standards for the controlled substance selling and storage area:

1. The building in which the controlled substances selling and storage area is located shall be constructed of permanent and secure materials. Trailers and other

movable facilities shall not be permitted;

2. There shall be an area that is designated as the controlled substances selling and storage area;

3. Controlled substances maintained for ultimate sale shall be maintained separately from any other controlled substances maintained for other purposes;

4. The selling and storage area, work counter space and equipment in the area shall be maintained in a clean and orderly manner;

5. The counter work space shall be used only for the preparation and selling of controlled substances and necessary record keeping;

6. The selling and storage area shall not be operated or maintained in conjunction with any activity that would compromise the quality of the controlled substances;

7. A sink with hot and cold running water shall be within the immediate selling and storage area; and

8. The entire area described in this regulation shall be well lighted and ventilated; the proper storage temperature shall be maintained to meet official specifications for controlled substance storage.

§ 3.4. Access to selling area.

Access to stock rooms, rest rooms, and other areas other than an office that is exclusively used by the licensee shall not be through the selling and storage area.

§ 3.5. Minimum equipment.

The licensee shall be responsible for maintaining the following equipment in the designated area:

1. A current copy of the United States Pharmacopeia Dispensing Information Reference Book;

2. A refrigerator with a monitoring thermometer, located in the selling area, if any controlled substances requiring refrigeration are maintained;

3. A copy of the current Virginia Drug Control Act and board regulations;

4. A current copy of the Virginia Voluntary Formulary;

5. A laminar flow hood if sterile product(s) are to be prepared; and

6. Prescription balances and weights, if the licensee is engaged in extemporaneous compounding.

§ 3.6. Safeguards against diversion of controlled substances.

Proposed Regulations

A device for the detection of breaking shall be installed in the controlled substances selling and storage area. The installation and the device shall be based on accepted burglar alarm industry standards, and shall be subject to the following conditions:

1. The device shall be a sound, microwave, photoelectric, ultrasonic, or any other generally accepted and suitable device;
2. The device shall be maintained in operating order;
3. The device shall fully protect the immediate controlled substance selling and storage areas and shall be capable of detecting breaking by any means whatsoever in the area when the area is closed;
4. The alarm system must have an auxiliary source of power;
5. The alarm system shall be capable of being activated and operated separately from any other alarm system in the area or the business in which the controlled substance selling and storage area is located;
6. The alarm system is controlled only by the licensee; and
7. An emergency key or access code to the system shall be maintained as set forth in § 3.7 B of these regulations.

§ 3.7. Selling area enclosures.

A. The controlled substance selling and storage area of the licensee shall be provided with enclosures subject to the following conditions:

1. The enclosure shall be construed in such a manner that it protects the controlled substance stock from unauthorized entry and from pilferage at all times whether or not the licensee is on duty;
2. The enclosure shall be of sufficient height as to prevent anyone from reaching over to gain access to the controlled substances;
3. Entrances to the enclosed area must have a door which extends from the floor and which is at least as high as the adjacent counters or adjoining partitions; and
4. Doors to the area must have locking devices which will prevent entry in the absence of the licensee.

B. The door keys to the selling and storage area shall be subject to the following requirements:

1. Only the licensee shall be in possession of any keys to the locking device on the door to such enclosure;

2. The licensee or the licensee so designated pursuant to subdivision 1 of § 3.1 may place a key in an envelope or other container which contains a seal and a signature placed by the licensee on the container in a safe or vault within the office or other secured place; and

3. The key may be used to allow emergency entrance to the selling area by other licensees licensed under these regulations.

C. Restricted access to the selling and storage area.

The controlled substance selling and storage area is restricted to the licensee. Clerical assistants and other persons designated by the licensee may be allowed access by the licensee but only during the hours when the licensee is physically present in the selling area.

§ 3.8. Controlled substances outside of the selling area.

Any Schedule II through VI controlled substances not stored within the selling area and kept for stock replenishing shall be secured and access to it shall be restricted to the licensee.

§ 3.9. Prescriptions awaiting delivery.

Prescriptions prepared for delivery to the patient may be placed in a secure place outside of the controlled substance selling area and access to the prescriptions restricted by the licensee to designated assistants. The prepared prescriptions may be transferred to the patient whether or not the licensee is on duty.

§ 3.10. Expired controlled substances; security.

Any controlled substance which has exceeded the expiration date shall be separated from the stock used for selling and may be maintained in a designated area with the unexpired stock prior to the disposal of the expired controlled substances.

§ 3.11. Destruction of Schedule II through V controlled substances.

If a licensee wishes to destroy unwanted Schedule II through V controlled substances maintained for selling, he shall use the following procedures for the destruction:

1. At least 14 days prior to the destruction date, the licensee shall provide a written notice to the board office; the notice shall state the following:

- a. Date, time and manner or place of destruction;
- b. The name(s) of the licensee who will witness the destruction process;

2. If the destruction date is to be changed or the destruction does not occur, a new notice must be

Proposed Regulations

provided to the board office as set forth above in this subsection.

3. The DEA Drug Destruction Form No. 41 must be used to make a record of all controlled substances to be destroyed.

4. The controlled substances must be destroyed by burning in an incinerator; an alternate method of flushing may be used if incineration is not possible and if permitted by the municipality.

5. The actual destruction shall be witnessed by the licensee and another licensee of the board not employed by the practitioner.

6. Each form shall show the following information:

a. Legible signatures of the licensee and the witnessing person.

b. The license number of the licensee and other licensed person destroying the controlled substances.

c. The date of destruction.

7. At the conclusion of the destruction of the controlled substance stock:

a. Two copies of the completed destruction form shall be sent to: Drug Enforcement Administration, Washington Field Division, Room 2558, 400 6th Street, SW, Washington, DC 20024, Attn: Diversion Control Group.

b. A copy of the completed destruction form shall be sent to the office of the board.

c. A copy of the completed destruction form shall be retained with the inventory records.

PART IV. WRITTEN PRESCRIPTION AND RECORD KEEPING STANDARDS.

§ 4.1. Sign and written prescription requirement.

Requirements are:

1. The licensee shall provide the patient with a written prescription whether or not he intends to sell the controlled substance to the patient;

2. The licensee shall provide a sign in the public area of the office. The sign must be legible to the public with normal vision and must advise the public that the controlled substances may be obtained from him or from a pharmacy; and

3. The licensee after delivery of the written prescription to the patient shall, in each case, advise

the patient of their right to obtain the controlled substance from him or from a pharmacy.

§ 4.2. Manner of maintaining records, prescriptions, inventory records for licensees selling controlled substances.

A. Each licensee shall maintain the inventories and records of controlled substances as follows:

1. Inventories and records of all controlled substances listed in Schedule II shall be maintained separately from all other records of the licensee;

2. Inventories and records of controlled substances listed in Schedules III, IV and V may be maintained separately or with records of Schedule VI controlled substances but shall not be maintained with other records of the licensee;

3. Location of records. All records of Schedule II through V controlled substances shall be maintained at the same location as the stock of controlled substances to which the records pertain;

4. Inventory after controlled substance theft. In the event that an inventory is taken as the result of a theft of controlled substances pursuant to § 54.1-3404 of the Drug Control Act, the inventory shall be used as the opening inventory within the current biennial period. Such an inventory does not preclude the taking of the required inventory on the required biennial inventory date.

B. Records of selling.

The record of selling of controlled substances shall be in a book form or may be maintained in an automated data system as provided in § 4.3.

1. The records of selling for Schedule II controlled substances shall be as follows:

a. The record of the selling of Schedule II controlled substances shall be separate from other records.

b. The record shall be maintained in chronological order and shall show the selling date, a number which identifies the sale, the name and address of the patient, the name and strength of the controlled substance and the quantity sold.

2. The records of selling for Schedule III through V controlled substances shall be as follows:

a. The record shall be in the manner set forth in subdivision B 1 b of this section.

b. The selling records for Schedule III through V controlled substances may be maintained separate

Proposed Regulations

from other selling records or may be maintained with selling records for Schedule VI controlled substances provided the Schedule III through V controlled substance records are readily retrievable from the selling records for Schedule VI controlled substances. The records shall be deemed readily retrievable if a red "C" is placed uniformly on the record entry line for each Schedule III through V controlled substance sold.

§ 4.3. Automated data processing records of sale.

A. An automated data processing system may be used for the storage and retrieval of the sale of controlled substances instead of manual record keeping requirements, subject to the following conditions:

1. Any computerized system shall also provide retrieval via CRT display or printout of the sale of all controlled substances during the past two years, the listing to be in chronological order and shall include all information required by the manual method; and

2. If the system provides a printout of each day's selling activity, the printout shall be verified, dated and signed by the licensee. The licensee shall verify that the data indicated is correct and then sign the document in the same manner as he would sign a check or legal document (e.g., J.H. Smith or John H. Smith). In place of such printout, the licensee shall maintain a bound log book, or separate file, in which the licensee shall sign a statement each day, in the manner previously described, attesting to the fact that the selling information entered into the computer that day has been reviewed by him and is correct as shown.

B. Printout of dispensing data requirement.

Any computerized system shall have the capability of producing a printout of any selling data which the practitioner is responsible for maintaining under the Drug Control Act.

PART V. PACKAGING, REPACKAGING AND LABEL STANDARDS.

§ 5.1. Repacking of controlled substances; records required.

A. Record required.

A licensee repackaging controlled substances shall maintain adequate control records for a period of one year or until the expiration, whichever is greater. The records shall show the name of the controlled substance(s) repackaged, strength, if any, quantity prepared, initials of the licensee supervising the process, manufacturer's or distributor's name and control number, or the assigned number, and an expiration date.

B. Expiration date.

The controlled substance name, strength, if any, the manufacturer's or distributor's name and control number, or assigned control number, and an appropriate expiration date shall appear on any subsequently repackaged units:

1. If U.S.P.-N.F. Class B or better packaging material is used for oral unit dose packages, an expiration date not to exceed six months or the expiration date shown on the original manufacturing bulk containers, whichever is less, shall appear on the repackaged units;

2. If it can be documented that the repackaged unit has a stability greater than six months, an appropriate expiration date may be assigned; and

3. If U.S.P.-N.F. Class C or less packaging material is used for oral, solid medication, an expiration date not to exceed 30 days shall appear on the repackaged units.

§ 5.2. Labeling of prescription as to content and quantity.

A. Any controlled substances sold by a licensee shall bear on the label of the container, in addition to other requirements, the following information:

1. The name and address of the practitioner and the name of the patient;

2. The date of the prescription; and

3. The controlled substance name and strength, when applicable.

a. If a trade name controlled substance is sold, the trade name of the controlled substance or the generic name of the controlled substance.

b. If a generic controlled substance is sold in place of a trade name controlled substance, in addition to the requirements of § 32.1-87 A of the Code of Virginia, one of the following methods shall be used:

(1) The generic name; or

(2) A name for the product sold which appears on the generic manufacturer's label; or

(3) The generic name followed by the word "generic for" followed by the trade name of the controlled substance for which the generic controlled substance is substituted.

4. The number of dosage units, or if liquid, the number of millimeters dispensed.

§ 5.3. Packaging standards for controlled substance sold.

A controlled substance shall be sold only in packaging approved by the current U.S.P.-N.F. for the controlled substance. In the absence of such packaging standard for the controlled substance, it shall be dispensed in a well-closed container.

§ 5.4. Special packaging.

A. Each controlled substance sold to a person in a household shall be sold in special packaging, except when otherwise requested by the purchaser, or when such controlled substance is exempted from such requirements promulgated pursuant to the Poison Prevention Packaging Act of 1970.

B. Each licensee may have a sign posted near the compounding and selling area advising the patients that nonspecial packaging may be requested.

**PART VI.
PATIENT'S CHOICE OF SUPPLIER AND RETURN OF
CONTROLLED SUBSTANCES.**

§ 6.1. Choice of controlled substance supplier.

A licensee shall not interfere with the patient's right to choose his supplier of medication or cooperate with any person or persons in denying a patient the opportunity to select his supplier of prescribed medications.

§ 6.2. Returning of controlled substances and devices.

Controlled substances or devices shall not be accepted for return or exchange by any licensee for resale after such controlled substances and devices have been taken from the premises where sold, unless such controlled substances or devices are in the manufacturer's original sealed container or in a unit-dose container which meets the U.S.P.-N.F. Class A or Class B container requirement.

VIRGINIA BOARD OF PHARMACY
 1601 Rolling Hills Drive
 Richmond, Virginia 23229-5005
 (804)662-9911

APPLICATION FOR A LICENSE TO SELL CONTROLLED SUBSTANCES

Fee: \$300

NAME: _____
 (please print or type)

STREET ADDRESS: _____

CITY, STATE, ZIP CODE: _____

The applicant is a doctor of: _____ Medicine
 _____ Osteopathy
 _____ Podiatry

Virginia Medical License No. _____

The examination and license fee is \$300. Please make checks payable to the Treasurer of Virginia.

 Applicant's Signature

 Date

OMB Approval No. 1117-0007	DEPARTMENT OF JUSTICE / DRUG ENFORCEMENT ADMINISTRATION REGISTRANTS INVENTORY OF DRUGS SURRENDERED	PACKAGE No.
-------------------------------	--	-------------

The following schedule is an inventory of controlled substances which is hereby surrendered to you for proper disposition.

FROM: (Include Name, Street, City, State and ZIP Code in space provided below).

Signature of applicant or authorized agent
Registrant's DEA Number
Registrant's Telephone Number

NOTE: Registrants will fill in Columns 1, 2, 3, and 4 Only.

NAME OF DRUG OR PREPARATION	Number of Containers	CONTENTS (Number of grams, tablets, capsules or other units per container)	Controlled Substance Category (Each Unit)	FOR DEA USE ONLY		
				DISPOSITION	QUANTITY	
					QMS	MCS
1	2	3	4	5	6	7
1						
2						
3						
4						
5						
6						
7						
8						
9						
10						
11						
12						
13						
14						
15						
16						

DEPARTMENT FOR RIGHTS OF THE DISABLED (BOARD FOR)

Title of Regulation: VR 602-01-2. Nondiscrimination Under State Grants and Programs.

Statutory Authority: §§ 51.5-33 and 51.5-40 of the Code of Virginia.

Public Hearing Date: November 13, 1989 - 10 a.m.
(See Calendar of Events section for additional information)

Summary:

The Virginia Board for Rights of the Disabled is required by § 51.5-40 of the Code of Virginia to issue regulations providing that no otherwise qualified person with a disability shall be excluded from or discriminated against under any program or activity receiving state funding. Such regulations shall be as consistent as feasible with federal regulations issued under the Federal Rehabilitation Act of 1973.

VR 602-01-2. Nondiscrimination Under State Grants and Programs.

PART I. GENERAL PROVISIONS.

§ 1.1. Purpose.

The purpose of these regulations is to implement § 51.5-40 of the Code of Virginia, which prohibits discrimination on the basis of disability in state and state assisted programs and activities.

§ 1.2. Application.

This regulation applies to any program or activity conducted by or on behalf of any state agency or any program or activity that receives or benefits from state financial assistance.

§ 1.3. Definitions.

The following words and terms, when used in these regulations, shall have the following meaning unless the context clearly indicates otherwise.

"Accessible," when used with respect to the design, construction, or alteration of a facility other than an individual dwelling unit, means that the facility or portion of the facility when designed, constructed or altered, can be approached, entered, and used by individuals with physical disabilities. "Accessible," when used with respect to the design, construction, or alteration of an individual dwelling unit means that the unit is located on an accessible route and when designed, constructed, altered or adapted can be approached, entered, and used by individuals with physical disabilities. A unit that is on an

accessible route and is adaptable and otherwise in compliance with the standards set forth in § 8.9 is "accessible" within the meaning of this paragraph. When a unit in an existing facility is being made accessible as a result of alterations intended for use by a specific qualified person with a disability (e.g., a current occupant of such unit or of another unit under the control of the same program or activity, or an applicant on a waiting list), the unit will be deemed accessible if it meets the requirements of applicable standards that address the particular disability or impairment of such person.

"Accessible route" means a continuous unobstructed path connecting accessible elements and spaces in a building or facility that complies with the space and reach requirements of applicable standards prescribed by § 8.9.

"Adaptability" means the ability of certain elements of a dwelling unit, such as kitchen counters, sinks, toilets and grab bars, to be raised, lowered, added or otherwise altered, to accommodate the needs of a person with or without disabilities, or to accommodate the needs of persons with different types or degrees of disability. For example, in a unit adaptable for a person with a hearing impairment, the wiring for visible emergency alarms may be installed but the alarms need not be installed until such time as the unit is made ready for occupancy by persons who are hearing impaired.

"Alteration" means any change in a facility or its permanent fixtures or equipment. It includes, but is not limited to, remodeling, renovation, rehabilitation, reconstruction, changes or rearrangements in structural parts and extraordinary repairs. It does not include normal maintenance or repairs, reroofing, interior decoration, or changes to mechanical systems.

"Auxiliary aids" include brailled and taped material, interpreters, and other aids for persons with impaired hearing or vision.

"Dwelling unit" means a single unit of residence for a family or one or more persons. Examples of dwelling units include: a single family home; an apartment unit within an apartment building; and in other types of dwellings in which sleeping accommodations are provided but toileting or cooking facilities are shared by occupants of more than one room or portion of the dwelling, rooms in which people sleep, excluding college dormitories.

"Facility" means all or any portion of buildings, structures, vehicles, equipment, roads, walks, parking lots, or other real or personal property or interest in such property.

"Health, welfare and social services" means any and all services offered to the public by any of the departments under the supervision of the Secretary of Health and Human Resources, and the Department of Corrections.

"Person with a disability" means:

Proposed Regulations

1. Any person who has a physical or mental impairment which substantially limits one or more of his major life activities or has a record of such impairment.

2. As used in subdivision 1 of this section, the phrase:

a. "Physical impairment" means any physical condition, anatomic loss, or cosmetic disfigurement which is caused by bodily injury, birth defect, or illness.

b. "Mental impairment" means (i) a disability attributable to retardation, autism, or any other neurologically handicapping condition closely related to mental retardation and requiring treatment similar to that required by individuals with mental retardation; or (ii) an organic or mental impairment that has substantial adverse effects on an individual's cognitive or volitional functions, including central nervous system disorders or significant discrepancies among mental functions of an individual or any mental or psychological disorder, such as organic brain syndrome, emotional or mental illness, and specific learning disabilities. (iii) For employment purposes the term "mental impairment" does not include active alcoholism or current drug addiction and does not include any mental impairment, disease or defect that has been successfully asserted by an individual as a defense to any criminal charge.

c. "Major life activities" means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working and leisure.

d. "Has a record of such an impairment" means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

"Program or activity" means all of the operation(s) of:

1. a. A department, agency, special purpose district, or other instrumentality of the state or local government; or

b. The entity of state or local government that distributes state funds and each department, agency and entity to which the assistance is extended.

2. a. A college, university or other post-secondary institution, or a public system of higher education, or private school,

b. A local educational agency (as defined in § 198(a)(10) of the Elementary and Secondary Education Act of 1965), system of vocational education, or other school system;

3. a. An entire corporation, partnership, or other

private organization, or an entire sole proprietorship (i) if state financial assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or (ii) which is principally engaged in the business of providing education, health care, housing, social services or parks and recreation; or

b. The entire plant or other comparable, geographically separate facility to which state financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship; or

4. Any other entity which is established by two or more of the entities described in subdivision 1, 2, or 3; any part of which is extended state financial assistance.

"Project" means the whole of one or more residential structures and appurtenant structures, equipment, roads, walks, and parking lots which are covered by a single contract for state financial assistance or application for assistance, or are treated as a whole for processing purposes, whether or not located on a common site.

"Public body" means any legislative, executive or judicial body, agency, office, department, authority, post, commission, committee, institution, board or political subdivision created by law to exercise some sovereign power or to perform some governmental duty, and empowered by law to undertake the activities described in this chapter.

"Qualified person with a disability" means:

1. With respect to employment, a person with a disability who can perform the essential duties of the job in question;

2. With respect to preschool, elementary, secondary education services, a person with a disability is one to whom the local school divisions, the Department of Mental Health, Mental Retardation and Substance Abuse Services, or the Department of Correctional Education are required to provide a free appropriate public education under Title 22.1 of the Code of Virginia.

3. With respect to post-secondary and vocational education services, a person with a disability who meets the academic and technical requirements for admission or participation in the education program or activity;

4. With respect to any other program or activity, a person with a disability who meets the essential eligibility requirements for participation in, or receipt from, that program or activity.

"State financial assistance" means any grant, loan,

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contract or any other arrangement by which the state provides or otherwise makes available assistance in the form of:

1. Funds;
2. Services of state personnel; or
3. Real and personal property or any interest in or use of such property, including:
 - a. Transfers or leases of such property for less than fair market value or for reduced consideration; and
 - b. Proceeds from a subsequent transfer or lease of such property if the state share of its fair market value is not returned to the state government.

§ 1.4. Prohibited discrimination.

A. General.

No qualified person with a disability shall, on the basis of disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity which receives or benefits from state financial assistance or under any program or activity conducted by or on behalf of any state agency.

B. Discriminatory actions prohibited.

1. A program or activity that receives or benefits from state financial assistance or any program or activity conducted by or on behalf of any state agency may not, directly or through contractual, licensing, or other arrangements, on the basis of disability (i) deny a qualified person with a disability the opportunity to participate in or benefit from aid, benefit, or services; (ii) afford a qualified person with disability an opportunity to participate in or benefit from the aid, benefit, or services that is not equal to that afforded others, except that greater aids, benefits or services may be provided where necessary to enable qualified persons with a disability to receive benefits and services that are as effective as those provided to others; (iii) provide a qualified person with a disability with an aid, benefit, or service that is not as effective as that provided to others; (iv) provide different or separate aids, benefits, or services to persons with disabilities or to any class of persons with disabilities unless such action is necessary to provide persons with disabilities with aid, benefits, or services that are as effective as those provided to others; (v) aid or perpetuate discrimination against a qualified person with a disability by providing assistance to an agency, organization, or person that discriminates on the basis of disability in providing any aid, benefit, or service; (vi) deny a qualified person with a disability the opportunity to participate as a member of governing, policy, planning or advisory boards; or (vii) otherwise limit a qualified

person with a disability in the exercise of any right, privilege, advantage, or opportunity enjoyed by others receiving an aid, benefit, or service.

2. Despite the existence of separate or different programs or activities provided in accordance with these regulations, a program or activity may not deny a qualified person with a disability the opportunity to participate in any program or activity governed by these regulations.

3. Any program or activity governed by these regulations may not, directly or through contractual or other arrangements utilize criteria or methods of administration the purpose or effect of which would (i) subject qualified persons with a disability to discrimination on the basis of disability; or (ii) defeat or substantially impair accomplishment of the objectives of the program or activity with respect to persons with disabilities; or (iii) perpetuate discrimination by another program or activity.

4. Any program or activity governed by these regulations may not, in determining the site or location of a facility, make selections the purpose or effect of which would (i) exclude persons with disabilities from, deny them the benefits of, or otherwise subject them to discrimination under any program or activity governed by these regulations; (ii) defeat or substantially impair accomplishment of the objectives of the program or activity with respect to persons with disabilities; or (iii) perpetuate the discrimination of another program or activity.

5. Any program or activity governed by these regulations may not, in the selection of procurement contractors, use criteria that subject qualified persons with a disability to discrimination on the basis of disability.

6. No qualified person with a disability shall, because a program or activity's facilities are inaccessible to or unusable by persons with disabilities, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity governed by these regulations. For the purpose of this part a facility shall be deemed accessible if it is in compliance with Part III of these regulations.

7. No qualified person with a disability shall, because a program or activity's facilities are inaccessible be excluded from participation in public hearings or public communications of any programs or activities governed by these regulations. To comply with this subsection, such programs and activities shall:

- a. Take the appropriate steps to ensure that public hearings are accessible to persons with a disability;
- b. Take the appropriate steps to ensure that notice

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of public hearings is made available to individuals with impaired vision and hearing, through means such as telecommunication devices, brailled or taped material, televised information, qualified sign language interpreters, other material or media;

c. Take appropriate steps to ensure that communications with their applicants, employees, and beneficiaries are made available to individuals with impaired vision and hearing, through means such as telecommunication devices, brailled or taped material, televised information, qualified sign language interpreters, other material or media.

8. Any program or activity governed by these regulations shall administer programs and activities in the most integrated setting feasible to meet the needs of qualified persons with a disability.

§ 1.5. Notice.

A. Any program or activity governed by these regulations shall take appropriate initial and continuing steps to notify participants, applicants, and employees, and unions or professional organizations holding collective bargaining or professional agreements with the program or activity that it does not discriminate on the basis of disability. The notification shall state, where appropriate, that the program or activity does not discriminate in admission or access to, or treatment or employment in, its programs and activities. The notification shall also include an identification of the responsible employee designated pursuant to § 1.8. A program or activity shall make the initial notification required by this subsection within 90 days of the effective date of these regulations. Methods of written or oral initial and continuing notification may include the posting of notices, publication in newspapers and magazines, placement of notices in recipients' publication, and distribution of memoranda or other written, oral or taped communications.

B. If any program or activity governed by these regulations publishes or uses recruitment materials or publications containing general information that it makes available to participants, beneficiaries, applicants, or employees, it shall include in those materials or publications a statement of the policy described in subsection A of this section. A program or activity may meet the requirement of this subsection either by including appropriate inserts in existing materials and publications or by revising and reprinting the materials and publications.

§ 1.6. Voluntary action.

A program or activity governed by these regulations may take actions to remedy past discrimination and affirmative steps in addition to any action that is required by this part, to overcome the effects of conditions that resulted in limited participation in the recipient's program or activity by qualified persons with a disability.

§ 1.7. Self evaluation.

A. A program or activity governed by these regulations shall within one year of the effective date of this part:

1. Evaluate, with the assistance of interested persons, including persons with a disability and organizations representing persons with a disability, its current policies and practices to determine compliance with the requirements of these regulations;

2. Modify, after consultation with interested persons, including persons with a disability and organizations representing persons with a disability, any policies and practices that do not meet the requirements of these regulations; and

3. Take, after consultation with interested persons, including persons with a disability or organizations representing persons with a disability, appropriate remedial steps to eliminate the effects of any discrimination that resulted from adherence to these policies and practices.

B. A program or activity shall maintain on file, make available for public inspection, and provide to the Department for Rights of the Disabled upon request (i) a list of the interested persons consulted, (ii) a description of areas examined and any problems identified, and (iii) a description of any modifications made and of any remedial steps taken.

C. A program or activity that receives both state and federal funds need not perform a separate self-evaluation to comply with this section, but shall update within one year the self evaluation required under federal regulations promulgated under § 504 of the Rehabilitation Act (29 USC 794).

§ 1.8. Designation of responsible employee and adoption of grievance procedures.

A. Designation of responsible employee.

A program or activity shall designate at least one person to coordinate its efforts to comply with this part. The designated person may be the same person as designated under § 504 of the Rehabilitation Act. (29 USC 794)

B. Adoption of grievance procedures.

A program or activity shall adopt grievance procedures that incorporate appropriate due process standards and that provide for the prompt and equitable resolution of complaints alleging any action prohibited by these regulations. Such procedures need not be established with respect to complaints from applicants for employment or admission to post-secondary institutions.

PART II. EMPLOYMENT PRACTICES.

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§ 2.1. Discrimination prohibited.

A. General.

1. No qualified person with a disability shall, on the basis of disability, be subjected to discrimination in employment under any program or activity to which these regulations apply.

2. All decisions concerning employment under any program or activity to which these regulations apply shall be made so as to prevent discrimination on the basis of disability and shall not limit, segregate, or classify applicants or employees in any way that adversely affects their opportunities or status because of disability.

B. Specific activities.

The provisions of this part apply to:

1. Recruitment, advertising, and the processing of applications for employment;

2. Hiring, upgrading, promoting, awarding of tenure, retirement, demoting, transferring, laying off, terminating, right of returning from layoff and rehiring;

3. Rates of pay or any other form of compensation and changes in compensation;

4. Job assignments, job classifications, organizational structures, position descriptions, lines of progression, and seniority lists;

5. Leaves of absence, sick leave, or any other leave;

6. Fringe benefits available by virtue of employment, whether or not administered by the program or activity;

7. Selection and financial support for training, including apprenticeship, professional meetings, conferences, and other related activities, and selection for leaves of absence to pursue training;

8. Employer sponsored activities, including social or recreational programs; and

9. Any other term, condition, or privilege of employment.

C. A program or activity governed by these regulations may not participate in a contractual or other relationship that has the effect of subjecting qualified applicants or employees with a disability to discrimination prohibited by these regulations. The relationships referred to in this subsection include relationships with employment and referral agencies, with labor unions, with organizations providing or administering fringe benefits to employees of

the program or activity, and with organizations providing training and apprenticeship programs.

D. A recipient's obligation to comply with this part is not affected by any inconsistent term of any agreement to which it is a party except as is authorized by § 51.5-41(C)(4) of the Code of Virginia.

§ 2.2. Reasonable accommodation.

A. A program or activity governed by these regulations shall make reasonable accommodation to the known physical or mental limitations of an otherwise qualified person with a disability unless the program or activity can demonstrate that the accommodation would impose an undue hardship on the operation of its program.

B. Reasonable accommodation may include:

1. Making facilities used by employees readily accessible to and usable by persons with disabilities, and

2. Job restructuring, part-time or modified work schedules, acquisition or modification of equipment or devices, the provision of readers or qualified sign language interpreters, and other similar actions.

C. A program or activity governed by these regulations may not deny any employment opportunity to a qualified person with a disability or applicant if the basis of denial is the need to make reasonable accommodation to the physical or mental limitations of the employee or applicant.

D. Employers may request that the Department for Rehabilitative Services, the Department for the Visually Handicapped, and the Department for the Deaf and Hard-of-Hearing provide technical assistance to employers in making reasonable accommodations.

E. In determining pursuant to subsection A of this section whether an accommodation would impose an undue burden on the operation of a program or activity, factors to be considered include:

1. Hardship on the conduct of the employer's business, considering the nature of the employer's operation, including composition and structure of the employer's work force;

2. Size of the facility where employment occurs;

3. The nature and cost of the accommodations needed, taking into account alternate sources of funding or technical assistance included under §§ 51.5-18 and 51.5-26 of the Code of Virginia.

4. The possibility that the same accommodations may be used by other prospective employees;

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5. Safety and health considerations of the person with a disability, other employees and the public;

F. Notwithstanding the foregoing, any accommodation which would exceed \$500 in cost shall be rebuttably presumed to impose an undue burden upon any employer with fewer than 50 employees.

§ 2.3. Employment criteria.

A. A program or activity governed by these regulations may not use any employment test or other selection criterion that screens out or tends to screen out persons with a disability or any class of persons with a disability unless:

1. The test score or other selection criterion, as used by the program or activity, is shown to be job-related for the position in question, and
2. Alternative job-related tests or criteria that tend to screen out fewer persons with disabilities are not available.

B. A program or activity governed by these regulations shall select and administer tests concerning employment so as best to ensure that, when administered to an applicant or employee who has a disability that impairs sensory, manual, or speaking skills, the test results accurately reflect the applicant's or employee's job skills, aptitude, or whatever other factor the test purports to measure, rather than reflecting the applicant's or employee's impaired sensory, manual, or speaking skills (except where those skills are the factors that the test purports to measure).

C. A program or activity governed by these regulations shall select and administer tests using procedures (e.g., auxiliary aids such as readers for persons who are visually-impaired or qualified sign language interpreters for persons who are hearing-impaired) that accommodate the special problems of persons with a disability.

§ 2.4. Preemployment inquiries.

A. Except as provided in subsections B and C of this section, a program or activity governed by these regulations may not conduct a preemployment medical examination or may not make preemployment inquiry of an applicant as to whether the applicant is a person with a disability or as to the nature or severity of a disability. A program or activity may, however, make preemployment inquiry into an applicant's ability to perform job-related functions.

B. When a program or activity is taking remedial action to correct the effects of past discrimination, when a program or activity is taking voluntary action to overcome the effects of conditions that resulted in limited participation in its assisted program or activity pursuant to § 1.6, or when a program or activity is taking affirmative action, the program or activity may invite applicants for

employment to indicate whether and to what extent they are disabled, provided, that:

1. The program or activity states clearly on any written questionnaire used for this purpose or makes clear orally, if no written questionnaire is used, that the information requested is intended for use solely in connection with its remedial action obligations or its voluntary or affirmative action efforts; and

2. The program or activity states clearly that the information is being requested on a voluntary basis, that it will be kept confidential as provided in subsection D of this section, that refusal to provide it will not subject the applicant or employee to any adverse treatment, and that it will be used only in accordance with this part.

C. Nothing in this section shall prohibit a program or activity from conditioning an offer of employment on the results of a medical examination conducted prior to the employee's entrance on duty, provided, that:

1. All entering employees are subjected to such an examination regardless of disability, and
2. The results of such an examination are used only in accordance with the requirements of this section.

D. Information obtained in accordance with this section as to the medical condition or history of the applicant shall be collected and maintained on separate forms that shall be accorded confidentiality as medical records, except that:

1. Supervisors and managers may be informed after the employment decisions are made regarding restrictions on the work or duties of persons with a disability and regarding necessary accommodations;
2. First aid and safety personnel may be informed, where appropriate, if the condition might require emergency treatment; and
3. Government officials investigating compliance with these regulations shall be provided relevant information upon request.

PART III. PROGRAM ACCESSIBILITY.

§ 3.1. Accessibility.

A. General.

Each program or activity governed by these regulations shall operate so that the program or activity when viewed in its entirety is accessible. This subsection does not (i) necessarily require the program or activity to make each of its existing facilities accessible, or (ii) require the program or activity to take any action that it can

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demonstrate would result in a fundamental alteration in the nature of a program or activity or an undue financial and administrative burden. In those circumstances where program or activity personnel believe that the proposed action would fundamentally alter the program or activity or would result in undue financial and administrative burden, the program or activity has the burden of proving that compliance with subsection A of this section would result in such alteration or burden. The decision must be made by an agency head or his designee after considering all resources available for use in the funding and operation of the conducted program or activity, and must be accompanied by a written statement of the reasons for reaching that conclusion. If an action would result in such an alteration or such burden, the program or activity shall take any other action that would not result in such an alteration or such burden but would nevertheless ensure that persons with a disability receive the benefits and services of the program or activity.

B. Methods.

A program or activity may comply with the requirements of this section through such means as redesign of equipment, reassignment of services to accessible buildings, assignment of aides to beneficiaries, home visits, delivery of services at alternative accessible sites, alteration of existing facilities and construction of new facilities, use of accessible facilities, or any other methods that result in making its programs or activities readily accessible to and usable by persons with a disability. A program or activity is not required to make structural changes in existing facilities where other methods are effective in achieving compliance with this section. In choosing among available methods for meeting the requirements of this section, priority shall be given to those methods that offer program and activities to qualified persons with a disability in the most integrated setting feasible.

C. Time period for compliance.

The program or activity shall comply with the obligations established under this section within 60 days of the effective date of these regulations, except that where structural changes in facilities are undertaken, such changes shall be made within three years of the effective date of these regulations but in any event as expeditiously as possible.

D. Transition plan.

In the event that structural changes to facilities will be undertaken to achieve program accessibility, a program or activity shall develop within six months of the effective date of these regulations, a transition plan setting forth the steps necessary to complete such changes. A program or activity which also receives federal funds may use its transition plan required under federal regulations promulgated under 29 USC 794 to comply with this subsection. The program or activity shall provide an

opportunity to interested persons, including persons with disabilities and organizations representing persons with disabilities, to participate in the development of the transition plan by inviting public comment. A copy of the transition plan shall be made available for public inspection. The plan shall, at a minimum:

1. Identify physical obstacles in the facilities that limit the accessibility of its program or activities to persons with a disability;
2. Describe in detail the methods that will be used to make the facilities accessible;
3. Specify the schedule for taking the steps necessary to achieve compliance with this section and, if the time period of the transition plan is longer than one year, identify steps that will be taken during each year of the transition period; and
4. Indicate the official responsible for implementation of the plan.

E. Notice.

The program or activity shall adopt and implement procedures to ensure that all interested persons with disabilities can obtain information as to the existence and location of services, activities, and facilities that are accessible.

§ 3.2. New construction.

A. Design and construction.

Each new facility constructed by, on behalf of, or for the use of a program or activity governed by these regulations shall be designed and constructed in such a manner that the facility is accessible as prescribed by the Uniform Statewide Building Code.

B. Alteration.

Each facility or part of a facility which is altered by, on behalf of, or for the use of a program or activity after the effective date of these regulations in a manner that affects or could affect the usability of the facility or part of the facility shall, to the maximum extent feasible, be altered in such manner that the altered portion of the facility is accessible.

§ 3.3. Auxiliary aids.

A. Programs or activities governed by these regulations shall take appropriate steps to ensure effective communication with applicants, participants, personnel and members of the public.

1. Programs or activities governed by these regulations shall furnish appropriate auxiliary aids to afford a person with a disability an equal opportunity to

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participate in, and enjoy the benefits of a program or activity.

a. In determining what type of auxiliary aid is necessary, programs or activities governed by these regulations shall give consideration to the requests of the person with a disability.

b. Programs or activities governed by these regulations need not provide individually prescribed devices, readers for personal use or study, or other devices of a personal nature, except where those aids are required for employment or to complete a preschool, primary or secondary educational program.

2. Where state-operated programs or activities governed by these regulations communicate with applicants and beneficiaries by telephone, telecommunication devices for deaf persons (TDD's) or equally effective telecommunication systems shall be used.

B. Programs or activities governed by these regulations shall ensure that interested persons, including persons with sensory or cognitive impairments can obtain information as to the existence and location of accessible services, activities and facilities.

C. Programs or activities governed by these regulations shall provide signage at a primary entrance to each of its inaccessible facilities, directing users to a location at which they can obtain information about accessible facilities. The international symbol for access shall be used at each primary entrance of an accessible facility.

PART IV. PRESCHOOL, ELEMENTARY, AND SECONDARY EDUCATION.

§ 4.1. Application of this part.

Part IV applies to preschool, elementary, secondary, and adult education programs and activities that receive or benefit from state financial assistance and to recipients that operate, or that receive or benefit from state financial assistance for the operation of, such programs or activities.

§ 4.2. Location and notification.

A program or activity that operates an elementary or secondary education program shall annually:

1. Undertake to identify and locate every qualified person with a disability residing in the recipient's jurisdiction who is not receiving a public education; and

2. Take appropriate steps to notify persons with a disability and their parents or guardians of the recipient's duty under this part. Compliance with the

procedural safeguards of "Regulations Governing Special Education Programs for Handicapped Children and Youth in Virginia" is one means of meeting this requirement.

§ 4.3 Free appropriate public education.

A. General.

A program or activity that operates an elementary or secondary education program shall provide a free appropriate public education to each qualified person with a disability who is in the recipient's jurisdiction, regardless of the nature or severity of the person's disability,

B. Appropriate education.

1. For the purpose of this part, the provision of an appropriate education is the provision of regular or special education and related aids and services that (i) are designed to meet the individual educational needs of a person with a disability as adequately as the needs of persons without disabilities are met, and (ii) are based upon adherence to procedures that satisfy the requirements of this part.

2. Implementation of an individualized education program developed in accordance with § 22.1-214 of the Code of Virginia is one of the means of meeting the standard established in subdivision B 1 a of this section.

3. A program or activity may place a person with a disability in or refer such person to a program other than the one that it operates as its means of carrying out the requirements of this part. If so, the program or activity remains responsible for ensuring that the requirements of this part are met with respect to any person with a disability so placed or referred.

C. Free education.

1. General. For the purpose of this section, the provision of a free education is the provision of educational and related services provided at public expense, under public supervision and direction, and without charge, except where a charge is imposed on persons without a disability, and that meet the standards of the Board of Education. It may consist either of the provision of free services or, if a program or activity places a person with a disability in or refers such person to a service not operated by the program or activity as its means of carrying out the requirements of this part, of payment for the costs of the service. Funds available from any public or private agency may be used to meet the requirements of this part. Nothing in this section shall be construed to relieve an insurer or similar third party from an otherwise valid obligation to provide or pay for services provided to a person with a disability.

2. *Transportation.* If a program or activity places a person with a disability in or refers such a person to a service not operated by itself as its means of carrying out the requirements of this part, the program or activity shall ensure that adequate transportation to and from the service is provided at no greater cost than would be incurred by the person or his parents or guardian if the person were placed in the service operated by the program or activity.

3. *Residential placement.* If placement in a public or private residential program is necessary to provide a free appropriate public education to a person with a disability because of his disability, the program, including nonmedical care and room and board, shall be provided at no cost to the person or his parents or guardian.

4. *Placement of persons with a disability by parents.* If a program or activity has made available, in conformance with the requirements of this section, a free appropriate public education to a person with a disability and the person's parents or guardian choose to place the person in a private school, the program or activity is not required to pay for the person's education in the private school. Disagreements between a parent or guardian and a program or activity regarding whether the program or activity has made such a program available or otherwise regarding the question of financial responsibility are subject to the due process procedures in the "Regulations Governing Special Education Programs for Handicapped Children and Youth in Virginia" (Department of Education).

§ 4.4. Education setting.

A. Academic setting.

A program or activity to which this part applies shall educate, or shall provide for the education of, qualified persons with disabilities in its jurisdiction with persons who are not disabled to the maximum extent appropriate to the needs of each person with a disability. A program or activity shall place a person with a disability in the regular educational environment operated by the program or activity unless it is demonstrated by the program or activity that the education of the person in the regular environment with the use of supplementary aids and services cannot be achieved satisfactorily. Whenever a program or activity places a person in a setting other than the regular educational environment pursuant to this subsection, it shall take into account the proximity of the alternate setting to the person's home.

B. Nonacademic settings.

In providing or arranging for the provision of nonacademic and extracurricular services and activities, including meals, recess periods, and the services and activities set forth in § 4.7 A 2, a program or activity shall

ensure that persons with a disability participate with persons without disabilities in such activities and services to the maximum extent appropriate to the needs of the person with a disability.

C. Comparable facilities.

If a program or activity, in compliance with subsection A of this section, operates a facility that is identifiable as being for persons with a disability, the program or activity shall ensure that the facility and the services and activities provided therein are comparable to the other facilities, services, and activities of the program or activity.

§ 4.5. Evaluation and placement.

A. Preplacement evaluation.

A program or activity that operates a public elementary or secondary education program shall conduct an evaluation in accordance with the requirements of subsection B of this section of any person who, because of disability, needs or is believed to need special education or related services before taking any action with respect to the initial placement of the person in a regular or special education program or any subsequent significant change in placement.

B. Evaluation procedures.

A program or activity to which this part applies shall establish standards and procedures for the evaluation and placement of persons who, because of disability, need or are believed to need special education or related services which ensure that:

1. Tests and other evaluation materials have been validated for the specific purpose for which they are used and are administered by trained personnel in conformance with the instructions provided by their producer;

2. Tests and other evaluation materials include those tailored to assess specific areas of educational need and not merely those which are designed to provide a single general intelligence quotient; and

3. Tests are selected and administered so as best to ensure that, when a test is administered to a person with suspected or a diagnosed learning disability, impaired sensory, manual, or speaking skills, the test results accurately reflect the person's aptitude or achievement level or whatever other factor the test purports to measure, rather than reflecting the person's suspected or diagnosed learning disability, impaired sensory, manual, or speaking skills (except where those skills are the factors that the test purports to measure).

C. Placement procedures.

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In interpreting evaluation data and in making placement decisions, a program or activity shall:

1. Draw upon information from a variety of sources, including aptitude and achievement tests, teacher or other professional recommendations, physical condition, social or cultural background and adaptive behavior;
2. Establish procedures to ensure that information obtained from all such sources is documented and carefully considered;
3. Ensure that the placement decision is made by a group of persons, including persons knowledgeable about the person, the meaning of the evaluation data, and the placement options; and
4. Ensure that the placement decision is made in conformity with § 4.4.

D. Reevaluation.

A program or activity to which this section applies shall establish procedures, in accordance with subsection B of this section, for periodic reevaluation of students who have been provided special education and related services. A reevaluation procedure consistent with the "Regulations Governing Special Education Programs for Handicapped Children and Youth in Virginia" (Department of Education) shall be deemed to comply with this subsection.

§ 4.6. Procedural safeguards.

A program or activity that operates a public elementary or secondary education program shall establish and implement, with respect to actions regarding the identification, evaluation, or educational placement of persons who, because of disability, need or are believed to need special instruction or related services, a system of procedural safeguards that includes notice, an opportunity for the parents or guardian of the person to examine relevant records, an impartial hearing with opportunity for participation by the person's parents or guardian and the person when appropriate and representation by counsel, and a review procedure. Compliance with the procedural safeguards of "Regulations Governing Special Education Programs for Handicapped Children and Youth in Virginia" (Department of Education) is one means of meeting this requirement.

§ 4.7. Nonacademic services.

A. General.

1. A program or activity to which this part applies shall provide nonacademic and extracurricular services and activities in such manner as is necessary to afford persons with a disability an equal opportunity for participation in such services and activities.

2. Nonacademic and extracurricular services and activities may include counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the recipients, referrals to agencies which provide assistance to persons with a disability, and employment of students, including both employment by the program or activity and assistance in making available outside employment.

B. Counseling services.

A program or activity to which this part applies that provides personal, academic, or vocational counseling, guidance, or placement services to its students shall provide these services without discrimination on the basis of disability. The program or activity shall ensure that qualified persons with a disability are not counseled toward more restrictive career objectives than are students without disabilities with similar interests and abilities.

C. Physical education and athletics.

1. In providing physical education courses and athletics and similar programs and activities to any of its students, a program or activity to which this part applies may not discriminate on the basis of disability. A program or activity that offers physical education courses or that operates or sponsors interscholastic, club, or intramural athletics shall provide to qualified persons with disabilities an equal opportunity for participation in these activities.

2. A program or activity may offer to persons with a disability physical education and athletic activities that are separate or different from those offered to students without disabilities only if separate or differentiation is consistent with the requirements of § 4.4 and only if qualified persons with disabilities are not denied the opportunity to compete for teams or to participate in courses that are not separate or different.

§ 4.8. Preschool and adult education programs.

A program or activity to which this part applies that operates a preschool education or day care program or activity or an adult education program or activity may not, on the basis of disability, exclude qualified persons with a disability from the program or activity and shall take into account the needs of such students in determining the aid, benefits, or services to be provided under the program or activity.

§ 4.9. Private education programs.

- A. A program or activity that operates a private elementary or secondary education program may not, on the basis of disability, exclude a qualified person with a disability from such program if the person can, with minor adjustments, be provided an appropriate education, as

defined in § 4.3 B 1, within the recipient's program.

B. A program or activity to which this section applies may not charge more for the provision of an appropriate education to persons with a disability than to persons without disabilities except to the extent that any additional charge is justified by a substantial increase in cost to the program or activity.

C. A program or activity to which this section applies that operates special education programs shall operate such programs in accordance with the provisions of §§ 4.5 and 4.6. Each program or activity to which this section applies is subject to the provisions of §§ 4.4, 4.7, and 4.8.

PART V. POST-SECONDARY EDUCATION.

§ 5.1. General.

This part applies to post-secondary education programs activities, including post-secondary vocational education program and activities, that receive or benefit from state financial assistance and to recipients that operate, or that receive or benefit from state financial assistance for the operation of such programs or activities, or that are conducted by or on behalf of any state agency.

§ 5.2. Admissions and recruitment.

A. General.

Qualified persons with a disability may not, on the basis of disability, be denied admission to the educational program or activity.

B. Admissions.

In administering its admission policies, a program or activity to which this part applies:

1. May not apply limitations upon the number or proportion of persons with a disability who may be admitted;
2. May not make use of any test or criterion for admission that has a disproportionate, adverse effect on persons with a disability or any class of persons with a disability unless (i) the test or criterion, as used by the program or activity, has been validated as a predictor of success in the education program or activity in question, and (ii) alternative tests or criteria that have a less disproportionate adverse effect are not shown to be available.
3. Shall assure itself that (i) admissions tests are selected and administered so as best to ensure that, when a test is administered to an applicant who has a disability that impairs sensory, manual, or speaking skills, the test results accurately reflect the applicant's aptitude or achievement level or whatever other factor

the test purports to measure, rather than reflecting the applicant's impaired sensory, manual, or speaking skills (except where those skills are the factors that the test purports to measure); (ii) admissions tests that are designed for persons with impaired sensory, manual, or speaking skills are offered as often and in as timely a manner as are other admissions tests; and (iii) admissions tests are administered in facilities that, on the whole, are accessible to persons with disabilities; and

4. Except as provided in subsection C of this section, may not make preadmission inquiry as to whether an applicant for admission is a person with a disability but, after admission, may make inquiries on a confidential basis as to disabilities that may require accommodation.

C. Preadmission inquiry exception.

When a program or activity is taking remedial action to correct the effects of past discrimination or when a program or activity is taking voluntary action to overcome the effects of conditions that resulted in limited participation in its state assisted program or activity pursuant to § 1.6, the program or activity may invite applicants for admission to indicate whether and to what extent they are disabled provided that:

1. The program or activity states clearly on any written questionnaire used for this purpose, or makes clear orally if no written questionnaire is used, that the information requested is intended for use solely in connection with its remedial action obligations or its voluntary action efforts; and
2. The program or activity states clearly that the information is being requested on a voluntary basis, that it will be kept confidential, that refusal to provide it will not subject the applicant to any adverse treatment, and that it will be used only in accordance with this part.

D. Validity studies.

For the purpose of subdivision B 2 of this section, a program or activity may base prediction equations on first year grades, but shall conduct periodic validity studies against the criterion of overall success in the education program or activity in question in order to monitor the general validity of the test scores.

§ 5.3. Treatment of students.

A. No qualified person with a disability shall, on the basis of disability, be denied full and equal access to and enjoyment of any of an educational institution's educational or extracurricular programs or activities or otherwise be subjected to discrimination under any academic, research, occupational training, housing, health insurance, counseling, financial aid, physical education, athletics, recreation,

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transportation, or other post-secondary education program or activity to which this part applied.

B. An educational program or activity governed by these regulations that considers participation by students in education programs or activities not operated wholly by itself as part of, or equivalent to, an education program or activity operated by itself shall assure itself that the other education program or activity, as a whole, provides an equal opportunity for the participation of qualified persons with a disability.

C. An educational program or activity governed by these regulations may not, on the basis of disability, exclude any qualified person with a disability from any course, course of study, or other part of its education program or activity.

D. A program or activity to which this part applies shall operate its programs and activities in the most integrated setting appropriate.

§ 5.4. Academic adjustments.

A. Academic requirements.

An educational program or activity governed by these regulations shall make such modifications to its academic requirements as are necessary to ensure that such requirements do not discriminate or have the effect of discriminating, on the basis of disability, against a qualified applicant or student with a disability. Academic requirements that the program or activity can demonstrate are essential to the integrity of the program of instruction being pursued by such student will not be regarded as discriminatory within the meaning of this section. Modifications may include changes in the length of time permitted for the completion of degree requirements, substitution of specific courses required for the completion of degree requirements, and adaptation of the manner in which specific courses are conducted.

B. Other rules.

An educational program or activity governed by these regulations may not impose upon persons with a disability other rules, such as the prohibition of tape recorders or personal assistants in classrooms, or of guide or service dogs in campus buildings, that have the effect of limiting the participation of persons with a disability in the recipient's education program or activity.

C. Course examination.

In its course examination or other procedures for evaluating students' academic achievement in its program, an education program or activity to which this part applies shall provide such methods for evaluating the achievement of students who have a disability that impairs sensory, manual, or speaking skills as will best ensure that the results of the evaluation represents the student's

achievement in the course, rather than reflecting the student's impaired sensory, manual, or speaking skills (except where such skills are the factors that the test purports to measure).

D. Auxiliary aids.

An educational program or activity to which this part applies shall take such steps as are necessary to ensure that no student with a disability is denied the benefits of, excluded from participation in, or otherwise subjected to discrimination under the education program or activity because of the absence of educational auxiliary aids for students with impaired sensory, manual, or speaking skills. Auxiliary aids may include taped texts, interpreters or other effective methods of making orally delivered materials available to students with hearing impairments, readers in libraries for students with visual impairments, classroom equipment adapted for use by students with manual impairments, and other similar services and actions. Educational institutions need not provide attendants, individually prescribed devices, readers for personal use or study, or other devices or services of a personal nature.

§ 5.5. Housing.

A. Housing provided by educational institutions.

An educational institution that provides housing to its nondisabled students shall provide comparable, convenient, and accessible housing, including accommodations to persons with disabilities at the same cost as to others. Such housing shall be available in sufficient quantity and variety so that the scope of choices of living accommodations for persons with disabilities is, as a whole, comparable to that of students who are not disabled. An educational institution may comply with this subsection by developing a transition plan which complies with § 3.1 D within one year.

B. Other housing.

An educational institution that assists any agency, organization, or person in making housing available to any of its students shall take such action as may be necessary to assure itself that such housing is, as a whole, made available in a manner that does not result in discrimination on the basis of disability.

§ 5.6. Transportation services.

A. Full and equal access.

An educational institution that provides transportation services to its students who are not disabled shall operate such services so that when viewed in its entirety, the program is accessible. The services shall:

1. Provide to persons with a disability transportation that is comparable to that available to students who

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are not disabled in terms of geographic range and hours of operation, trip decision time, fares, convenience, and the lack of restrictions on trip purpose and eligibility.

2. Ensure that persons with a disability have access to provided transportation where needed by either:

a. Use of the same transportation facilities or carriers available to students who are not disabled; or

b. Provision of transportation services for persons with disabilities that meet the requirements of § 7.4 B.

B. New procurement.

An educational institution that provides bus transportation to its students who are not disabled may procure new buses or vans only if such buses or vans:

1. Contain a ramp or lift for boarding and exiting.

2. Provide wheelchair accessibility for persons with a disability. The term "wheelchair accessibility" means a level change mechanism (e.g., lift or ramp), sufficient clearances to permit a person in a wheelchair to reach a secure location, and at least one wheelchair securement device.

§ 5.7. Financial and employment assistance to students.

A. Provision of financial assistance.

1. In providing financial assistance to qualified persons with disabilities, an educational institution to which this part applies may not (i) on the basis of disability, provide less assistance than is provided to nondisabled persons, limit eligibility for assistance, or otherwise discriminate, or (ii) assist any entity or person that provides assistance to any students in a manner that discriminates against qualified persons with a disability on the basis of disability.

2. An educational institution to which this part applies may administer or assist in the administration of scholarships, fellowships, or other forms of financial assistance established under will, trusts, bequests, or similar legal instruments that require awards to be made on the basis of factors that discriminate or have the effect of discriminating on the basis of disability only if the overall effect of the award of scholarships, fellowships, and other forms of financial assistance is not discriminatory on the basis of disability.

B. Assistance in making available outside employment.

A program or activity to which this part applies that assists any agency, organization, or person in providing employment opportunities to any of its students shall

assure itself that such employment opportunities, as a whole, are made available in a manner that does not violate Part II if they were provided by the program or activity.

C. Employment of students.

A program or activity to which this part applies that employs any of its students may not do so in a manner that violates Part II.

§ 5.8. Nonacademic services.

A. Physical education and athletics.

1. In providing physical education courses and athletics and similar programs and activities to any of its students, an educational institution to which this part applies may not discriminate on the basis of disability. A program that offers physical education courses or that operates or sponsors intercollegiate, club, or intramural athletics shall provide to qualified persons with disabilities an equal opportunity for participation in these activities.

2. An educational institution may offer persons with a disability physical education and athletic activities that are separate or different only if separation or differentiation is consistent with the requirements of § 4.3 D and only if qualified persons with disabilities are not denied the opportunity to compete for teams or to participate in courses that are not separate or different.

B. Counseling and placement services.

An educational institution to which this part applies that provides personal, academic, or vocational counseling, guidance, or placement services to its students shall provide these services without discrimination on the basis of disability. The educational institution shall ensure that qualified persons with a disability are not counseled toward more restrictive career objectives than are students who are not disabled with similar interests and abilities. This requirement does not preclude an institution from providing factual information about licensing and certification requirements that may present obstacles to persons with a disability in their pursuit of particular careers.

C. Social organizations.

An educational institution that provides assistance to fraternities, sororities, or similar organizations shall assure itself that the membership practices of such organizations do not permit discrimination prohibited by this part.

PART VI.

HEALTH, WELFARE, AND SOCIAL SERVICES.

§ 6.1. Application of this part.

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Part VI applies to health, welfare, and other social service programs and activities that receive or benefit from state financial assistance and to recipients that operate, or that receive or benefit from state financial assistance for the operation of, such programs or activities.

§ 6.2. Health, welfare, and other social services.

A. General.

In providing health, welfare, or other social services or benefits, a program or activity may not, on the basis of disability:

1. Deny a qualified person with a disability these benefits or services;
2. Afford a qualified person with a disability an opportunity to receive benefits or services that is not equal to that offered students who are not disabled;
3. Provide a qualified person with a disability with benefits or services that are not as effective (as defined in § 1.4 B) as the benefits or services provided to others;
4. Provide benefits or services in a manner that limits or has the effect of limiting the participation of qualified persons with a disability; or
5. Provide different or separate benefits or services to persons with a disability except where necessary to provide qualified persons with a disability with benefits and services that are as effective as those provided to others.

B. Notice.

A program or activity that provides notice concerning benefits or services or written material concerning waivers of rights or consent to treatment shall take such steps as are necessary to ensure that qualified persons with a disability, including those with impaired cognitive, sensory or speaking skills, are not denied effective notice because of their disability.

C. Emergency treatment for the hearing impaired.

A hospital that provides health services or benefits shall establish a procedure for effective communication with persons with impaired hearing for the purpose of providing emergency health care.

D. Auxiliary aids.

A program or activity to which this part applies shall provide appropriate auxiliary aids to persons with impaired sensory, manual, or speaking skills, where necessary to afford such persons an equal opportunity to benefit from the service in question. A program or activity with 15 or fewer employees may be required to comply

with this subsection unless it can demonstrate that to do so would impose an undue burden.

§ 6.3. Drug and alcohol abusers.

A program or activity to which this part applies that operates a general hospital or outpatient facility may not discriminate in admission or treatment against a drug or alcohol abuser who is suffering from a medical condition, because of the person's drug or alcohol abuse.

§ 6.4. Education of persons who are in institutions.

A program or activity to which this part applies and that operates or supervises a program or activity for persons who are institutionalized because of disability shall assure that each qualified person with a disability in its program or activity is provided an appropriate education, as defined in § 4.3 B. Nothing in this section shall be interpreted as altering in any way the obligations of recipients under Part IV.

PART VII. ENFORCEMENT.

§ 7.1. Any individual alleging violation of these regulations is authorized to bring a private civil action under § 51.5-46 of the Code of Virginia. Concurrent with the 180 day notice required by § 51.5-46 B, the individual shall also give notice to the state agency which provided services or was the source of the state financial assistance.

DEPARTMENT OF WASTE MANAGEMENT (VIRGINIA WASTE MANAGEMENT BOARD)

REGISTRAR'S NOTICE: Due to its length, the Virginia Hazardous Waste Management Regulations filed by the Department of Waste Management are not being published. However, in accordance with § 9-6.14:22 of the Code of Virginia, the summary is being published in lieu of the full text. The full text of the regulation is available for public inspection at the office of the Registrar of Regulations and at the Department of Waste Management.

Title of Regulation: VR 672-10-1. Virginia Hazardous Waste Management Regulations.

Statutory Authority: § 10.1-1402 of the Code of Virginia.

Public Hearing Date: October 16, 1989 - 10 a.m.
(See Calendar of Events Section
for additional information)

Summary:

The majority of the modifications and additions contained in Amendment 10 to the Virginia Hazardous Waste Management Regulations are being made in response to the changes made by the United States Environmental Protection Agency (EPA) in the federal

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regulations implementing the Resource Recovery and Conservation Act of 1976 (RCRA) and the Hazardous and Solid Waste Amendments of 1984. In order to maintain its authorization to conduct the hazardous waste program in Virginia, the department is required to update its regulations and conform them to the federal requirements on an annual basis.

Reductions of the regulatory burdens.

Virginia Hazardous Waste Management Regulations, as presently constituted, are not very specific on the procedures associated with the permit modifications requested voluntarily by the permittee. Amendment 10 will restructure drastically the department's procedures to simplify them and bring them in line with the federal changes promulgated on December 1, 1987, and September 28, 1988.

At present time, laboratories and consulting firms offering their services for studying treatability of hazardous waste in conjunction with the land disposal restrictions must have a permit or possess interim status as a TSD facility to be able to receive manifested shipments of large quantities of wastes needed for such studies. Amendment 10 removes this requirement.

The availability of financial assurance has been a problem and a substantial cost item for the regulated community since the inception of the program. Following the federal lead, Amendment 10 expands the choices of acceptable mechanisms.

On October 11, 1988, EPA removed the requirement that the results of the groundwater monitoring be statistically analyzed by using the t-test and allowed a variety of statistical tests provided they meet certain performance standards. Amendment 10 follows the federal regulations.

Adoption of more stringent federal regulations.

In response to the requirements under the Hazardous and Solid Waste Amendments of 1984, EPA promulgated on August 17, 1988, regulations addressing the land disposal restrictions for the first third of the hazardous waste listed. As the result of these regulations, certain hazardous wastes will require extensive treatment prior to the land disposal in hazardous waste sites. Amendment 10 mirrors the federal land disposal restrictions.

On September 13, 1988, EPA listed as hazardous wastes certain primary metal production wastes previously exempted under the mining exclusion. To retain the equivalency with the federal program, Amendment 10 contains these newly listed wastes. It is not expected that these listings will affect any existing businesses in Virginia.

Other changes.

Numerous corrections are required to eliminate typographical and editorial errors found in the previous editions of the regulations. Amendment 10 lists these changes along with other minor technical clarifications and corrections.

STATE WATER CONTROL BOARD

Title of Regulation: VR 680-16-17. Rappahannock River Basin Water Quality Management Plan.

The State Water Control Board is withdrawing the proposed Rappahannock River Basin Water Quality Management Plan published 4:10 VA.R. 968 February 15, 1988.

FINAL REGULATIONS

For information concerning Final Regulations, see information page.

Symbol Key

Roman type indicates existing text of regulations. *Italic type* indicates new text. Language which has been stricken indicates text to be deleted. [Bracketed language] indicates a substantial change from the proposed text of the regulations.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES (BOARD OF)

NOTICE: The following regulations do not comply with the format established by the Registrar of Regulations since the Board of Agriculture and Consumer Services is bound and preempted by the Federal Fair Packaging and Labeling Act of the United States and the rules and regulations adopted under the U.S. Food and Drug Administration Act and the Federal Trade Commission Act and preemptive labeling by U.S. Department of Agriculture and other federal agencies. The most up-to-date manual on this subject is the National Bureau of Standards Handbook 130 (NBS No. 130) Uniform Laws and Regulations, sections entitled Packaging and Labeling Regulation and Method of Sale of Commodities Regulation, published annually by the U.S. Department of Commerce, National Bureau of Standards, as adopted by the National Conference on Weights and Measures annually. The Department has adopted this manual in its latest form as the basis for regulations of "Commodities in Package Form" for the Commonwealth.

Title of Regulation: VR 115-04-04. Rules and Regulations for the Enforcement of the Virginia Weights and Measures Law.

Statutory Authority: §§ 3.1-926 and 3.1-943 of the Code of Virginia

Effective Date: October 12, 1989

Summary:

The board has adopted the amendment to this regulation as initially proposed. However, so as to clarify that it has no intention of superseding federal law which already prohibits the weighing of loads of livestock and grain that do not meet certain weight limitations on such vehicle scales, the board further amends the regulation to clarify that the initial amendment does not apply to the weighing of livestock and grain.

VR 115-04-04. Rules and Regulations for the Enforcement of the Virginia Weights and Measures Law.

PACKAGING AND LABELING REQUIREMENTS

§ 1. Application.

This regulation shall apply to packages and to commodities in package form, but shall not apply to:

A. Inner wrappings not intended to be individually sold to the customer,

B. Shipping containers or wrapping used solely for the transportation of any commodities in bulk or in quantity to manufacturers, packers, or processors, or to wholesale or retail distributors, but in no event shall this exclusion apply to packages of consumer or nonconsumer commodities, as defined herein,

C. Auxiliary containers or outer wrappings used to deliver packages of such commodities to retail customers if such containers or wrappings bear no printed matter pertaining to any particular commodity,

D. Containers used for retail tray pack displays when the container itself is not intended to be sold (e.g., the tray that is used to display individual envelopes of seasonings, gravies, etc., and the tray itself is not intended to be sold), or

E. Open carriers and transparent wrappers or carriers for containers when the wrappers or carriers do not bear any written, printed, or graphic matter obscuring the label information required by this regulation.

§ 2. Definitions.

2.1. "*Commodity in Package Form.*" The term "commodity in package form" shall be construed to mean a commodity put up or packaged in any manner in advance of sale in units suitable for either wholesale or retail sale. An individual item or lot of any commodity not in package form as defined in this section, but on which there is marked a selling price based on an established price per unit of weight or of measure, shall be construed to be a commodity in package form. Where the term "package" is used in this regulation, it shall be construed to mean "commodity in package form" as herein defined.

2.2. "*Consumer Package: Package of Consumer Commodity.*" A "consumer package" or "package of consumer commodity" shall be construed to mean a commodity in package form that is customarily produced or distributed for sale through retail sales agencies or instrumentalities for consumption by individuals or use by individuals for the purposes of personal care or in the performance of services ordinarily rendered in or about the household or in connection with personal possessions.

2.3. "*Nonconsumer Package: Package of Nonconsumer Commodity.*" A "nonconsumer package" or "package of nonconsumer commodity" shall be construed to mean any commodity in package form other than a consumer

package, and particularly a package intended solely for industrial or institutional use or for wholesale distribution.

2.4. *"Random Package."* The term "random package" shall be construed to mean a package that is one of a lot, shipment, or delivery of packages of the same consumer commodity with varying weights; that is, packages of the same consumer commodity with no fixed pattern of weight.

2.5. *"Label."* The term "label" shall be construed to mean any written, printed, or graphic matter affixed to, applied to, attached to, blown into, formed, molded into, embossed on, or appearing upon or adjacent to a consumer commodity or a package containing any consumer commodity, for the purposes of branding, identifying, or giving any information with respect to the commodity or to the contents of the package, except that an inspector's tag or other nonpromotional matter affixed to or appearing upon a consumer commodity shall not be deemed to be a label requiring the repetition of label information required by this regulation.

2.6. *"Person."* The term "person" shall be construed to mean both singular and plural, and shall include any individual, partnership, company, corporation, association, and society.

2.7. *"Principal Display Panel or Panels."* The term "principal display panel" or "panels" shall be construed to mean that part, or those parts, of a label that is, or are, so designed as to most likely be displayed, presented, shown, or examined under normal and customary conditions of display and purchase. Wherever a principal display panel appears more than once on a package, all requirements pertaining to the "principal display panel" shall pertain to all such "principal display panels."

2.8. *"Multi-Unit Package."* The term "multi-unit package" shall be construed to mean a package containing two or more individual packages of the same commodity, in the same quantity, with the individual packages intended to be sold as part of the multi-unit package but capable of being individually sold in full compliance with all requirements of this regulation.

§ 3. Declaration of Identity: Consumer Package.

3.1. Declaration of Identity: Consumer Package. A declaration of identity on a consumer package shall appear on the principal display panel, and shall positively identify the commodity in the package by its common or usual name, description, generic term, or the like.

3.1.1. Parallel Identity Declaration: Consumer Package. A declaration of the identity on a consumer package shall appear generally parallel to the base on which the package rests as it is designed to be displayed.

§ 4. Declaration of Identity: Nonconsumer Package.

A declaration of identity on a nonconsumer package shall appear on the outside of a package and shall positively identify the commodity in the package by its common or usual name, description, generic term, or the like.

§ 5. Declaration of Responsibility: Consumer and Nonconsumer Packages.

Any package kept, offered, or exposed for sale, or sold, at any place other than on the premises where packed shall specify conspicuously on the label of the package the name and address of the manufacturer, packer, or distributor. The name shall be the actual corporate name, or when not incorporated, the name under which the business is conducted. The address shall include street address, city, state, and zip code; however, the street address may be omitted if this is shown in a current city directory or telephone directory.

If a person manufactures, packs, or distributes a commodity at a place other than his principal place of business, the label may state the principal place of business in lieu of the actual place where the commodity was manufactured or packed or is to be distributed, unless such statement would be misleading. Where the commodity is not manufactured by the person whose name appears on the label, the name shall be qualified by a phrase that reveals the connection such person has with such commodity, such as "Manufactured for and packed by" "Distributed by" or any other wording of similar import that expresses the facts.

§ 6. Declaration of Quantity: Consumer Packages.

6.1. General. The metric and inch-pound systems of weights and measures are recognized as proper systems to be used in the declaration of quantity. Units of both systems may be presented in a dual declaration of quantity.

6.2. Largest Whole Unit. Where this regulation requires that the quantity declaration be in terms of the largest whole unit, the declaration shall, with respect to a particular package, be in terms of the largest whole unit of weight or measure, with any remainder expressed (following the requirements of Section 6.10 Fractions):

A. Inch-Pound Units.

1. In common or decimal fractions of such largest whole unit, or in

2. The next smaller whole unit, or units, with any further remainder in terms of common or decimal fractions of the smallest unit present in the quantity declaration.

B. Metric Units, in decimal fractions of such largest whole unit.

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6.3. Net Quantity. A declaration of net quantity of the commodity in the package, exclusive of wrappers and any other material packed with such commodity (except as noted in Section 10.3), shall appear on the principal display panel of a consumer package and, unless otherwise specified in this regulation (see subsections 6.7 through 6.8.3), shall be in terms of the largest whole unit.

6.3.1. Use of "Net Weight." The term "net weight" shall be used in conjunction with the declaration of quantity in units of weight. The term may either precede or follow the declaration of weight.

6.3.2. Lines of Print or Type. A declaration of quantity may appear on one or more lines of print or type.

6.4. Terms: Weight, Liquid Measure, Dry Measure, or Count. The declaration of the quantity of a particular commodity shall be expressed in terms of liquid measure if the commodity is liquid, or dry measure if the commodity is dry, or in terms of weight if the commodity is solid, semisolid, viscous, or a mixture of solid and liquid, or in terms of numerical count. However, if there exists a firmly established general consumer usage and trade custom with respect to the terms used in expressing a declaration of quantity of a particular commodity, such a declaration of quantity may be expressed in its traditional terms, if such traditional declaration gives accurate and adequate information as to the quantity of the commodity.

6.4.1. Combination Declaration.

A. A declaration of quantity in terms of weight shall be combined with appropriate declarations of the measure, count, and size of the individual units unless a declaration of weight alone is fully informative.

B. A declaration of quantity in terms of measure shall be combined with appropriate declarations of the weight, count, and size of the individual units unless a declaration of measure alone is fully informative.

C. A declaration of quantity in terms of count shall be combined with appropriate declarations of the weight, measure, and size of the individual units unless a declaration of count alone is fully informative.

6.5. Inch-Pound Units: Weight, Measure. A declaration of Quantity:

A. In units of weight, shall be in terms of the avoirdupois pound or ounce;

B. In units of liquid measure, shall be in terms of the United States gallon of 231 cubic inches or liquid-quart, liquid-pint, or fluid-ounce subdivisions of the gallon and shall express the volume at 68°F, except in the case of petroleum products or distilled spirits, for which the declaration shall express the volume at 60°F, and except also in the case of a commodity that is normally sold and

consumed while frozen, for which the declaration shall express the volume at the frozen temperature, and except also in the case of a commodity that is normally sold in the refrigerated state, for which the declaration shall express the volume at 40°F, and except also in the case of malt beverages, for which the declaration shall express the volume at 39.1°F;

C. In units of linear measure, shall be in terms of the yard, foot, or inch;

D. In units of area measure, shall be in terms of the square yard, square foot, or square inch;

E. In units of volume measure, shall be in terms of the cubic yard, cubic foot, or cubic inch;

F. In units of dry measure, shall be in terms of the United States bushel of 2150.42 cubic inches, or peck, dry-quart, and dry-pint subdivisions of the bushel.

6.5.1. Symbols and Abbreviations. Any of the following symbols and abbreviations, and none other, shall be employed in the quantity statement on a package of commodity:

avoirdupois	avdp	ounce	oz
cubic	cu	pint	pt
feet or foot	ft	pound	lb
fluid	fl	quart	qt
gallon	gal	square	sq
inch	in	weight	wt
liquid	liq	yard	yd

(There normally are no periods following, nor plural forms of, symbols. For example, "oz" is the symbol for both "ounce" and "ounces". Both upper and lower case letters are acceptable.)

6.5.2. Units of Two or More Meanings. When the term "ounce" is employed in a declaration of liquid quantity, the declaration shall identify the particular meaning of the term by the use of the term "fluid"; however, such distinction may be omitted when, by association of terms (for example, as in "20 fluid ounces, 1 pint 4 ounces"), the proper meaning is obvious. Whenever the declaration of quantity is in terms of the dry pint or dry quart, the declaration shall include the word "dry."

6.6. Metric Units: Weight, Measure. A declaration of quantity in:

A. Units of weight shall be in terms of the kilogram, gram, or milligram;

B. Units of liquid measure shall be in terms of the liter or milliliter, and shall express the volume at 20°C, except in the case of petroleum products or distilled spirits, for which the declaration shall express the volume at 15°C, and except also in the case of malt beverages or a

commodity that is normally sold and consumed while frozen, for which the declaration shall express the volume at the frozen temperature, and except also in the case of malt beverages or a commodity that is normally sold in the refrigerated state, for which the declaration shall express the volume at 4°C;

C. Units of linear measure shall be in terms of the meter, centimeter, or millimeter;

D. Units of area measure, shall be in terms of the square meter or square centimeter;

E. Units of volume other than liquid measure, shall be in terms of the liter and milliliter, except that the terms cubic meter and cubic centimeter will be used only when specifically designated as a method of sale.

6.6.1. Symbols. Any of the following symbols for metric units, and none other, may be employed in the quantity statement on a package of commodity:

kilogram	kg
gram	g
milligram	mg
liter	L or l
milliliter	mL or ml
meter	m
centimeter	cm
millimeter	mm
square meter	m ²
square centimeter	cm ²
cubic meter	m ³
cubic centimeter	cm ³

A. Symbols, except for liter, are not capitalized unless the unit is derived from a proper name. Periods should not be used after the symbol. Symbols are always written in the singular form—do not add “s” to express the plural when the symbol is used.

B. The “l” symbol for liter and “ml” symbol for milliliter are permitted; however, the “L” symbol and the “mL” symbol are preferred.

6.7. Prescribed Units, Inch-Pound System.

6.7.1. Less than 1 Foot, 1 Square Foot, 1 Pound, or 1 Pint. The declaration of quantity shall be expressed in terms of:

A. In the case of length measure of less than 1 foot, inches and fractions of inches;

B. In the case of area measure of less than 1 square foot, square inches and fractions of square inches;

C. In the case of weight of less than 1 pound, ounces and fractions of ounces;

D. In the case of liquid measure of less than 1 pint,

fluid ounces and fractions of fluid ounces;

Provided, that the quantity declaration appearing on a random package may be expressed in terms of decimal fractions of the largest appropriate unit, the fraction being carried out to not more than three² decimal places.

6.7.2. Weight: Dual Quantity Declaration. On packages containing 1 pound or more but less than 4 pounds, the declaration shall be expressed in ounces and, in addition, shall be followed by a declaration in parentheses, expressed in terms of the largest whole unit: provided, that the quantity declaration appearing on a random package may be expressed in terms of pounds and decimal fractions of the pound carried out to not more than three² decimal places.

6.7.3. Liquid Measure: Dual Quantity Declaration. On packages containing 1 pint or more, but less than 1 gallon, the declaration shall be expressed in fluid ounces and, in addition, shall be followed by a declaration in parentheses, expressed in terms of the largest whole unit.

6.7.4. Length Measure: Dual Quantity Declaration. On packages containing 1 foot or more, but less than 4 feet, the declaration shall be expressed in inches and, in addition, shall be followed by a declaration in parentheses, expressed in terms of the largest whole unit.

6.7.5. Area Measure: Dual Quantity Declaration. On packages containing 1 square foot or more but less than 4 square feet, the declaration shall be expressed in square inches and, in addition, shall be followed by a declaration in parentheses, expressed in terms of the largest whole unit.

6.7.6. Four Feet, 4 Square Feet, 4 Pounds, 1 Gallon, or More. In the case of:

A. Length measure of 4 feet or more

The declaration of quantity shall be expressed in terms of feet, followed in parentheses by a declaration of yards and common or decimal fractions of the yard, or in terms of feet followed in parentheses by a declaration of yards with any remainder in terms of feet and inches. In the case of

B. Area measure of 4 square feet or more;

C. Weight of 4 pounds or more;

D. Liquid measure of 1 gallon or more

The declaration of quantity shall be expressed in terms of the largest whole unit.

6.7.7. Bidimensional Commodities. For bidimensional commodities (including roll-type commodities) the

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quantity declaration shall be expressed:

A. If less than 1 square foot, in terms of linear inches and fractions of linear inches;

B. If at least 1 square foot but less than 4 square feet, in terms of square inches followed in parentheses by a declaration of both the length and width, each being in terms of the largest whole unit; provided, that

1. No square inch declaration is required for a bidimensional commodity of 4 inches width or less,

2. A dimension of less than 2 feet may be stated in inches within the parenthetical declaration, and

3. Commodities consisting of usable individual units (except roll-type commodities with individual usable units created by perforations, for which see subsection 6.9. Count: Ply.) require a declaration of unit area but not a declaration of total area of all such units,

C. If 4 square feet or more, in terms of square feet followed in parentheses by a declaration of the length and width in terms of the largest whole unit; provided, that

1. No declaration in square feet is required for a bidimensional commodity with a width of 4 inches or less,

2. Bidimensional commodities, with a width of 4 inches or less, shall have the length expressed in inches followed by a statement in parentheses of the length in the largest whole unit. (Example: 2 inches by 360 inches (10 yards).)

3. A dimension of less than 2 feet may be stated in inches within the parenthetical declaration, and

D. No declaration in square units is required for commodities for which the length and width measurements are critical in terms of end use (such as tablecloths or bedsheets) if such commodities clearly present the length and width measurements on the label.

6.8. Prescribed Units, Metric System.

6.8.1. Less Than 1 Meter, 1 Square Meter, 1 Kilogram, or 1 Liter. The declaration of quantity shall be expressed in terms of:

A. In the case of length measure of less than 1 meter, centimeters, or millimeters;

B. In the case of area measure of less than 1 square meter, square centimeters and decimal fractions of square centimeters;

C. In the case of weight of less than 1 kilogram, grams and decimal fractions of a gram, but if less than 1 gram, then in milligrams;

D. In the case of liquid or dry measure of less than one liter, milliliters;

Provided, that the quantity declaration appearing on a random weight package may be expressed in terms of decimal fractions of the largest appropriate unit, the fraction being carried out to not more than three² decimal places.

6.8.2. One Meter, 1 Square Meter, 1 Kilogram, 1 Liter or More. In the case of:

A. Length measure of 1 meter or more; in meters and decimal fractions to not more than two places.

B. Area measure of 1 square meter or more; in square meters and decimal fractions to not more than two places.

C. Weight of 1 kilogram or more; in kilograms and decimal fractions to not more than two places.

D. Liquid or dry measure of 1 liter or more; in liters and decimal fractions to not more than two places.

6.8.3. Bidimensional Commodities. For bidimensional commodities (including roll-type commodities) the quantity declaration shall be expressed:

A. If less than 1 square meter in terms of length and width.

B. If 1 square meter or more, in terms of square measure followed in parentheses by a declaration of length and width: provided, that

1. Quantity declarations on bidimensional commodities with a width of 100 millimeters or less may be expressed in terms of width and length, only.

2. Commodities consisting of usable individual units (except roll-type commodities with individual usable units created by perforations, for which see subsection 6.9. Count: Ply.) require a declaration of unit area but not a declaration of total area of all such units.

3. No declaration in square units is required for commodities for which the length and width measurements are critical in terms of end use (such as tablecloths or bedsheets) if such commodities clearly present the length and width measurements on the label.

6.9. Count: Ply. If the commodity is in individually usable units of one or more components or plies, the quantity declaration shall, in addition to complying with other applicable quantity declaration requirements of this regulation, include the number of plies and total number of usable units.

Roll-type commodities, when perforated so as to identify individual usable units, shall not be deemed to be made

up of usable units; however, such roll-type commodities shall be labeled in terms of:

- A. Total area measurement,
- B. Number of plies,
- C. Count of usable units, and
- D. Dimensions of a single usable unit.

6.10. Fractions.

A. Metric: A metric statement in a declaration of net quantity of contents of any consumer commodity may contain only decimal fractions.

B. Inch-Pound: An inch-pound statement of net quantity of contents of any consumer commodity may contain common or decimal fractions. A common fraction shall be in terms of halves, quarters, eighths, sixteenths, or thirty-seconds, except that:

1. If there exists a firmly established general consumer usage and trade custom of employing different common fractions in the net quantity declaration of a particular commodity, they may be employed, and
2. If linear measurements are required in terms of yards or feet, common fractions may be in terms of thirds.

C. Common Fractions: A common fraction shall be reduced to its lowest term (Example: $2/4$ becomes $1/2$).

D. Decimal Fractions: A decimal fraction shall not be carried out to more than two places.

6.11. Supplementary Declarations.

6.11.1. Supplementary Quantity Declarations. The required quantity declaration may be supplemented by one or more declarations of weight, measure, or count, such declaration appearing other than on a principal display panel. Such supplemental statement of quantity of contents shall not include any term qualifying a unit of weight, measure, or count that tends to exaggerate the amount of commodity contained in the package (e.g., "giant" quart, "larger" liter, "full" gallon, "when packed," "minimum," or words of similar import).

6.11.2. Combined Metric and Inch-Pound Declarations. An equivalent statement of the net quantity of contents in terms of either the inch-pound or metric system is not regarded as a supplemental statement and such statement may also appear on the principal display panel; provided, that it conforms to both subsections 6.5 and 6.6.

6.11.3. Rounding. In all conversions for the purpose of showing an equivalent metric or inch-pound quantity to a rounded inch-pound or metric quantity, the number of significant digits retained should be such that accuracy is neither sacrificed nor exaggerated. As a general rule, converted values should be rounded down by dropping any digit beyond the first three. (Example: 196.4 grams becomes 196 grams or 1.759 feet becomes 1.75 feet.)

6.12. Qualification of Declaration Prohibited. In no case shall any declaration of quantity be qualified by the addition of the words "when packed," "minimum," or "not less than" or any words of similar import, nor shall any unit of weight, measure, or count be qualified by any term (such as "jumbo," "giant," "full," or the like) that tends to exaggerate the amount of commodity.

6.13. Character of Declaration: Average. The average quantity of contents in the packages of a particular lot, shipment, or delivery shall at least equal the declared quantity, and no unreasonable shortage in any package shall be permitted, even though overages in other packages in the same shipment, delivery, or lot compensate for such shortage.

§ 7. Declaration of Quantity: Nonconsumer Packages.

7.1. General. The metric and inch-pound systems of weights and measures are recognized as proper systems to be used in the declaration of quantity. Units of both systems might be combined in a dual declaration of quantity.³

7.2. Location. A nonconsumer package shall bear on the outside a declaration of the net quantity of contents. Such declaration shall be in terms of the largest whole unit (see subsection 6.2. Largest Whole Unit).

7.3. Terms: Weight, Liquid Measure, Dry Measure, or Count. The declaration of the quantity of a particular commodity shall be expressed in terms of liquid measure if the commodity is liquid, or in terms of dry measure if the commodity is dry, or in terms of weight if the commodity is solid, semisolid, viscous, or a mixture of solid and liquid, or in terms of numerical count. However, if there exists a firmly established general consumer usage and trade custom with respect to the terms used in expressing a declaration of quantity of a particular commodity, such declaration of quantity may be expressed in its traditional terms, if such traditional declaration gives accurate and adequate information as to the quantity of the commodity.

7.4. Inch-Pound Units: Weight, Measure. A declaration of quantity:

A. In units of weight, shall be in terms of the avoirdupois pound or ounce;

B. In units of liquid measure, shall be in terms of the

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United States gallon of 231 cubic inches or liquid-quart, liquid-pint, or fluid-ounce subdivisions of the gallon, and shall express the volume at 68°F except in the case of petroleum products or distilled spirits, for which the declaration shall express the volume at 60°F, and except also in the case of a commodity that is normally sold and consumed while frozen, for which the declaration shall express the volume at the frozen temperature, and except also in the case of a commodity that is normally sold in the refrigerated state, for which the declaration shall express the volume at 40°F, and except also in the case of malt beverages, for which the declaration shall express the volume at 39.1°F;

C. In units of linear measure, shall be in terms of the yard, foot, or inch;

D. In units of area measure, shall be in terms of the square yard, square foot, or square inch;

E. In units of volume measure, shall be in terms of the cubic yard, cubic foot, or cubic inch;

F. In units of dry measure, shall be in terms of the United States bushel of 2150.42 cubic inches, or peck, dry-quart and dry-pint subdivisions of the bushel.

7.4.1. Symbols and Abbreviations. Any generally accepted symbol and abbreviation of a unit name may be employed in the quantity statement on a package of commodity. (For commonly accepted symbols and abbreviations, see subsection 6.5.1. Symbols and Abbreviations.)

7.5. Metric Units: Weight, Measure. A declaration of quantity:

A. In units of weight, shall be in terms of the kilogram, gram, or milligram;

B. In units of liquid measure, shall be in terms of the liter or milliliter, and shall express the volume at 20°C, except in the case of petroleum products or distilled spirits, for which the declaration shall express the volume at 15°C, and except also in the case of a commodity that is normally sold and consumed while frozen, for which the declaration shall express the volume at the frozen temperature, and except also in the case of malt beverages or a commodity that is normally sold in the refrigerated state, for which the declaration shall express the volume at 4°C;

C. In units of linear measure, shall be in terms of the meter, centimeter, or millimeter;

D. In units of area measure, shall be in terms of the square meter or square centimeter;

E. In units of volume other than liquid measure, shall be in terms of the liter and milliliter, except that the terms cubic meter and cubic centimeter will be used only

when specifically designated as a method of sale.

7.5.1. Symbols. Only those symbols as detailed in subsection 6.6.1. Symbols, and none other, may be employed in the quantity statement on a package of commodity.

7.6. Character of Declaration: Average. The average quantity of contents in the packages of a particular lot, shipment, or delivery shall at least equal the declared quantity, and no unreasonable shortage in any package shall be permitted, even though overages in other packages in the same shipment, delivery, or lot compensate for such shortage.

§ 8. Prominence and Placement: Consumer Packages.

8.1. General. All information required to appear on a consumer package shall appear thereon in the English language and shall be prominent, definite, and plain, and shall be conspicuous as to size and style of letters and numbers and as to color of letters and numbers in contrast to color of background. Any required information that is either in hand lettering or hand script shall be entirely clear and equal to printing in legibility.

8.1.1. Location. The declaration or declarations of quantity of the contents of a package shall appear in the bottom 30% of the principal display panel or panels. For cylindrical containers, see also subsection 10.7 for additional requirements.

8.1.2. Style of Type or Lettering. The declaration or declarations of quantity shall be in such a style of type or lettering as to be boldly, clearly, and conspicuously presented with respect to other type, lettering, or graphic material on the package, except that a declaration of net quantity blown, formed, or molded on a glass or plastic surface is permissible when all label information is blown, formed, or molded on the surface.

8.1.3. Color Contrast. The declaration or declarations of quantity shall be in a color that contrasts conspicuously with its background, except that a declaration of net quantity blown, formed, or molded on a glass or plastic surface shall not be required to be presented in a contrasting color if no required label information is on the surface in a contrasting color.

8.1.4. Free Area. The area surrounding the quantity declaration shall be free of printed information:

A. Above and below, by a space equal to at least the height of the lettering in the declaration, and

B. To the left and right, by a space equal to twice the width of the letter "N" of the style and size of type used in the declaration.

8.1.5. **Parallel Quantity Declaration.** The quantity declaration shall be presented in such a manner as to be generally parallel to the declaration of identity and to the base on which the package rests as it is designed to be displayed.

8.2. **Calculation of Area of Principal Display Panel for Purposes of Type Size.** The area of the principal display panel shall be:

A. In the case of a rectangular container, one entire side which properly can be considered to be the principal display panel, the product of the height times the width of that side;

B. In the case of a cylindrical or nearly cylindrical container, 40% of the product of the height of the container times the circumference; or

C. In the case of any other shaped container, 40% of the total surface of the container, unless such container presents an obvious principal display panel (e.g., the top of a triangular or circular package of cheese, or the top of a can of shoe polish), in which event the area shall consist of the entire such surface.

Determination of the principal display panel shall exclude tops, bottoms, flanges at tops and bottoms of cans, and shoulders and necks of bottles or jars.

8.2.1. **Minimum Height of Numbers and Letters.** The height of any letter or number in the required quantity declaration shall be not less than that shown in Table 1 with respect to the area of the panel, and the height of each number of a common fraction shall meet one-half the minimum height standards. In the case of the symbol for milliliter, the "m" shall meet the minimum height standard.

8.2.2. **Numbers and Letters: Proportion.** No number or letter shall be more than three times as high as it is wide.

TABLE 1.
MINIMUM HEIGHT OF NUMBERS AND LETTERS.

Area of Principal Display Panel	Minimum Height of Numbers and Letters	Minimum Height: Label Information Blown, Formed, or Molded on Surface of Container
5 square inches (in/2) and less	1/16 inch	1/8 inch
Greater than 5 in/2 and not greater than 25 in/2	1/8 inch	3/16 inch
Greater than 25 in/2 and not greater than 100 in/2	3/16 inch	1/4 inch
Greater than	1/4 inch	5/16 inch

100 in/2 and not greater than 400 in/2

Greater than 400 in/2 1/2 inch 9/16 inch

§ 9. Prominence and Placement: Nonconsumer Packages.

9.1. **General.** All information required to appear on a nonconsumer package shall be definitely and clearly stated thereon in the English language. Any required information that is either in hand lettering or hand script shall be entirely clear and equal to printing in legibility.

§ 10. Requirements: Specific Consumer Commodities, Nonconsumer Commodities, Packages, Containers.

10.1. **Display Card Package.** For an individual package affixed to a display card, or for a commodity and display card together comprising a package, the type size of the quantity declaration is governed by the dimensions of the display card.

10.2. **Eggs.** When cartons containing 12 eggs have been designed so as to permit division in half by the retail purchaser, the required quantity declaration shall be so positioned as to have its context destroyed when the carton is divided.

10.3. **Aerosols and Similar Pressurized Containers.** The declaration of quantity on an aerosol package, and on a similar pressurized package, shall disclose the net quantity of the commodity (including propellant), in terms of weight, that will be expelled when the instructions for use as shown on the container are followed.

10.4. **Multi-Unit Packages.** Any package containing more than one individual "commodity in package form" (see subsection 2.1) of the same commodity shall bear on the outside of the package a declaration of:

- A. The number of individual units,
- B. The quantity of each individual unit, and

C. The total quantity of the contents of the multi-unit package; provided, that any such declaration of total quantity shall not be required to include the parenthetical quantity statement of a dual quantity representation. (example: soap bars, "6 Bars, Net Weight 75 grams each; Total Net Weight 450 grams)

10.5. **Combination Packages.** Any package containing individual units of dissimilar commodities (such as an antiquing or a housecleaning kit, for example) shall bear on the label of the package a quantity declaration for each unit. (Example: sponges and cleaner: "2 sponges, each 10 centimeters x 15 centimeters x 2 centimeters; 1 box cleaner, net weight 150 grams")

10.6. **Variety Packages.** Any package containing individual units of reasonably similar commodities (such as

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seasonal gift packages, variety packages of cereal) shall bear on the label of the package a declaration of the total quantity of commodity in the package. (Example: plastic tableware: 4 spoons, 4 forks, 4 knives, 12 pieces total.)

10.7. Cylindrical Containers. In the case of cylindrical or nearly cylindrical containers, information required to appear on the principal display panel shall appear within that 40% of the circumference which is most likely to be displayed, presented, shown, or examined under customary conditions of display for retail sale.

10.8. Measurement of Container-Type Commodities, How Expressed.

10.8.1. General. Commodities designated and sold at retail to be used as containers for other materials or objects, such as bags, cups, boxes, and pans, shall be labeled with the declaration of net quantity as follows:

A. For bag-type commodities, in terms of count followed by linear dimensions of the bag (whether packaged in a perforated roll or otherwise).

When the unit bag is characterized by two dimensions because of the absence of a gusset, the width and length will be expressed:

1. Inch-pound units - in inches, except that a dimension of 2 feet or more will be expressed in feet with any remainder in terms of inches or common or decimal fractions of the foot. (Example: "25 BAGS, 17 inches X 20 inches" or "100 BAGS, 20 inches X 2 feet 6 inches" or "50 BAGS, 20 inches X 2-1/2 feet")

2. Metric units - in millimeters except a dimension of one meter or more will be expressed in meters with the remainder in terms of decimal fractions of the meter (Examples: "25 BAGS, 500 millimeters X 600 millimeters" or "50 BAGS, 750 millimeters X 1.2 meters")

When the unit bag is gusseted, the dimensions will be expressed as width, depth, and length.

3. Inch-pound units - expressed in feet with any remainder in terms of inches or the common or decimal fractions of the foot. (Examples: "25 BAGS, 17 inches X 4 inches X 20 inches" or "100 BAGS, 20 inches X 12 inches X 2-1/2 feet")

4. Metric units. In millimeters except a dimension of one meter or more will be expressed in meters with the remainder in terms of decimal fractions of the meter. (Example: "25 Bags, 430 millimeters X 100 millimeters X 500 millimeters" or "50 bags, 500 millimeters X 300 millimeters X 1.2 meters")

B. For other square, oblong, rectangular, or similarly shaped containers, in terms of count followed by length, width, and depth, except depth need not be listed when

less than 50 millimeters or 2 inches. (Examples: "2 PANS, 8 inches X 8 inches" or "2 PANS, 203 millimeters X 203 millimeters")

C. For circular or other generally round-shaped containers, except cups, and the like, in terms of count followed by diameter and depth, except depth need not be listed when less than 50 millimeters or two inches. (Examples: "4 PANS, 8 inches diameter X 4 inches" or "4 PANS, 200 millimeters diameter X 100 millimeters")

D. Notwithstanding the above requirements, the net quantity statement for containers such as cups will be listed in terms of count and liquid capacity per unit. (Examples: "24 CUPS, 6 fluid ounces capacity" or "24 CUPS 250 milliliter capacity")

10.8.2. Capacity. When the functional use of the container is related by label references in standard terms of measure to the capability of holding a specific quantity of substance or class of substances such references shall be a part of the net quantity statement and shall specify capacity as follows:

A. Inch-Pound Units:

1. Liquid measure for containers which are intended to be used for liquids, semisolids, viscous materials, or mixtures of solids and liquids. The expressed capacity will be stated in terms of the largest whole unit (gallon, quart, pint, ounce, with any remainder in terms of the common or decimal fraction of that unit). (Examples: Freezer Box - "4 BOXES, 1 quart capacity, 5 inches X 4 inches X 3 inches")

2. Dry measure for containers which are intended to be used for solids. The expressed capacity will be stated in terms of the largest whole unit (bushel, peck), with a remainder in terms of the common or decimal fraction of that unit. (Example: Leaf Bags - "8 BAGS, 6 bushel capacity, 3 feet X 5 feet")

3. Where containers are used as liners for other more permanent containers, in the same terms as are normally used to express the capacity of the more permanent containers. (Example: Garbage Can Liners - "10 LINERS, 2 feet 6 inches X 3 feet 9 inches. FITS UP TO 30-GALLON CANS")

B. Metric Units: Volume measure for all containers and liners. (Examples: "4 BOXES, 1 liter capacity, 150 millimeters X 120 millimeters X 90 millimeters;" "8 BAGS, 200 liter capacity, 85 millimeters X 1.5 meters" or "10 LINERS, 750 millimeters X 1 meter, fits up to 120 LITER CANS")

10.8.3. Terms. For purposes of this section, the use of the terms "CAPACITY", "DIAMETER", and "FLUID" is optional.

10.9. Textile Products, Threads, and Yarns.

10.9.1. **Wearing Apparel.** Wearing apparel (including nontextile apparel and accessories such as leather goods and footwear) sold as single-unit items, or if normally sold in pairs (such as hosiery, gloves, and shoes) sold as single-unit pairs, shall be exempt from the requirements for a net quantity statement by count, as required by subsection 6.4 of this regulation.

10.9.2. **Textiles.** Bedsheets, blankets, pillowcases, comforters, quilts, bedspreads, mattress covers and pads, afghans, throws, dresser and other furniture scarfs, tablecloths and napkins, flags, curtains, drapes, dishtowels, dish cloths, towels, face cloths, utility cloths, bath mats, carpets and rugs, pot holders, fixture and appliance covers, nonrectangular diapers, slip covers, etc., shall be exempt from the requirements of subsections 6.7.7 and 6.8.3 of this regulation; provided, that:

A. The quantity statement for fitted sheets and mattress covers shall state, in centimeters or inches, the length and width of the mattress for which the item is designed, such as "twin," "double," "king," etc. (Example: "Double Sheet for 135 centimeter X 190 centimeter mattress.")

B. The quantity statement for flat sheets shall state the size designation of the mattress for which the sheet is designed, such as "twin," "double," "king," etc. The quantity statement also shall state, in centimeters or inches, the length and width of the mattress for which the sheet is designed, followed in parentheses by a statement, in centimeters or inches, of the length and width of the finished sheet. (Example: "Twin Flat Sheet for 100 centimeter X 190 centimeter mattress (170 centimeter X 240 centimeter finished size)")

C. The quantity statement for pillowcases shall state the size designation of the pillow for which the pillowcase is designed, such as "youth," "standard," and "queen," etc. The quantity statement also shall state, in centimeters or inches, the length and width of the pillow for which the pillowcase is designed, followed in parentheses by a statement, in centimeters or inches, of the length and width of the finished pillowcase. (Example: "Standard Pillowcase for 50 centimeter X 65 centimeter pillow (53 centimeter X 75 centimeter finished size)")

D. The quantity statement for blankets, comforters, quilts, bedspreads, mattress pads, afghans, and throws shall state, in centimeters or inches, the length and width of the finished item. The quantity statement also may state the length of any ornamentation and the size designation of the mattress for which the item is designed, such as "twin," "double," "king," etc.

E. The quantity statement for tablecloths and napkins shall state, in centimeters or inches, the length and width of the finished item. The quantity statement also may state parenthetically, in centimeters or inches, the length and width of the item before hemming and properly identified as such.

F. The quantity statement for curtains, drapes, flags, furniture scarfs, etc., shall state, in centimeters or inches, the length and width of the finished item. The quantity statement also may state parenthetically, in centimeters or inches, the length of any ornamentation.

G. The quantity statement for carpets and rugs shall state, in meters or feet, with any remainder in decimal fractions of the meter for metric sizes or common or decimal fractions of the foot or in inches for inch-pound sizes, the length and width of the item. The quantity statement also may state parenthetically, in centimeters or inches, the length of any ornamentation.

H. The quantity statement for woven dish towels, dish cloths, towels, face cloths, utility cloths, bath mats, etc., shall state, in centimeters or inches, the length and width of the item. The quantity statement for such items, when knitted, need not state the dimensions.

I. The quantity statement for textile products such as pot holders, fixture and appliance covers, nonrectangular diapers, slip covers, etc., shall be stated in terms of count and may include size designations and dimensions.

J. The quantity statement for other than rectangular textile products identified in subsections A through H shall state the geometric shape of the product and the dimensions which are customarily used in describing such geometric shape. (Example: "Oval Tablecloth 140 centimeters X 110 centimeters" representing the maximum length and width in this case)

K. The quantity statement for packages of remnants of textile products of assorted sizes, when sold by count, shall be accompanied by the term "irregular dimensions" and the minimum size of such remnants.

10.9.3. Textiles: Variations From Declared Dimensions.

A. For an item with no declared dimension less than 60 centimeters or 24 inches, a minus variation greater than 3% of a declared dimension and a plus variation greater than 6% of a declared dimension should be considered unreasonable.

B. For an item with a declared dimension less than 60 centimeters or 24 inches, a minus variation greater than 6% of that declared dimension and a plus variation greater than 12% of that declared dimension should be considered unreasonable.

10.9.4. **Exemption: Variety Textile Packages.** Variety packages of textiles that are required by reason of subsection 6.4.1 to provide a combination declaration stating the quantity of each individual unit, shall be exempt from the requirements in this regulation for:

A. Location (see subsection 8.1.1),

B. Free Area (see subsection 8.1.4), and

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C. Minimum height of numbers and letters (see subsection 8.2.1).

10.9.5. Sewing Threads, Handicrafts Threads, and Yarns. Sewing and handicraft threads shall be exempt from the requirements of subsections 6.7.2 and 6.8.2 A. of this regulation; provided, that:

A. The net quantity statement for inch-pound sizes of sewing and handicraft threads shall be expressed in terms of yards.

B. The net quantity statement for yarns shall be expressed in terms of weight.

C. Thread products may, in lieu of name and address, bear a trademark, symbol, brand, or other mark that positively identifies the manufacturer, packer, or distributor, provided that such marks, employed to identify the vendor, shall be filed with the director.

D. Each unit of industrial thread shall be marked to show its net length in terms of meters or yards or its net weight in terms of kilograms or grams or avoirdupois pounds or ounces, except that ready-wound bobbins that are not sold separately, shall not be required to be individually marked to show the number of bobbins contained therein and the net meters or yards of thread on each bobbin.

10.10. Packaged Seed. Packages of seed intended for planting shall be labeled in full accord with this regulation except as follows:

A. The quantity statement shall appear in the upper thirty percent of the principal display panel.

B. The quantity statements shall be in terms of the largest whole unit of the metric system for all weights up to seven grams, and in grams or in ounces for all other weights less than 225 grams or eight ounces; packaged seed weighing 225 grams or eight ounces or more shall not be subject to subsection 10.10.

C. The quantity statement for coated seed, encapsulated seed, pelletized seed, preplanters, seed tapes, etc., shall be in terms of count.

10.11. Bark Mulch: Variations From Declared Volume.⁸ An individual package minus variation greater than 5% of the declared volume shall be considered unreasonable.

10.12. Polyethylene Products: Variations From Declared Thickness⁹. Any individual thickness measurement of polyethylene sheeting, film, or bag may be as much as 20% below the labeled thickness, i.e., at least 80% of the labeled thickness⁷. The average thickness of a single package of polyethylene sheeting, film, or bags may be as much as 7% below the labeled thickness, i.e., at least 93% of the labeled thickness.

§ 11. Exemptions.

11.1. General. Whenever any consumer commodity or package of consumer commodity is exempted from the requirements for dual quantity declaration, the net quantity required to appear on the package shall be in terms of the largest whole unit (except see subsection 10.4(C)).

11.2. Random Packages. A random package bearing a label conspicuously declaring:

A. The net weight,

B. The price per kilogram or pound, and

C. The total price.

Shall be exempt from the type size, dual declaration, placement, and free area requirements of this regulation. In the case of a random package packed at one place for subsequent sale at another, neither the price per unit of weight nor the total selling price need appear on the package, provided the package label included both such prices at the time it is offered or exposed for sale at retail.

This exemption shall also apply to uniform weight packages of cheese and cheese products labeled in the same manner and by the same type of equipment as random packages exempted by this section.

11.3. Small Confections. Individually wrapped pieces of "penny candy" and other confectionery of less than 15 grams or one-half ounce net weight per individual piece shall be exempt from the labeling requirements of this regulation when the container in which such confectionery is shipped is in conformance with the labeling requirements of this regulation. Similarly, when such confectionery items are sold in bags or boxes, such items shall be exempt from the labeling requirements of this regulation, including the required declaration of net quantity of contents, when the declaration of the bag or box meets the requirements of this regulation.

11.4. Individual Servings. Individual-serving-size packages of foods containing less than 15 grams or 1/2 ounce or less than 15 milliliters or 1/2 fluid ounce for use in restaurants, institutions, and passenger carriers, and not intended for sale at retail, shall be exempt from the required declaration of net quantity of contents specified in this regulation.

11.5. Cuts, Plugs, and Twists of Tobacco and Cigars. When individual cuts, plugs, and twists of tobacco and individual cigars are shipped or delivered in containers that conform to the labeling requirements of this regulation, such individual cuts, plugs, and twists of tobacco and cigars shall be exempt from such labeling requirements.

11.6. Reusable (Returnable) Glass Containers. Nothing in this regulation shall be deemed to preclude the continued use of reusable (returnable) glass containers; provided, that such glass containers ordered after the effective date of this regulation shall conform to all requirements of this regulation.

11.7. Cigarettes and Small Cigars. Cartons of cigarettes and small cigars, containing ten individual packages of twenty, labeled in accordance with the requirements of this regulation, shall be exempt from the requirements set forth in subsection 8.1.1 Location, subsection 8.2.1 Minimum Height of Numbers and Letters, and subsection 10.4 Multi-Unit Packages; provided, that such cartons bear a declaration of the net quantity of commodity in the package.

11.8. Packaged Commodities With Labeling Requirements Specified in Federal Law. Packages of meat and meat products, poultry products, tobacco and tobacco products, insecticides, fungicides, rodenticides, and alcoholic beverages shall be exempt from those portions of these regulations requiring dual declarations in customary units and specifying location and minimum type size of the net quantity declaration; provided, that quantity labeling requirements for such products are specified in federal law, so as to follow reasonably sound principles of providing consumer information.

11.9. Fluid Dairy Products, Ice Creams, and Similar Frozen Desserts:

A. When packaged in 1/2-liquid-pint and 1/2-gallon containers, are exempt from the requirements for stating net contents of 8 fluid ounces and 64 fluid ounces, which may be expressed as 1/2 pint and 1/2 gallon, respectively.

B. When packaged in 1-liquid-pint, 1-liquid-quart, and 1/2-gallon containers, are exempt from the dual net contents declaration requirements of subsection 6.7.3.

C. When measured by and packaged in measure containers as defined in "Measure Container Code of National Bureau of Standards Handbook 44," are exempt from the requirements of subsection 8.1.1 that the declaration of net contents be located within the bottom 30% of the principal display panel.

D. Milk and milk products when measured by and packaged in glass or plastic containers of 1/2-pint, 1-pint, 1-quart, 1/2-gallon, and 1-gallon capacities are exempt from the placement requirement of subsection 8.1.1 that the declaration of net contents be located within the bottom 30% of the principal display panel; provided, that other required label information is conspicuously displayed on the cap or outside closure, and the required net quantity of contents declaration is conspicuously blown, formed, or molded on, or permanently applied to that part of the glass or plastic container that is at or above the shoulder of the container.

11.10. Single Strength and Less Than Single Strength Fruit Juice Beverages, Imitations Thereof, and Drinking Water:

A. When packaged in glass, plastic, or fluid milk type paper containers of 8- and 64-fluid-ounce capacity, are exempt from the requirements of subsection 6.5 B, to the extent that net contents of 8 fluid ounces and 64 fluid ounces (or 2 quarts) may be expressed as 1/2 pint (or half pint) and 1/2 gallon (or half gallon), respectively.

B. When packaged in glass, plastic, or fluid milk type paper containers of 1-pint, 1-quart, and 1/2-gallon capacities, are exempt from the dual net contents declaration requirements of subsection 6.7.3.

C. When packaged in glass or plastic containers of 1/2-pint, 1-pint, 1-quart, 1/2-gallon, and 1-gallon capacities, are exempt from the placement requirements of subsection 8.1.1 that the declaration of net contents be located within the bottom 30% of the principal display panel; provided, that other label information is conspicuously displayed on the cap or outside closure and the required net quantity of contents declaration is conspicuously blown, formed, or molded into or permanently applied to that part of the glass or plastic container that is at or above the shoulder of the container.

11.11. Soft-Drink Bottles. Bottles of soft drinks shall be exempt from the placement requirements for the declaration of:

A. Identity, when such declaration appears on the bottle closure, and

B. Quantity, when such declaration is blown, formed, or molded on or above the shoulder of the container and when all other information required by this regulation appears only on the bottle closure.

11.12. Multi-Unit Soft-Drink Packages. Multi-unit packages of soft drinks are exempt from the requirement for a declaration of:

A. Responsibility, when such declaration appears on the individual units and is not obscured by the multi-unit packaging, or when the outside container bears a statement to the effect that such declaration will be found on the individual units inside, and

B. Identity, when such declaration appears on the individual units and is not obscured by the multi-unit packaging.

11.13. Butter. When packaged in 4-ounce, 8-ounce, and 1-pound packages with continuous label copy wrapping, butter is exempt from the requirements that the statement of identity (subsection 3.1.1) and the net quantity declaration (subsection 8.1.5) be generally parallel to the base of the package. When packaged in 8-ounce and 1-pound units, butter is exempt from the requirement for

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location (subsection 8.1.1) of net quantity declaration and, when packaged in 1-pound units, is exempt from the requirement for dual quantity declaration (subsection 6.7.2).

11.14. Eggs. Cartons containing 12 eggs shall be exempt from the requirement for location (subsection 8.1.1) of net quantity declaration. When such cartons are designed to permit division in half, each half shall be exempt from the labeling requirements of this regulation if the undivided carton conforms to all such requirements.

11.15. Flour. Packages of wheat flour in conventional 2-, 5-, 10-, 25-, 50-, and 100-pound packages shall be exempt from the requirement in this regulation for location (subsection 8.1.1) of the net quantity declaration and, when packaged in units of 2 pounds, shall be exempt also from the requirement for a dual quantity declaration (subsection 6.7.2).

11.16. Small Packages. On a principal display panel of 5 square inches or less, the declaration of quantity need not appear in the bottom 30% of the principal display panel if that declaration satisfies the other requirements of this regulation.

11.17. Decorative Containers. The principal display panel of a cosmetic marketed in a "boudoir-type" container including decorative cosmetic containers of the "cartridge", "pill box", "compact", or "pencil" variety, and those with a capacity of 1/4 ounce or less, may be a tear-away tag or tape affixed to the decorative container, and bearing the mandatory label information as required by this regulation.

11.18. Combination Packages. Combination packages are exempt from the requirements in this regulation for:

A. Location (see subsection 8.1.1),

B. Free Area (see subsection 8.1.4), and

C. Minimum Height of Numbers and Letters (see subsection 8.2.1).

11.19. Margarine. Margarine in 1-pound rectangular packages, except for packages containing whipped or soft margarine or packages containing more than four sticks, shall be exempt from the requirement in this regulation for location (see subsection 8.1.1) of the net quantity declaration, and shall be exempt from the requirement for a dual quantity declaration (see subsection 6.7.2).

11.20. Corn Flour and Corn Meal. Corn flour and corn meal packaged in conventional 5-, 10-, 25-, 50-, and 100-pound bags shall be exempt from the requirement in this regulation for location (see subsection 8.1.1) of the net quantity declaration.

11.21. Prescription and Insulin-Containing Drugs. Prescription and insulin-containing drugs subject to the

provisions of Section 503(b) (1) or 506 of the Federal Food, Drug, and Cosmetic Act shall be exempt from the provisions of this regulation.

11.22. Camera Film. Camera film packaged and labeled for retail sale is exempt from the net quantity statement requirements of this regulation that specify how measurement of commodities should be expressed; provided, that:

A. The net quantity of contents on packages of movie film and bulk still film is expressed in terms of the number of linear meters or feet of usable film contained therein.

B. The net quantity of contents on packages of movie film is expressed in terms of the running time of the exposed film for that portion of film which is of entertainment value.

"Entertainment value" is defined as that portion of a film that commences with the first frame of sound or picture, whichever comes first after the countdown sequence and ends with either:

1. the last frame of credits; or
2. the last frame of the phrase "The End", or
3. the end of sound whichever is last.

C. The net quantity of contents on packages of still film is expressed in terms of the number of exposures the contents will provide. The length and width measurements of the individual exposures, expressed in millimeters or inches, are authorized as an optional statement. (Example: "36 exposures, 36 millimeters X 24 millimeters" or "12 exposures, 2-1/4 inches X 2-1/4 inches")

11.23. Paints and Kindred Products:

A. Paints, varnishes, lacquers, thinners, removers, oils, resins, and solvents, when packed in 1-liquid-pint and 1-liquid-quart units shall be exempt from the dual quantity declaration requirements of subsection 6.7.3.

B. Tint base paint may be labeled on the principal display panel in terms of a quart or a gallon including the addition of colorant selected by the purchaser, provided that the system employed ensures that the purchaser always obtains a quart or a gallon; and further provided that in conjunction with the required quantity statement on the principal display panel, a statement indicating that the tint base paint is not to be sold without the addition of colorant is presented; and further provided that the contents of the container, before the addition of colorant, is stated in fluid ounces elsewhere on the label.

Wherever the above conditions cannot be met, containers of tint base paint must be labeled with a statement of the actual net contents prior to the addition

of colorant in full accord with all the requirements of this regulation.

11.24. Automotive Cooling System Antifreeze. Antifreeze, when packed in 1-liquid-quart units, in metal or plastic containers, shall be exempt from the dual quantity declaration requirements of subsection 6.7.3.

11.25. Motor Oils. Motor oils, when packed in 1-liquid-quart units, shall be exempt from the dual quantity declaration requirements of subsection 6.7.3. Additionally, motor oil in 1-liquid-quart, 1-gallon, 1-1/4-gallon, 2-gallon, and 2-1/2-gallon units, bearing the principal display panel on the body of the container, is exempt from the requirements, of § 3, Declaration of Identity: Consumer Package, to the extent that the Society of Automotive Engineers (SAE) viscosity number is required to appear on the principal display panel, provided the SAE viscosity number appears on the can lid and is expressed in letters and numerals in type size of at least 6 millimeters or 1/4 inch.

11.26. Pillows, Cushions, Comforters, Mattress Pads, Sleeping Bags, and Similar Products. Those products, including pillows, cushions, comforters, mattress pads, and sleeping bags, that bear a permanent label as designated by the Association of Bedding and Furniture Law Officials or by the California Bureau of Home Furnishings shall be exempt from the requirements for location (subsection 8.1.1), size of letters or numbers (subsection 8.2.1 and 8.2.2), free area (subsection 8.1.4) and the declarations of identity and responsibility (subsections 3.1 and 5); provided, that declarations of identity, quantity, and responsibility are presented on a permanently attached label and satisfy the other requirements of this regulation, and further provided that the information on such permanently attached label be fully observable to the purchaser.

11.27. Commodities' Variable Weights and Sizes. Individual packaged commodities put up in variable weights and sizes for sale intact, and intended to be weighed and marked with the correct quantity statement prior to or at the point of retail sale, are exempt from the requirements of § 6 Declaration of Quantity: Consumer Packages, while moving in commerce and while held for sale prior to weighing and marking; provided, that the outside container bears a label declaration of the total net weight.

11.28. Packaged Commodities Sold By Count. When a packaged consumer commodity is properly measured in terms of count only, or in terms of count and some other appropriate unit, and the individual units are fully visible to the purchaser, such packages shall be labeled in full accord with this regulation except that those containing 6 or less items need not include a statement of count.

11.29. Fishing Lines and Reels. Packaged fishing lines and reels are exempt from the dual quantity declaration requirements of subsection 6.7.6 A; provided, that length of

line or capacity of reel, as appropriate is presented in terms of meters or yards in full accord with all other requirements of this regulation.

§ 12. Variations To Be Allowed.

12.1. Packaging Variations.

12.1.1. Variations From Declared Net Quantity. Variations from the declared net weight, measure, or count shall be permitted when caused by unavoidable deviations in weighing, measuring, or counting the contents of individual packages that occur in good packaging practice, but such variations shall not be permitted to such extent that the average of the quantities in the packages of a particular commodity, or a lot of the commodity that is kept, offered, or exposed for sale, or sold, is below the quantity stated, and no unreasonable shortage in any package shall be permitted, even though overages in other packages in the same shipment, delivery, or lot compensate for such shortage. Variations above the declared quantity shall not be unreasonably large.

12.1.2. Variations Resulting From Exposure. Variations from the declared weight or measure shall be permitted when caused by ordinary and customary exposure to conditions that normally occur in good distribution practice and that unavoidably result in change of weight or measure, but only after the commodity is introduced into intrastate commerce; provided, that the phrase "introduced into intrastate commerce" as used in this paragraph shall be construed to define the time and the place at which the first sale and delivery of a package is made within the State, the delivery being either:

A. Directly to the purchaser or to his agent, or

B. To a common carrier for shipment to the purchaser, and this paragraph shall be construed as requiring that, so long as a shipment, delivery, or lot of packages of a particular commodity remains in the possession or under the control of the packager or the person who introduces the package into intrastate commerce, exposure variations shall not be permitted.

12.2. Magnitude of Permitted Variations. The magnitude of variations permitted under subsection 12, 12.1, 12.1.1, and 12.1.2 of this regulation shall be those expressly set forth in this regulation and those contained in the procedures and tables of National Bureau of Standards Handbook 133, Checking The Net Contents of Prepackaged Goods.

§ 13. Retail Sale Price Representations.

13.1. "Cents-Off" Representations. RESERVED

13.2. Introductory Offers. RESERVED

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13.3. Economy Size.

A. The term "economy size" means any printed matter consisting of the words "economy size," "economy pack," "budget pack," "bargain size," "value size," or words of similar import placed upon any package containing any consumer commodity, or placed upon any label affixed adjacent to such commodity, stating or representing directly or by implication that a retail sale price advantage is accorded the purchaser thereof by reason of the size of that package or the quantity of its contents.

B. The packager or labeler of a consumer commodity may not have inprinted thereon an "economy" size representation unless:

1. At the same time the same brand of the commodity is offered in at least one other packaged size or labeled form.

2. Only one packaged or labeled form of that brand of commodity labeled with an "economy size" representation is offered.

3. The commodity labeled with an "economy size" representation is sold at a price per unit of weight, volume, measure, or count that is substantially reduced (i.e., at least 5%) from the actual price of all other packaged or labeled units of the same brand of that commodity offered simultaneously.

C. No "economy size" package shall be made available in any circumstances where it is known that it will be used as an instrumentality for deception, e.g., where the retailer charges a price which does not pass on to the consumer the substantial reduction in cost per unit initially granted.

D. The sponsor of an "economy size" package shall prepare and maintain invoices or other records showing compliance with paragraph B. of the subsection. The invoices or other records required by this section shall be open to inspection and shall be retained for one year.

METHODS OF SALE OF COMMODITIES REGULATION

§ 14.

Food Products^a

14.1. Berries and Small Fruits.

Shall be offered and exposed for sale and sold by weight or by volume in open measure containers having capacities per subsection 1.1(a) or subsection 14.1(b) and when sold by volume, the containers shall be deemed not to be packages for labeling purposes.

(a) Inch-Pound Capacities - 1/2 dry pint, 1 dry pint, or 1 dry quart.

(b) Metric Capacities - 250 milliliters, 500 milliliters, or 1 liter.

14.2. Butter, Oleomargarine, and Margarine.^a

Shall be offered and exposed for sale and sold by weight per subsection 14.2(a) or subsection 14.2(b).

(a) Inch-Pound-Weights - 1/4 pound, 1/2 pound, 1 pound, or a multiple of 1 pound.

(b) Metric Weights - 125 grams, 250 grams, 500 grams, or a multiple of 500 grams.

14.3. Flour, Cornmeal, and Hominy Grits.

Wheat flour, whole wheat flour, graham flour, self-rising wheat flour, phosphated wheat flour, bromated flour, corn flour, cornmeal, and hominy grits whether enriched or not, shall be packaged, kept, offered, or exposed for sale, or sold only in weights per subsection 14.3(a) or subsection 14.3(b); Provided, that inch-pound sizes less than 2 pounds or more than 100 pounds and that metric sizes less than 1 kilogram or more than 50 kilograms shall be permitted.

(a) Inch-Pound Weights - 2, 5, 10, 25, 50, or 100 pounds.

(b) Metric Weights - 1, 2.5, 5, 10, 25, or 50 kilograms. (Section 3.1-952 Weights and Measures Law).

14.4. Meat, Poultry, Fish, and Seafood¹⁰.

Shall be sold by weight, except that shellfish may be sold by weight, measure, or count.

14.4.1. In Combination With Other Foods.

When meat, poultry, fish or seafood is combined with some other food element to form a distinctive food product, the quantity representation may be in terms of the total weight of the product or combination, and a quantity representation need not be made for each element. (Weights and Measures Law Section 3.1-950)

14.4.2. Stuffed Fish, Seafood, Poultry or Meat Products.

In the case of ready-to-cook stuffed fish, seafood, poultry, or meat products, the label must show the total net weight of the stuffed fish, seafood, poultry or meat products and the minimum net weight of the fish, seafood, poultry or meat in the product excluding the fish, seafood, meat, or poultry that may be part of the stuffing.

Excluding the poultry or meat that may be part of the stuffing. (Required by the United States Department of Agriculture).

14.5. Fluid Milk Products.

All fluid milk products, including but not limited to milk, lowfat milk, skim milk, cultured milks, and cream shall be packaged for retail sale only in volumes per subsection 14.5(a), or subsection 14.5(b); provided, that inch-pound sizes less than 1 gill and metric sizes less than 100 milliliters shall be permitted. (Section 3.1-951 - Weights and Measures Law).

(a) Inch-Pound Volumes - 1 gill, 1/2 liquid pint, 10 fluid ounces, 1 liquid pint, 1 liquid quart, 1/2 gallon, 1 gallon, 1-1/2 gallons, 2 gallons, 2-1/2 gallons, or multiples of 1 gallon.

(b) Metric Volumes - 125 milliliters, 250 milliliters, 500 milliliters, 1 liter, or multiples of 1 liter.

14.6. Other Milk Products.

Cottage cheese, cottage cheese products, and other milk products that are solid, semi-solid, viscous, or a mixture of solid and liquid, as defined in the Pasteurized Milk Ordinance of the United States Public Health Service, as amended in 1965, shall be sold in terms of weight; Provided, that cottage cheese, cottage cheese products, sour cream, and yogurt shall be packaged for retail sale only in weights per subsection 14.6(a) or subsection 14.6(b). And provided further, that, multipack or single serving inch-pound sizes of 6 ounces or less shall be sold only in whole ounces increments and that metric sizes of 200 grams or less shall be sold only in 25-gram increments.

(a) Inch-Pound Weights - 8, 12, 16, 24, 32, 64, 80, and 128 ounces avoirdupois. And provided further that an 18 ounce size of yogurt may be packed for retail sale.

(b) Metric Weights - 250, 375, 500, 750 grams; 1, 2, and 4 kilograms.

(Standard package sizes shall apply to low fat and dry curd cottage cheese products.)

14.6.1. Factory Packaged and Hand Packed Ice Cream and Similar Frozen Products.

Ice cream, ice milk, frozen yogurt, and similar products shall be kept, offered or exposed for sale, or sold in terms of fluid volume.

14.7. Pickles.

The declaration of net quantity of contents on pickles and pickles products, including relishes but excluding one or two whole pickles in a transparent wrapping which may be declared by count, shall be expressed in terms of liquid measure. Sales of pickles from bulk may be by count.

14.8. Pricing of Bulk Food Commodities.

Bulk food commodities or food commodities not in package form and sold by weight shall be priced in terms of whole units of weight and not in common or decimal fractions.

14.9. Ready-To-Eat Food.

The following may be sold by weight, measure, or count:

(a) Items sold for consumption on the premises;

(b) Items sold as one of three or more different elements, excluding condiments, comprising a ready-to-eat meal sold as a unit, for consumption elsewhere than on the premises where sold;

(c) Ready-to-eat chicken parts cooked on the premises but not packaged in advance of sale;

(d) Sandwiches and sandwich-like commodities when offered or exposed for sale on the premises where packed or produced and not intended for resale.

§ 15. Nonfood Products.

15.1. Coatings.

Asphalt paints, coatings, and plastic shall be sold in terms of liquid measure.

15.2. Fireplace and Stove Wood.

For the purpose of this regulation, this section shall apply to the sale of all wood, natural and processed, for use as fuel.

15.2.1. Definitions.

15.2.1.1. "Fireplace and Stove Wood." Any kindlings logs, boards, timbers or other wood, split or not split, advertised, offered for sale, or sold as fuel.

15.2.1.2. "Cord." The amount of wood which is contained in a space of 128 cubic feet, when the wood is ranked and well stowed. For the purpose of this regulation, "ranked and well stowed" shall be construed to mean that pieces of wood are placed in a line or row, with individual pieces touching and parallel to each other, and stacked in a compact manner.

15.2.1.3. "Representation." Any advertisement, offering, invoice, or the like that pertains to the sale of fireplace or stove wood.

15.2.2. "Identity." A representation may include a declaration of identity that indicates the species group (Example: 50% hickory, 50% miscellaneous softwood). Such a representation shall indicate, within 10% accuracy, the percentages of each group.

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15.2.3. "Quantity." Wood, of any type, for use as fuel shall be advertised, offered for sale and sold only by measure, using the term "cord" and fractional parts of a cord, or the cubic meter; except that wood, natural or processed, offered for sale in packaged form shall display the quantity in terms of cubic feet, to include fractions of cubic feet or cubic meters, to include decimal fractions of cubic meters. A single log may be sold by weight or count. Packages of individual logs containing less than 4 cubic feet (1/32 cord) if sold by inch-pound volume, or less than one-tenth cubic meter if sold by metric volume may be sold by net weight plus count.

15.2.4. "Prohibition of Terms." The terms "face cord," "rack," "pile," "truckload," or terms of similar import shall not be used when advertising, offering for sale, or selling wood for use as fuel. An agreement after visual inspection, between buyer and seller in the sale of fireplace or stove wood by the "truckload" shall be permitted.

15.2.5. "Delivery Ticket or Sales Invoice." A delivery ticket or sales invoice shall be presented by the seller to the purchaser whenever any nonpackaged fireplace or stove wood is sold. The delivery ticket or sales invoice shall contain at least the following information:

- (a) The name and address of the vendor;
- (b) The name and address of the purchaser;
- (c) The date delivered;
- (d) The quantity delivered and the quantity upon which the price is based, if this differs from the delivered quantity;
- (e) The price of the amount delivered.

15.3. Peat and Peat Moss.

Applies only with respect to organic matter of geological origin, excluding coal and lignite, originating principally from dead vegetative remains through the agency of water in the absence of air and occurring in a bog, swampland, or marsh, and containing an ash content not exceeding 25% on a dry-weight basis (dried in an oven at 105°C (221°F) until no further weight loss can be determined).

15.3.1. Declaration of Quantity.

The declaration of quantity of peat and peat moss shall be expressed in weight units or in cubic-measure units.

15.3.2. Units.

15.3.2.1. Weight.

Peat and peat moss sold in terms of weight shall be

offered or exposed for sale only in pounds and/or kilograms.

15.3.2.2. Cubic Measure. Peat and peat moss sold in terms of cubic measure shall be offered and exposed for sale only in cubic feet and/or liters. If the commodity is labeled in terms of compressed cubic measurement, the quantity declaration shall represent the quantity in the compressed state and the quantity from which the final product was compressed (the latter declaration not exceeding the actual amount of material that can be recovered.)

15.4. Prefabricated Utility Buildings.

These buildings shall be offered for retail sale on the basis of usable inside space as follows:

- (a) Length, measured from inside surface of wall panels at the base;
- (b) Width, measured from inside surface of wall panels at the base;
- (c) Height, measured from the base to the top of the shortest wall panel.

(Inside dimensions in inch-pound units shall be declared to the nearest inch; inside dimensions in metric units shall be declared to the nearest 0.01 meter.)

If total usable inside space is declared in a supplemental declaration, it shall be to the nearest cubic decimeter or cubic foot.

15.5. Roofing and Roofing Material.

Shall be sold either by the square or by the square foot only if sold in inch-pound units or by the square meter only if sold in metric units.

15.5.1. Definitions.

15.5.1.1. "Square Meter." The quantity of roofing or roofing material that, when applied according to the directions or instructions of the manufacturer, will cover one square meter exclusive of side laps or side joints.

15.5.1.2. "Square." The quantity of roofing or roofing material that, when applied according to directions or instructions of the manufacturer, will cover an area of 100 square feet exclusive of side laps or side joints; provided that, in the case of roofing or roofing material of corrugated design, the side lap or side joint shall be one full corrugation.

15.5.1.3. "Square Foot." The quantity of roofing and roofing material that, when applied according to the directions or instructions of the manufacturer, will

cover 1 square foot (144 square inches) exclusive of side laps or side joints.

15.5.2. "Declaration of Quantity." When the declaration of quantity on a package of roofing or roofing material contains the term "square," it shall include, plainly and conspicuously, a numerical definition of the term "square;" for example, "One square covers 100 square feet of roof area."

15.5.2.1. "Common Fractions." The use of the common fraction one-third ($1/3$) is specifically authorized in the quantity statement of a package of roofing or roofing material when, and only when, used as the common fraction of the "square."

15.5.2.2. "Quantity Statement." The primary declaration if in inch-pound units shall only be in terms of squares or square feet and if in metric units shall only be in terms of square meters. There is no prohibition against the use of supplementary quantity declarations, such as shingle dimensions but in no case shall the weight of the material be stated or implied. However, the use of numerical description for rolls of felt roofing material may continue to be used.

15.6. Sealants.

Calking compounds, glazing compounds and putty shall be sold in terms of liquid measure except that rope calk shall be sold by weight.

15.7. Softwood Lumber.¹¹

Applies to softwood boards, timbers, and dimension lumber that have been dressed on four sides, but shall not apply to rough lumber, to lumber that has been matched, patterned, or shiplapped, or to lumber remanufactured or joined so as to have changed the form or identity, such as individual, assembled, or packaged millwork items.

15.7.1. Definitions.

15.7.1.1. "Dressed (Surfaced) Lumber." Lumber that has been dressed (or surfaced) for the purpose of attaining smoothness of surface and uniformity of size.

15.7.1.2. "Boards." Lumber 1-1/4 inches or less in actual thickness and 1-1/2 or more inches in actual width. Lumber less than 1-1/2 inches in actual width may be classified as strips.

15.7.1.3. "Timbers." Lumber 1-1/2 or more inches in least actual dimension. Timber may be classified as beams, stringers, posts, caps, sills, girders, purlins, etc.

15.7.1.4. "Dimension Lumber." Lumber from 1-1/2 inches to, but not exceeding, 4-1/2 inches in actual

thickness, and 1-1/2 or more inches in actual width. Dimension lumber may be classified as framing, joists, planks, rafters, studs, small timbers, etc.

15.7.1.5. "Rough Lumber." Lumber that has not been dressed but which has been sawed, edged, and trimmed at least to the extent of showing saw marks in the wood on the four longitudinal surfaces of each piece for its overall length.

15.7.1.6. "Matched Lumber." Lumber that has been worked with a tongue on one edge of each piece and a groove on the opposite edge to provide a close tongue-and-groove joint by fitting two pieces together; when end-matched, the tongue and groove are worked in the ends also.

15.7.1.7. "Patterned Lumber." Lumber that is shaped to a pattern or to a molded form, in addition to being dressed, matched, or shiplapped, or any combination of these workings.

15.7.1.8. "Shiplapped Lumber." Lumber that has been worked or rabbeted on both edges of each piece to provide a close-lapped joint by fitting two pieces together.

15.7.1.9. "Grade." The commercial designation assigned to lumber meeting specifications established by a nationally recognized grade rule writing organization.

15.7.1.10. "Species." The commercial name assigned to a species of trees.

15.7.1.11. "Species Group." The commercial name assigned to two or more individual species having similar characteristics.

15.7.1.12. "Representation." Any advertisement, offering, invoice, or the like that pertains to the sale of lumber.

15.7.1.13. "Minimum Dressed Sizes (Width and Thickness)." The standardized width and thickness at which lumber is dressed when manufactured in accordance with the United States Department of Commerce Voluntary Product Standard 20-70, "American Softwood Lumber Standard," and regional grading rules conforming to VPS 20-70. (See Table 1.)

15.7.2. "Identity." Representations shall include a declaration of identity that specifies the grade or grades, species or species group, and whether the lumber is unseasoned (green) or dry.

15.7.3. "Quantity." Representations shall be in terms of the number of pieces, the minimum dressed width and thickness, the length of individual pieces, or the lineal footage, except that:

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(a) The use of nominal dimensions shall be allowed when used in conjunction with the required minimum dressed sizes and actual length.

(b) With respect to all invoices, a table of minimum dressed sizes may appear on the reverse side of the invoice, so long as appropriate reference to the table is prominently and conspicuously shown on the face of the invoice.

TABLE 1.
SOFTWOOD LUMBER SIZES.

Minimum standard dressed sizes at the time of manufacture for both unseasoned (green) and dry lumber as published by the United States Department of Commerce in Product Standard 20-70.

Product Classification (Normal Size)	Minimum Dressed Sizes (See Note 2)	
	Unseasoned Inches	Dry Inches
Dimension Lumber		
2 x 4	1-9/16 x 3-9/16	1-1/2 x 3-1/2
2 x 6	1-9/16 x 5-5/8	1-1/2 x 5-1/2
2 x 8	1-9/16 x 7-1/2	1-1/2 x 7-1/4
2 x 10	1-9/16 x 9-1/2	1-1/2 x 9-1/4
2 x 12	1-9/16 x 11-1/2	1-1/2 x 11-1/4
(See Note 1)		
Board Lumber		
1 x 4	25/32 x 3-9/16	3/4 x 3-1/2
1 x 6	25/32 x 5-5/8	3/4 x 5-1/2
1 x 8	25/32 x 7-1/2	3/4 x 7-1/4
1 x 10	25/32 x 9-1/2	3/4 x 9-1/4
1 x 12	25/32 x 11-1/2	3/4 x 11-1/4

Note 1. The dry thicknesses of nominal 3" and 4" lumber are 2 1/2" and 3 1/2"; unseasoned thicknesses are 2 9/16" and 3 9/16". Widths for these thicknesses are the same as shown above.

Note 2. Product Standard 20-70 defines dry lumber as being 19% or less in moisture content and unseasoned lumber as being over 19% moisture content. The size of lumber changes approximately 1% for each 4% change in moisture content. Lumber stabilizes at approximately 15% moisture content under normal use conditions.

15.8. Polyethylene Products. Consumer products offered and exposed for sale at retail shall be sold in terms of:

15.8.1. Sheeting and Film.

- (a) Length and width.
- (b) Area in square feet or square meters.
- (c) Thickness.
- (d) Weight.

15.8.2. Food Wrap.

- (a) Length and width.
- (b) Area in square feet or square meters.

15.8.3. Lawn and Trash Bags.

- (a) Count.
- (b) Dimensions.
- (c) Thickness.

15.8.4. Food and Sandwich Bags.

- (a) Count.
- (b) Dimensions.

Products not intended for the retail consumer shall be offered and exposed for sale in terms of:

15.8.5. Sheeting and Film.

- (a) Length.
- (b) Width.
- (c) Thickness.
- (d) Weight.

15.8.6. Bags.

- (a) Count.
- (b) Dimensions.
- (c) Thickness.
- (d) Weight.

15.8.7. Declaration of Weight.

The labeled statement of weight for polyethylene products under subsections 15.8.1, 15.8.5, and 15.8.6 shall be not less than the weight calculated by using the following formula:

$$W = T \times A \times 0.03613 \times D, \text{ where}$$

W = net weight in pounds

T = nominal thickness in inches

A = nominal length in inches times nominal width in inches

D = density in grams per cubic centimeter as determined by ASTM Standard D1505-68 "Standard

Method of Test for Density of Plastics by the Density Gradient Technique" (or latest issue).
0.03613 is a factor for converting g/cm³ to lb/in³.

15.9. Insulation.

15.9.1. Packaged Loose-Fill Insulation Except Cellulose. Packaged loose-fill insulation, except cellulose, shall declare the net weight with no qualifying statement; each package must contain at least the stated weight. In addition, the following information shall be supplied on the package: minimum thickness, maximum net coverage area, number of bags per 1000 square feet, and minimum weight per square foot at R-values of 11, 19, and 22. This information shall also be supplied for any additional R-values listed.

15.9.2. Packaged Loose-Fill Cellulose Insulation. The principal display panel of packaged loose-fill cellulose insulation shall declare the net weight with no qualifying statement; each package must contain at least the stated weight. In addition, the following information shall be supplied on the package: minimum thickness, maximum net coverage area, number of bags per 100 square feet, and minimum weight per square foot at R-values of 13, 19, 24, 32, and 40. This information shall also be supplied for any additional R-values listed.

15.9.3. Batt and Blanket Insulation. The principal display panel of packaged batt or blanket insulation shall declare the square feet of insulation in the package, and the length and width of the batt or blanket. In addition, R-value and thickness shall be declared on the package.

15.9.4. Installed Insulation. Installed insulation must be accompanied by a contract or receipt. For all insulation except loose fill and aluminum foil, the receipt must show the coverage area, thickness, and R-value of the insulation installed. For loose-fill, the receipt must show those three items plus the number of bags used. For aluminum foil, the receipt must show the number and thickness of the air spaces, the direction of heat flow, and R-value. The receipt must be dated and signed by the installer.

EXAMPLE: This is to certify that the insulation has been installed in conformance with the requirements indicated by the manufacturer to provide a value of R-19 using 31.5 bags of insulation to cover a 1500 square foot area. Signed and dated.

15.10. Liquified Petroleum Gas Cylinder Tare Weights. Whenever stamped tare weights on cylinders are employed in the sale of liquified petroleum gas, the following shall apply:

15.10.1. Allowable Difference. The allowable difference between the actual tare weight and the stamped tare weight for a new or used cylinder shall be 1% of the

actual tare weight. The tare weight shall include the weight of the cylinder (including paint), valve, and other permanent attachments. The weight of a protective cap shall not be included in tare or gross weights.

15.10.2. Average Requirement. The tare weights of cylinders at a single place of business found to be in error predominantly in a direction favorable to the seller and near the allowable difference limit shall be considered to be not in conformance with these requirements.

15.11. Bark Mulch. All bark mulch shall be sold, offered, or exposed for sale in terms of volume measure: in inch-pound units, in terms of the cubic yard or cubic foot; in metric units, in terms of the cubic meter or liter.

§ 16. GENERAL.

16.1. Presentation of Price. Whenever an advertised, posted, or labeled price per unit of weight, measure, or count for any commodity includes a fraction of a cent, all elements of the fraction shall be prominently displayed, and the numerals expressing the fraction shall be immediately adjacent to, of the same general design and style as, and at least one-half of the height and width of the numerals representing the whole cent. (Sec. 3.1-949 Weights and Measures Law)

16.2. Allowable Differences: Combination Quantity Declarations. Whenever the method of sale for a bulk or packaged commodity requires the use of a statement, that includes count in addition to weight, measure, or size, the following shall apply to the particular commodity:

16.2.1. Beverageware: Pressed and Blown Tumblers and Stemware. The allowable difference between actual and declared capacity shall be:

(a) For Inch-Pound:

(1) Plus or minus 1/4 fluid ounce for items of 5 fluid ounce capacity or less;

(2) Plus or minus 5 % of the stated capacity for items over 5 fluid ounce capacity.

(b) For Metric:

(1) Plus or minus 10 milliliters for items of 200 milliliter capacity or less;

(2) Plus or minus 5% of the stated capacity for items over 200 milliliter capacity.

16.3. Machine Vended Commodities. All vending machines dispensing packaged commodities shall indicate:

(a) Product identity.

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(b) Net Quantity.

(c) Name, address, and telephone number of responsible party.

The requirements for product identity and net quantity can be met either by display of the package or by information posted on the outside of the machine.

16.4. Railroad Car Tare Weights. Whenever stenciled tare weights on freight cars are employed in the sale of commodities or the assessment of freight charges, the following conditions and requirements shall apply:

16.4.1. Newly or Restenciled Tare Weights. All newly stenciled or restenciled tare weights shall be accurately represented to the nearest 100 pounds for inch-pound units and the nearest 50 kilograms for metric units and the representation shall include the date of weighing.

16.4.2. Allowable Differences. The allowable difference between actual tare weight and stenciled tare weight on freight cars in use shall be per subsection 16.4.2(a) or subsection 16.4.2(b).

(a) Inch-pound allowable difference:

(1) Plus or minus 300 pounds for cars 50,000 pounds or less;

(2) Plus or minus 400 pounds for cars over 50,000 pounds to and including 60,000 pounds;

(3) Plus or minus 500 pounds for cars over 60,000 pounds.

(b) Metric allowable difference:

(1) Plus or minus 150 kilograms for cars 25,000 kilograms or less;

(2) Plus or minus 200 kilograms for cars over 25,000 kilograms to and including 30,000 kilograms;

(3) Plus or minus 250 kilograms for cars over 30,000 kilograms.

16.4.3. Change of Stenciled Weights. Tare weight determinations for verification or change of stenciled weights shall only be made on properly prepared and adequately cleaned freight cars.

16.4.5. Responsibility For Reweighing and Restenciling. Tank cars, covered hopper cars, flat cars equipped with multideck racks, or special superstructure, mechanical refrigerator cars, and house-type cars equipped with special lading protective devices must be reweighed and restenciled only by owners or other authorized representatives:

(a) When car bears no light weight (empty weight) stenciling;

(b) When repairs or alterations result in a change of weight in excess of the permissible lightweight tolerance.

§ 17. Exemptions From Sealing or Marking and/or Annual Retesting of Weights and Measures Devices.

17.1. Weights and Measures Specifically Exempted. The weights and measures listed below shall be specifically exempted from the sealing and marking requirements of §§ 3.1-926 and 3.1-934, Title 3.1, Chapter 35 of the Code of Virginia.

17.1.1. Measure containers.

17.2. Annual Retesting Exemption. The weights and measures listed below shall be specifically exempted from the annual retesting requirements of §§ 3.1-926 and 3.1-928 of Title 3.1, Chapter 35 of the Code of Virginia, and shall be retested only as required:

17.2.1. Vehicle tanks used as measures.*

17.2.2. Farm milk tanks.*

17.2.3. Liquid measures.*

17.2.4. Glass graduates.*

17.2.5. Measures containers.*

17.2. 6. Linear measures.*

17.2. 7. Dry measures.*

* Whenever an item of this class is damaged, repaired, or modified in any way that affects the accuracy of measurement, it shall not thereafter be used for measurement until it has been officially inspected and reapproved.

§ 18. Weighing Tobacco in Auction Warehouses.

18.1. Sale By Net Weight - Value of Minimum Graduation. All tobacco received at tobacco auction warehouses for the purpose of sale must be weighed and sold on the basis of net weight, and shall be weighed on approved scales. The value of the minimum graduated interval on the main-weighbeam elements, on the tare-weighbeam elements, and on the reading face elements of scales in tobacco weighing service shall be not greater than one pound. The weighbeam or any other device or mechanism that is used to set the tare weight of the pushcart, dollies, baskets and/or sheets shall be completely enclosed.

18.2. Variation Permitted in Basket or Truck. In markets where baskets and trucks used in placing tobacco on the

warehouse floor are represented as being of an average weight and uniform weight deductions are made to determine net weight, no basket or truck shall vary more than one-half pound either above or below the true average weight. If uniform weight deductions are made for the average weight of the basket and truck, the scale shall be balanced at the average weight of trucks and baskets used by back-balancing the scale. Each warehouse operation using baskets shall have (available at the warehouse at least 8 week prior to the opening date of each sales season) a reasonable number (but not less than 100) of baskets on which the average weight can be determined by the Weights and Measures Inspector.

18.3. Baskets Required To Be Marked. In markets where baskets are not represented as being of an average weight, or where baskets vary more than 1/2 pound from the average weight of baskets used, each such basket shall be plainly marked with its correct weight, and this weight shall be deducted from the gross weight at the time of weighing. In all such markets, scales shall be balanced at the average weight of the truck only by back-balancing the scale. No warehouse truck shall vary more than 1/2 pound either above or below the true average weight.

18.4. Scale Ticket Requirements. All baskets or other containers of tobacco weighed and placed on the warehouse floor for the purpose of sale shall be accompanied by a scale ticket on which there shall be plainly and conspicuously stated the name of the seller and the net weight of the tobacco. The date of weighing and the initials of the weighmasters must be shown on each floor sheet (Tobacco Sale Bill). The seller shall be given a copy of this floor sheet at the time the tobacco is weighed.

18.5. Weigh To The Nearest Whole Pound. All tobacco weighed for the purpose of sale, offering for sale, or sold, including "House" and/or "Speculators" tobacco, shall be weighed and recorded accurately to the nearest whole pound.

18.6. Reworked or Resale Tobacco. All "reworked" or "resale" tobacco must be reweighed before it is again offered or exposed for sale.

18.7. Weighmaster Name and Address To be Posted. In all tobacco warehouse offices, the full name and complete address (residence) of all weighmasters shall be posted. Each weighmaster shall personally initial the posted lists with the same initials he will use on floor sheets.

18.8. Record Retention. It shall be the duty of every tobacco auction market manager to retain a copy of all records, including sales coupons, weight tickets, accounts of sales, and other records covering each transaction, for a period of three years. This copy shall be available for, and open to, the confidential inspection of the Commissioner of Agriculture and Consumer Services, or his authorized agents at all times.

§ 19. Regulation Requiring Delivery Ticket.

19.1. Requirements For Delivery Tickets. All coal, coke, charcoal, agricultural limestone (whether burnt or unburnt), and fertilizer shall be sold by weight. Unless the product is delivered to the purchaser in package form, each delivery to an individual purchaser shall be accompanied by duplicate delivery tickets on which, in ink or other indelible substance, there shall be clearly stated:

- (a) The name and address of the vendor,
- (b) The name and address of the purchaser, and
- (c) The net weight of the delivery and the gross and tare weight from which the net weight is computed, each expressed in pounds.

However, on any agricultural commodity, produce, sand, gravel, or any other commodity product or merchandise that is being sold in bulk form by weight, the gross and tare weights need not appear on the delivery ticket. The net weight may be expressed in pounds or kilograms. One of these tickets shall be retained by the vendor, and the other shall be delivered to the purchaser at the time of delivery of the product, or shall be surrendered on demand to the Commissioner of Agriculture and Consumer Services or his assistant, or an inspector, or sealer. If the official desires to retain the ticket as evidence, a substitute weight slip shall be given to the purchaser. However, if the purchaser carries away the purchase, the vendor shall be required only to give to the purchaser a delivery ticket at the time of sale stating the number of pounds of product delivered.

20. Exemption for Users of Vehicle Scales.

A vehicle scale shall not be used for weighing gross loads smaller than 50d (d = scale division).

Users of vehicle scales [for other than livestock and grain] shall be exempt from the minimum net load requirement (50 scale divisions) of U.R.3.7 of the Scale Code, National Bureau of Standards Handbook 44, 1989 Edition.

FOOTNOTES

¹ Packages subject to the Federal Fair Packaging and Labeling Act must be labeled in inch-pound units of measure. Metric units may also be declared on the principal display panel and may even appear first.

² Packages entering interstate commerce are restricted by federal regulations to two decimal place quantity declarations. For example, see 9 CFR § 317.2(h)(5) for meat and meat products, 21 CFR § 101.105(j)(2) for non-meat and non-poultry foods, and 16 CFR § 500.9(b) for certain non-food consumer commodities.

³ Note: Although nonconsumer packages under this regulation

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might bear only metric declarations, this regulation should not be construed to supersede any labeling requirement specified in federal law.

⁴ Open multi-unit retail food packages under the authority of the Food and Drug Administration or U.S. Department of Agriculture that do not obscure the number of units or prevent examination of the labeling on each of the individual units are not required to declare the number of individual units or the total quantity of contents of the multi-unit package if the labeling of each individual unit complies with requirements so that it is capable of being sold individually. (See also Subsection 11.12)

⁵ In addition, the average net contents of lots, shipments, or deliveries must equal or exceed the labeled net contents. See Section 12.1.

⁶ ASTM Standard D-4397-84, "Specification for Polyethylene Sheeting for Construction, Industrial and Agricultural Applications", 1984.

⁷ The average thickness of a single package of polyethylene sheeting, film, or bags may be as much as 7% below the labeled thickness, i.e., at least 93% of the labeled thickness.

⁸ Packages subject to the Federal Fair Packaging and Labeling Act must be labeled in inch-pound units of measure. Metric units may also be declared on the principal display panel and may even appear first.

⁹ Oleomargarine and margarine are not permitted in multiples of one pound, 500 grams, or multiples of 500 grams because Section 407(b)(2) of the Federal Food, Drug, and Cosmetic Act prohibits margarine and oleomargarine packaged in sizes greater than one pound.

¹⁰ See § 14.9 for additional requirements for ready-to-eat food.

¹¹ Values in metric units for softwood lumber will not be added until a new standard is developed to cover metric softwood lumber.

STATE CORPORATION COMMISSION

STATE CORPORATION COMMISSION

AT RICHMOND, AUGUST 15, 1989

PETITION OF

VIRGINIA FINANCIAL SERVICES ASSOCIATES

CASE NO. BFI890186

For increases in maximum rates of charge and loan ceilings permitted on loans made under the Virginia Consumer Finance Act

ORDER ESTABLISHING NEW LOAN CEILINGS

By order herein dated June 9, 1989, the Commission directed, pursuant to Virginia Code § 6.1-271, that notice be given of its intention to consider redetermining consumer finance loan rates and ceilings. On July 17, 1989, a public hearing was convened, pursuant to notice duly given, for the purpose of affording all interested parties an opportunity to be heard. Commissioner Preston C. Shannon presided. Chairman Thomas P. Harwood, Jr. and Commissioner Theodore V. Morrison, Jr. were present. Appearances at the hearing were made by David Meade White, counsel for the Virginia Financial Services Association; David B. Irvin, Assistant Attorney General, Antitrust and Consumer Litigation Section; and William F. Schutt, Senior Counsel and Jonathan B. Orne, Assistant General Counsel for the Bureau of Financial Institutions. Jean Ann Fox made a statement on behalf of the Virginia Citizens Consumer Council.

Now having heard and considered the testimony and other evidence and documents presented, and arguments of counsel, the Commission is of the opinion and finds that the structure of rates and ceilings hereinafter set forth should be adopted in order to effectuate the goals set forth in the statute.

THEREFORE, IT IS ORDERED that the following regulation prescribing maximum rates of charge and ceilings be adopted and it hereby is adopted for use in Virginia on and after September 1, 1989, until modified or revoked by order of the Commission.

REGULATION VI-1

REGULATION ESTABLISHING MAXIMUM RATES OF CHARGE AND LOAN CEILINGS PERMITTED CONSUMER FINANCE LICENSEES 1989

Section 1. LOAN CEILINGS AND RATES OF CHARGE.

(a) The loan ceiling for small loans shall be three thousand five hundred dollars (\$3,500) in principal amount.

(b) Every licensee may contract for and receive on

any such loan charges at rates not exceeding 2.75 percent per month on that part of the unpaid principal balance of any loan not in excess of eight hundred dollars (\$800), two percent per month on that part of the unpaid principal balance in excess of \$800 but not in excess of two thousand dollars (\$2,000), and 1.5 percent per month on that part of the unpaid principal balance in excess of \$2,000 through the maximum loan ceiling.

(c) When the loan contract is repayable in substantially equal installments of principal and charges combined, a licensee - in lieu of the rates and charges provided in paragraph 1(b) above - may contract for and receive charges at a rate not exceeding \$19 per one hundred dollars per year on that part of the original principal not exceeding \$800, \$15 per one hundred dollars per year on the part of the original principal exceeding \$800 but not exceeding \$2,000 up to the maximum loan ceiling.

(d) Where the charges are computed using the rates set forth in paragraph 1(b) hereof, such computation shall be made in accordance with the provisions of § 6.1-277(a) of the Code of Virginia, as amended. Where the charges are precomputed using the rates set forth in paragraph 1(c) hereof, such computation shall be made in accordance with the provisions of § 6.1-277(b) of the Code of Virginia, as amended.

Section 2. INSTALLMENT PAYMENTS

No licensee shall enter into any contract of loan under Chapter 6 of Title 6.1 of the Code of Virginia providing for installment payments extending more than: 21 calendar months from the date of making the contract for any loan of \$500 or less in principal amount, 31 calendar months for any loan exceeding \$500 but not exceeding \$1,000 in principal amount, 43 calendar months for any loan exceeding \$1,000 but not exceeding \$1,500 in principal amount, and 49 calendar months from the date of making the contract for any loan in excess of \$1,500 in principal amount.

The Bureau of Financial Institutions shall send a copy of the regulation adopted herein to every company engaged in the consumer finance business in Virginia, and it shall monitor and report the results of operations under the structure of rates and ceilings herein authorized. And, it appearing that nothing further remains to be done in this proceeding, it is ordered that this case be dismissed from the Commission's docket and placed among the ended causes.

ATTESTED COPIES of this order shall be sent by the Clerk of the Commission to David Meade White, Esquire, White, Blackburn & Conte, P.C., 300 West Main Street, Richmond, Virginia 23220; David B. Irvin, Assistant Attorney General, Office of the Attorney General, 101 North 8th Street, Richmond, Virginia 23219; Executive Director, Virginia Poverty Law Center, 9 West Main Street,

State Corporation Commission

Richmond, Virginia 23220; Jean Ann Fox, President,
Virginia Citizens Consumer Council, 114 Coachman Drive,
Tabb, Virginia 23602; and to the Commissioner of
Financial Institutions.

STATE LOTTERY DEPARTMENT

STATE LOTTERY DEPARTMENT (STATE LOTTERY BOARD)

Title of Regulation: VR 447-01-2. Administration Regulations.

Statutory Authority: § 58.1-4007 of the Code of Virginia.

Public Hearing Date: November 21, 1989 - 10 a.m.
(See Calendar of Events section for additional information)

Summary:

The State Lottery Department is amending certain portions of the Administration Regulations which deal with ineligible players, Operations Special Reserve Fund, procedures for small purchases and vendor background checks.

The amended regulations will replace the regulations currently in force.

VR 447-01-2. Administration Regulations.

PART I. GENERAL PARAMETERS.

§ 1.1. Definitions.

The following words and terms, when used in these regulations, shall have the following meaning, unless the context clearly indicates otherwise:

"Award" means a decision to contract with a specific vendor for a specific contract.

"Bank" means and includes any commercial bank, savings bank, savings and loan association, credit union, trust company, and any other type or form of banking institution organized under the authority of the Commonwealth of Virginia or of the United States of America whose principal place of business is within the Commonwealth of Virginia and which is designated by the State Treasurer to perform functions, activities or services in connection with the operations of the lottery for the deposit and handling of lottery funds, the accounting of those funds and the safekeeping of records.

"Bearer instrument" means a lottery ticket which has not been signed by or on behalf of a person or a legal entity. Any prize won on an unsigned ticket is payable to the holder, or bearer, of that ticket.

"Bid" means a competitively priced offer made by an intended seller, usually in reply to an invitation for bids.

"Bid bond" means an insurance agreement in which a third party agrees to be liable to pay a certain amount of money in the event a specific bidder fails to accept the contract as bid.

"Board" means the State Lottery Board established by the state lottery law.

"Book," "ticket book," or "pack" generally means a set quantity of individually wrapped unbroken, consecutively numbered, fanfolded instant game tickets which all bear an identical book or pack number which is unique to that book or pack among all the tickets printed for a particular game.

"Competitive bidding" means the offer of firm bids by individuals or firms competing for a contract, privilege, or right to supply specified services or goods.

"Competitive negotiation" means a method for purchasing goods and services, usually of a highly complex and technical nature where qualified individuals or firms are solicited by using a Request For Proposal. Discussions are held with selected vendors and the best offer, as judged against criteria contained in the Request For Proposal, is accepted.

"Consideration" means something of value given for a promise to make the promise binding. It is one of the essentials of a legal contract.

"Contract" means an agreement, enforceable by law, between two or more competent parties. It includes any type of agreement or order for the procurement of goods or services.

"Department" means the State Lottery Department created by the state lottery law.

"Depository" means any person, including a bonded courier service, armored car service, bank, central or regional offices of the department, or state agency, which performs any or all of the following activities or services for the lottery:

1. The safekeeping and distribution of tickets to retailers,
2. The handling of lottery funds,
3. The deposit of lottery funds, or
4. The accounting for lottery funds.

"Director" means the Director of the State Lottery Department or his designee.

"Electronic funds transfer (EFT)" means a computerized transaction that withdraws or deposits money against a bank account on a set day based on the balance owed by the bank account holder to the lottery department or due to the bank account holder from the lottery department.

"Erroneous ticket" means an instant lottery ticket which has been forged, counterfeited or altered.

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"Game" means any individual or particular type of lottery authorized by the board.

"Goods" means any material, equipment, supplies, printing, and automated data processing hardware and software.

"Household" means members of a group who live together as a family unit. It includes, but is not limited to, members who may be claimed as dependents for income tax purposes.

"Informalities" means defects or variations of a bid from the exact requirements of the Invitation for Bid which do not affect the price, quality, quantity, or delivery schedule for the goods or services being purchased.

"Instant game" means a game that uses preprinted tickets with a latex covering over a portion of the ticket. The covering is scratched off by the player to reveal immediately whether the player has won a prize or entry into a prize drawing.

"Instant ticket" means a ticket for an instant game.

"Invitation for Bids (IFB)" means a document used to solicit bids for buying goods or services. It contains or references the specifications or scope of work and all contractual terms and conditions.

"Kickbacks" means gifts, favors or payments to improperly influence procurement decisions.

"Legal entity" means an entity, other than a natural person, which has sufficient existence in legal contemplation that it can function legally, sue or be sued and make decisions through agents, as in the case of a corporation.

"License approval notice" means the form sent to the retailer by the lottery department notifying him that his application for a license has been approved and giving him instructions for obtaining the required surety bond and setting up his lottery bank account.

"Lottery" or *"state lottery"* means the lottery or lotteries established and operated in response to the provisions of the state lottery law.

"Lottery retailer" or *"lottery sales retailer"* or *"retailer"* means a person licensed by the director to sell and dispense lottery tickets, materials or lottery games for instant or on-line lottery games, or both.

"Lottery license" or *"retailer license"* means the official document issued by the department to a person authorizing him to sell or dispense lottery tickets, materials or lottery games at a specified location in accordance with all regulations, terms and conditions, and instructions and directives issued by the board and the director.

"Low-tier winner" or *"low-tier winning ticket"* means an instant game ticket which carries a cash prize of \$25 or less or a prize of additional unplayed instant tickets.

"Negotiation" means a bargaining process between two or more parties, each with its own viewpoints and objectives, seeking to reach a mutually satisfactory agreement on, or settlement of, a matter of common concern.

"Notice of Award" means a written notification to a vendor stating that the vendor has received a contract with the department.

"Notice of Intent to Award" means a written notice which is publicly displayed, prior to signing of a contract, that shows the selection of a vendor for a contract.

"Pack" means the same thing as "book."

"Performance bond" means a contract of guarantee executed in the full sum of the contract amount subsequent to award by a successful bidder to protect the department from loss due to his inability to complete the contract in accordance with its terms and conditions.

"Person" means a natural person and may extend and be applied to bodies politic and corporate unless the context indicates otherwise.

"Prize" means any cash or noncash award to holders of winning tickets.

"Procurement" means the procedures for obtaining goods or services. It includes all activities from the planning steps and preparation and processing of a request through the processing of a final invoice for payment.

"Protest" means a complaint about an administrative action or decision brought by a vendor to the department with the intention of receiving a remedial result.

"Request for Information (RFI)" means a document used to get information from the general public or potential vendors on a good or service. The department may act upon the information received to enter into a contract without issuing an IFB or an RFP.

"Request for Proposals (RFP)" means a document used to solicit offers from vendors for buying goods or services. It permits negotiation with vendors (to include prices) as compared to competitive bidding used in the invitation for bids.

"Responsible vendor" means a person or firm who has the capability in all respects to fully satisfy the requirements of a contract as well as the business integrity and reliability to assure good faith performance. In determining a responsible vendor, a number of factors including but not limited to the following are considered. The vendor should:

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1. Be a regular dealer or supplier of the goods or services offered;
2. Have the ability to comply with the required delivery or performance schedule, taking into consideration other business commitments;
3. Have a satisfactory record of performance; and
4. Have the necessary facilities, organization, experience, technical skills, and financial resources to fulfill the terms of the contract.

"Sales," "gross sales," "annual sales" and similar terms mean total ticket sales including any discount allowed to a retailer for his commission and, in the case of instant game sales, any discount or adjustment allowed for the retailer's payment of prizes of less than \$600.

"Services" means any work performed by a vendor where the work is primarily labor or duties and is other than providing equipment, materials, supplies or printing.

"Sole source" means a product or service which is practicable.

"Solicitation" means an Invitation for Bids (IFB), a Request for Proposals (RFP), a Request for Information (RFI) or any other document issued by the department or telephone calls by the department to obtain bids or proposals or information for the purpose of entering into a contract.

"Surety bond" means an insurance agreement in which a third party agrees to be liable to pay a specified amount of money to the department in the event the retailer fails to meet his obligations to the department.

"Ticket number" means the preprinted unique number or combination of letters and numbers which identifies that particular ticket as one of a series of tickets.

"Validation code" means the multi-letter or multi-number code which appears among the play symbols under the latex covering on an instant ticket. The validation code is used to verify prize winning tickets.

"Validation number" means the unique number or number-and-letter code printed on the front of an instant ticket sometimes under a latex covering bearing the words "Do not remove," "Void if removed" or similarly worded label.

"Vendor" means one who can sell, supply or install goods or services for the department.

§ 1.2. Generally.

The purpose of the state lottery is to produce revenue consistent with the integrity of the Commonwealth and the general welfare of its people. The operations of the State

Lottery Board and the State Lottery Department will be conducted efficiently, honestly and economically.

§ 1.3. State Lottery Board.

A. Monthly meetings.

The board will hold monthly public meetings to receive information and recommendations from the director on the operation and administration of the lottery and to take official action. It may also request information from the public. The board may have additional meetings as needed. (See Part III, Board Procedures.)

B. Inspection of department records.

At the board's request, the department shall produce for review and inspection the department's books, records, files and other information and documents.

§ 1.4. Director.

The director shall administer the operations of the State Lottery Department following the authority of the Code of Virginia and these regulations.

§ 1.5. Ineligible players of the lottery.

Board members, officers or employees of the lottery, or any board member, officer or employee of any vendor to the lottery of lottery on-line or instant ticket goods or services working directly with the department on a contract for such goods or services, or any person residing in the same household as any such board member, officer or employee may not purchase tickets or receive prizes of the lottery.

§ 1.6. Advertising.

A. Generally.

Advertising may include but is not limited to print advertisements, radio and television advertisements, billboards, point of purchase and point of sale display materials. The department will not use funds for advertising which is for the primary purpose of inducing people to play the lottery.

B. Lottery retailer advertising.

Any lottery retailer may use his own advertising materials if the department has approved its use in writing before it is shown to the public. The department shall develop written guidelines for giving such approval.

C. The department may provide information displays or other material to the retailer. The retailer shall position the material so it can be seen easily by the general public.

D. The department may produce special posters,

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brochures or flyers describing various aspects of the lottery and provide these to lottery retailers to post or distribute.

E. The department may use interviews, pictures or statements from people who have won lottery prizes to show that prizes are won and awarded; however, in no case shall the use of interviews, pictures or statements be for the primary purpose of inducing persons to participate in the lottery.

F. The department may use other informational and advertising items which may include any materials deemed appropriate advertising, informational, and educational media which are not for the primary purpose of inducing people to play the lottery.

§ 1.7. Operations of the department.

A. Generally.

The department shall be operated in a manner which considers the needs of the Commonwealth, the public-at-large, the convenience of the ticket purchasers, and winners of lottery prizes.

B. Employment.

The department shall hire people without regard to race, sex, color, national origin, religion, age, handicap, or political affiliation.

1. All employees shall be recruited and selected in a manner consistent with the policies which apply to classified positions.

2. Sales and marketing employees are exempt from the Virginia Personnel Act.

C. Internal operations.

The department will operate under the internal administrative, accounting and financial controls specifically developed for the State Lottery Department under the applicable policies required by the Departments of Accounts, Planning and Budget, Treasury, State Internal Auditor and by the Auditor of Public Accounts.

1. Internal operations include, but are not limited to, ticket controls, money receipts and payouts, payroll and leave, budgeting, accounting, revenue forecasting, purchasing and leasing, petty cash, bank account reconciliation and fiscal report preparation.

2. Internal operations apply to automated and manual systems.

D. External operations.

The department will conduct business with the public, lottery retailers, vendors and others with integrity and

honesty.

E. Apportionment of lottery revenue.

Moneys received from lottery sales will be divided approximately as follows:

50 percent	Prizes
45 percent	State Lottery Fund Account (On and after July 1, 1989, administrative costs of the lottery shall not exceed 10 percent of gross sales.)
5 percent	Lottery retailer discounts

F. State Lottery Fund Account.

The State Lottery Fund will be established as an account in the Commonwealth's accounting system. The account will be established following usual procedures and will be under regulations and controls as other state accounts. Prior to the start of the first lottery game, the account will be funded from the proceeds of a Department of Treasury loan or loans (treasury loan). Thereafter, funding will be from gross sales.

1. Within the State Lottery Fund, there shall be established a "Special Reserve Fund" which shall contain the following subaccounts:

a. An "Operations Special Reserve Fund" subaccount for administrative and operations costs will be created in the State Lottery Fund account. At all times on and after July 1, 1989, the amount of the Operations Special Reserve Fund will be not less than 2.5% of the total annual estimated gross lottery revenue to be generated from sales. Commencing with lottery operations, but prior to initial sales, all funds derived from the start-up treasury loan(s) shall be deposited to the Operations Special Reserve Fund. Except as otherwise provided in these regulations, start-up treasury loan fund balances shall remain in the Operations Special Reserve Fund until exhausted, until transferred to the Lottery Start-up Payback Special Reserve Fund or until 12 months after initial lottery sales at which time any fund balance from the start-up treasury loan(s) shall revert to the General Fund.

a. An "Operations Special Reserve Fund" subaccount for administrative and operations costs will be created in the State Lottery Fund account. On June 30, 1989, \$1 million dollars shall be transferred into the Operations Special Reserve Fund. Thereafter, 1.7% of gross monthly revenues from sales shall be transferred to the Operations Special Reserve Fund until the Operations Special Reserve equals not less than 1.7% of estimated annual gross lottery revenues from sales. Commencing with lottery operations, but prior to

initial sales, all funds derived from the start-up treasury loan(s) shall be deposited to the Operations Special Reserve Fund. Except as otherwise provided in these regulations, start-up treasury loan fund balances shall remain in the Operations Special Reserve Fund until exhausted, until transferred to the Lottery Start-up Payback Special Reserve Fund or until 12 months after initial lottery sales at which time any fund balance from the start-up treasury loan(s) shall revert to the General Fund.

b. A "Lottery Prize Special Reserve Fund" subaccount will be created in the State Lottery Fund account and will be used when lottery prize pay-outs exceed department cash on hand. Immediately prior to initial lottery sales, \$500,000 shall be transferred to the Lottery Prize Special Reserve Fund from start-up treasury loan funds in the State Lottery Fund. Thereafter, 5.0% of monthly gross sales shall be transferred to the Lottery Prize Special Reserve Fund until the amount of the Lottery Prize Special Reserve Fund reaches 5.0% of the gross lottery revenue from the previous year's annual sales or \$5 million dollars, whichever is less.

(1) The calculation of the 5.0% will be made for each instant or on-line game.

(2) The funding of this subaccount may be adjusted at any time by the board.

2. Until July 1, 1989, or when start-up funds are totally repaid, a special subaccount titled "Lottery Start-up Payback Special Reserve Fund" will be established to retire the start-up treasury loan(s).

a. Five percent of the state lottery fund balance, excluding funds derived from start-up treasury loan(s), at the beginning of each month will be placed in this subaccount. The director may increase this percentage when, in his judgment, sufficient funds remain in the State Lottery Fund to meet other needs and shall increase the percentage when necessary to retire the treasury loan(s) within the first 12 months from initial lottery sales.

b. The director may, at any time, direct the transfer from the State Lottery Fund balance to the "Lottery Start-up Payback Special Reserve Fund" of all or any portion of any funds derived from the start-up treasury loan(s) which, in his judgment are no longer required to fund lottery operations.

c. The director may, from time to time, direct the transfer of all or a portion of the Lottery Start-up Payback Special Reserve Fund to the General Fund of the Treasury to retire all or a portion of the start-up treasury loan(s). The director shall ensure that the entire amount of the start-up treasury loan(s) is repaid within the first 12 months of lottery sales.

3. Other subaccounts may be established in the State Lottery Fund account as needed at the direction of the board upon the request of the director or the internal auditor with concurrence of the State Comptroller, State Treasurer and the Auditor of Public Accounts.

G. Administrative and operations costs.

Lottery expenses include, but are not limited to, ticket costs, vendor fees, consultant fees, advertising costs, salaries, rents, utilities, and telecommunications costs.

H. Audit of lottery revenues.

The cost of any audit shall be paid from the State Lottery Fund.

1. The Auditor of Public Accounts or his designee shall conduct a monthly post-audit of all accounts and transactions of the department. When, in the opinion of the Auditor of Public Accounts, monthly post-audits are no longer necessary to ensure the integrity of the lottery, the Auditor of Public Accounts shall notify the board in writing of his opinion and fix a schedule of less frequent post-audits. The schedule of post-audits may, in turn, be further adjusted by the same procedure to require either more or less frequent audits in the future.

2. Annually, the Auditor of Public Accounts shall conduct a fiscal and compliance audit of the department's accounts and transactions.

I. Other matters.

The board and director may address other matters not mentioned in these regulations which are needed or desired for the efficient and economical operation and administration of the lottery.

PART II. BANKS AND DEPOSITORIES.

§ 2.1. Approval of banks.

The State Treasurer, with the concurrence of the director, and in accordance with applicable Treasury directives, shall approve a bank or banks to provide services to the department.

A. A bank or banks shall serve as agents for electronic funds transfers between the department and lottery retailers as required by these regulations and by contracts between the department, the State Treasury, retailers, and the banks.

B. In selecting the bank or banks to provide these services, the State Treasurer and the director shall consider quality of services offered, the ability of the banks to guarantee the safekeeping of department accounts

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and related materials, the cost of services provided and the sophistication of bank systems and products.

C. There shall be no limit on the number of banks approved under this section.

§ 2.2. Approval of depositories.

The director may contract with depositories to distribute lottery tickets and materials from the department's central warehouse to the department's regional offices and from the department to retailers, and to collect funds, lottery tickets and lottery materials from retailers.

§ 2.3. Compensation.

A. The contract between each bank or depository and the department shall fix the compensation for services rendered to the department.

B. Compensation of banks will be in the form of compensating balances, direct fees, or some combination of these methods, at the discretion of the department.

C. Depositories will be compensated based on vouchers for services rendered.

§ 2.4. Depository for transfer of tickets.

A. The department may designate one or more depositories to transfer lottery tickets, lottery materials, and related documents between the department and lottery retailers.

B. In instances where a retailer wishes delivery of tickets or other materials sooner than scheduled by a lottery depository, the retailer may use his own depository or transfer agent. However, use of a retailer's depository or transfer agency shall have the department's advance approval.

C. In determining whether to use depositories for transferring tickets, materials and documents between the department and lottery retailers, the department may consider any relevant factor including, but not limited to, cost, security, timeliness of delivery, marketing concerns, sales objectives and privatization of governmental services.

PART III. LOTTERY BOARD PROCEDURES.

Article 1.

Board Procedures for the Conduct of Business.

§ 3.1. Officers of the board.

A. Chairman and vice-chairman.

The board shall have a chairman and a vice-chairman who shall be elected by the board members.

B. Term of officers.

The board will elect its officers annually at its January meeting to serve for the calendar year.

§ 3.2. Board meetings.

A. Monthly meetings.

The board will hold monthly public meetings to receive information and recommendations from the director on the operation and administration of the lottery and to take official action. The board may also request information from the public.

B. Special meetings.

The board may hold additional meetings as may be necessary to carry out its work. The chairman may call a special meeting at any time and shall call a special meeting when requested to do so by at least two board members or at the request of the director. Notice of special meetings shall be given to all board members at least two calendar days before the meeting. Written notice is preferred but telephonic notice may be accepted by any board member in lieu of written notice.

C. Quorum.

Three or more board members shall constitute a quorum for the conduct of business at both regular and special meetings of the board. A simple majority vote at a regular meeting is sufficient to take official action but official action at a special meeting requires three affirmative votes. The chairman is eligible to vote at all meetings.

D. Conflict of Interest.

If any board member determines that he has a conflict of interest or potential conflict relating to a matter to be considered, that board member shall not take part in such deliberations.

§ 3.3. Committees of the board.

A. Ad hoc committees.

The board chairman may at his discretion appoint such ad hoc committees as he deems necessary to assist the board in its work.

B. Purpose of committees.

An ad hoc committee may be established to advise the board on a matter referred to it or to act on a matter on behalf of the board if so designated.

1. A committee established to act on a matter on behalf of the board shall be composed entirely of board members and shall have at least three

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members.

- a. Three members shall constitute a quorum.
- b. Official action of such a committee shall require not fewer than three affirmative votes with each member including the chairman having one vote.
- c. If a committee's vote results in an affirmative vote of only two members, the committee shall present a recommendation to the board and the board shall then take action on the matter.

2. A committee established to act in an advisory capacity to the board may include members of the general public. At least two members shall be board members and the chairman shall be a board member appointed by the board chairman.

- a. A majority of the members appointed to an advisory committee constitutes a quorum.
- b. Recommendations of an advisory committee may be adopted by a majority vote of those present and voting. The chairman of an advisory committee shall be eligible to vote on all recommendations.
- c. All actions of advisory committees shall be presented to the board in the form of recommendations.

Article 2. Procedures for Appeals on Licensing Actions.

§ 3.4. Hearings on denial, suspension or revocation of a retailer's license.

A. Generally.

An applicant who is denied a license or a retailer whose license is denied for renewal or is suspended or revoked may appeal the licensing decision and request a hearing on the licensing action.

B. Hearings to conform to Administrative Process Act provisions.

The conduct of license appeal hearings will conform to the provisions of Article 3 (§ 9-6.14:11 et seq.) of Chapter 1.1:1 of Title 9 of the Code of Virginia relating to Case Decisions.

1. An initial hearing consisting of an informal fact finding process will be conducted by the director in private to attempt to resolve the issue to the satisfaction of the parties involved.
2. If an appeal is not resolved through the informal fact finding process, a formal hearing will be conducted by the board in public. The board will then issue its decision on the case.

3. Upon receipt of the board's decision on the case, the appellant may elect to pursue court action in accordance with the provisions of the Administrative Process Act (APA) relating to Court Review.

§ 3.5. Procedure for appealing a licensing decision.

A. Form for appeal.

Upon receiving a notice that (i) an application for or the renewal of a license has been denied by the director, or (ii) the director intends to or has already taken action to suspend or revoke a current license, the applicant or licensed retailer may appeal in writing for a hearing on the licensing action. The appeal shall be submitted within 30 days of receipt of the notice of the licensing action.

1. Receipt is presumed to have taken place not later than the third day following mailing of the notice to the last known address of the applicant or licensed retailer. If the third day falls upon a day on which mail is not delivered by the United States Postal Service, the notice is presumed to have been received on the next business day. The "last known address" means the address shown on the application of an applicant or licensed retailer.

2. The appeal will be timely if it bears a United States Postal Service postmark showing mailing on or before the 30th day prescribed in § 3.5.A.

B. Where to file appeal.

An appeal to be mailed shall be addressed to:

State Lottery Director
State Lottery Department
Post Office Box 4689
Richmond, Virginia 23220

An appeal to be hand delivered shall be delivered to:

State Lottery Director
State Lottery Department
Bookbindery Building
2201 West Broad Street
Richmond, Virginia 23220

1. An appeal delivered by hand will be timely only if received at the headquarters of the State Lottery Department within the time allowed by § 3.5.A.

2. Delivery to State Lottery Department regional offices or to lottery sales personnel by hand or by mail is not effective.

3. The appellant assumes full responsibility for the method chosen to file the notice of appeal.

C. Content of appeal.

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The appeal shall state:

1. The decision of the director which is being appealed;
2. The basis for the appeal;
3. The retailer's license number or the Retailer License Application Control Number; and
4. Any additional information the appellant may wish to include concerning the appeal.

§ 3.6. Procedures for conducting informal fact finding licensing hearings.

A. Director to conduct informal hearing.

The director will conduct an informal fact finding hearing with the appellant for the purpose of resolving the licensing action at issue.

B. Hearing date and notice.

The director will hold the hearing as soon as possible but not later than 30 days after the appeal is filed. A notice setting out the hearing date, time and location will be sent to the appellant at least 10 days before the day set for the hearing.

C. Place of hearings.

All informal hearings shall be held in Richmond, Virginia, unless the director decides otherwise.

D. Conduct of hearings.

The hearings shall be informal. They shall not be open to the public.

1. The hearings will be electronically recorded. The recordings will be kept until any time limits for any subsequent appeals have expired.
2. A court reporter may be used. The court reporter shall be paid by the person who requested him. If the appellant elects to have a court reporter, a transcript shall be provided to the department. The transcript shall become part of the department's records.
3. The appellant may appear in person or may be represented by counsel to present his facts, argument or proof in the matter to be heard and may request other parties to appear to present testimony.
4. The department will present its facts in the case and may request other parties to appear to present testimony.
5. Questions may be asked by any of the parties at any time during the presentation of information

subject to the director's prerogative to regulate the order of presentation in a manner which serves the interest of fairly developing the factual background of the appeal.

6. The director may exclude information at any time which he believes is not germane or which repeats information already received.

7. The director shall declare the hearing completed when both parties have finished presenting their information.

E. Director to issue written decision.

Normally, the director shall issue his decision within 15 days after the conclusion of an informal hearing. However, for a hearing with a court reporter, the director shall issue his decision within 15 days after receipt of the transcript of the hearing. The decision will be in the form of a letter to the appellant summarizing the case and setting out his decision on the matter. The decision will be sent to the appellant by certified mail, return receipt requested.

F. Appeal to board for hearing.

After receiving the director's decision on the informal hearing, the appellant may elect to appeal to the board for a formal hearing on the licensing action. The appeal shall be:

1. Submitted in writing within 15 days of receipt of the director's decision on the informal hearing;

2. Mailed to:

Chairman, State Lottery Board
State Lottery Department
Post Office Box 4689
Richmond, Virginia 23220

OR

Hand delivered to:

Chairman, State Lottery Board
State Lottery Department
Bookbindery Building
2201 West Broad Street
Richmond, Virginia 23220

3. The same procedures in § 3.5 B for filing the original notice of appeal govern the filing of the notice of appeal of the director's decision to the board.

4. The appeal shall state:

a. The decision of the director which is being appealed;

- b. The basis for the appeal;
- c. The retailer's license number or the Retailer License Application Control Number; and
- d. Any additional information the appellant may wish to include concerning the appeal.

§ 3.7. Procedures for conducting formal licensing hearings.

A. Board to conduct formal hearing.

The board will conduct a formal hearing within 45 days of receipt of an appeal on a licensing action.

B. Number of board members hearing appeal.

Three or more members of the board are sufficient to hear an appeal. If the chairman of the board is not present, the members present shall choose one from among them to preside over the hearing.

C. Board chairman may designate an ad hoc committee to hear appeals.

The board chairman at his discretion may designate an ad hoc committee of the board to hear licensing appeals and act on its behalf. Such committee shall have at least three members who will hear the appeal on behalf of the board. If the chairman of the board is not present, the members of the ad hoc committee shall choose one from among them to preside over the hearing.

D. Conflict of interest.

If any board member determines that he has a conflict of interest or potential conflict, that board member shall not take part in the hearing. In the event of such a disqualification on a subcommittee, the board chairman shall appoint an ad hoc substitute for the hearing.

E. Notice, time and place of hearing.

A notice setting the hearing date, time and location will be sent to the appellant at least 10 days before the day set for the hearing. All hearings will be held in Richmond, Virginia, unless the board decides otherwise.

F. Conduct of hearings.

The hearings shall be conducted in accordance with the provisions of the Virginia Administrative Process Act (APA). The hearings shall be open to the public.

- 1. The hearings will be electronically recorded and the recordings will be kept until any time limits for any subsequent court appeals have expired.
- 2. A court reporter may be used. The court reporter shall be paid by the person who requested him. If the appellant elects to have a court reporter, a transcript

shall be provided to the department. The transcript shall become part of the department's records.

3. The provisions of §§ 9-6.14:12 through 9-1.14:14 of the APA shall apply with respect to the rights and responsibilities of the appellant and of the department.

G. Board's decision.

Normally, the board will issue its written decision within 21 days of the conclusion of the hearing. However, for a hearing with a court reporter, the board will issue its written decision within 21 days of receipt of the transcript of the hearing.

1. A copy of the board's written decision will be sent to the appellant by certified mail, return receipt requested. The original written decision shall be retained in the department and become a part of the case file.

2. The written decision will contain:

a. A statement of the facts to be called "Findings of Facts";

b. A statement of conclusions to be called "Conclusions" and to include as much detail as the board feels is necessary to set out the reasons and basis for its decision; and

c. A statement, to be called "Decision and Order," which sets out the board's decision and order in the case.

H. Court review.

After receiving the board's decision on the case, the appellant may elect to pursue court review as provided for in the Administrative Process Act.

Article 3.

Procedures for Promulgating Regulations.

§ 3.8. Board procedures for promulgating regulations.

A. Generally.

Except for temporary regulations issued under the exemption provided by the Virginia Lottery Law, the board shall promulgate regulations, in consultation with the director, in accordance with the provisions of the Administrative Process Act (Chapter 1.1:1 of Title 9 of the Code of Virginia).

- 1. The board will provide for a public participation process to be set out in "Guidelines for Public Participation in Regulation Development and Promulgation."
- 2. Public hearings may be held if the subject matter

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of a proposed regulation and the level of interest generated through the public participation process warrant them.

B. Temporary regulations.

Temporary regulations to be issued under the exemption provided by law will be adopted by the board at public meetings. The public may provide written comments on newly adopted temporary regulations. The board will consider these comments for later revisions to the regulations.

PART IV, PROCUREMENT.

§ 4.1. Procurement in general.

A. To promote the free enterprise system in Virginia, the State Lottery Department will purchase goods or services by obtaining competitive bids whenever possible. In its operations and to ensure efficiency, effectiveness and economy, the department will consider using goods and services offered by private enterprise.

B. The director may request other state agencies to review contracts before the department signs them.

C. The department may purchase goods or services which are under state term contracts established by the Department of General Services, Division of Purchases and Supply, when in the best interest of the State Lottery Department.

D. When time permits, the department may publish notice of procurement actions in "Virginia Business Opportunities."

§ 4.2. Exemption and restrictions.

A. Purchase of goods and services may be exempted from the competitive bidding procedure when the director determines in writing that the best interests of the Commonwealth will be served. An exemption may also be declared by the director when an immediate or emergency need exists for goods or services.

B. All purchases shall be made in compliance with the standards of ethics in § 5.19 of these regulations.

C. The department shall not take any procurement action which discriminates on the basis of the race, religion, color, sex, or national origin of any vendor.

D. It is the policy of the Commonwealth of Virginia to contribute to the establishment, preservation, and strengthening of small businesses and businesses owned by women and minorities and to encourage their participation in state procurement activities. Towards that end, the State Lottery Department encourages these firms to compete and encourages nonminority firms to provide for the

participation of small businesses and businesses owned by women and minorities through partnerships, joint ventures, subcontracts, and other contractual opportunities.

§ 4.3. Requests for information.

A. A Request for Information (RFI) may be used by the department to determine available sources for goods or services.

B. The RFI shall set out a description of the good or service needed, its purpose and the date by which the department needs the information.

C. The RFI may be mailed to interested parties or published by summary notice in general circulation newspapers or other publications.

1. Additional RFI's may be published for a good or a service, as determined on a case-by-case basis.

2. To help ensure competition, the department will ask for information from as many private sector vendors as it determines are necessary.

D. All costs of developing and presenting the information furnished will be paid for by the vendor.

E. The department shall have unlimited use of the information furnished in the reply to an RFI. The department accepts no responsibility for protection of the information furnished unless the vendor requests that proprietary information be protected in the manner prescribed by § 11-52 D of the Code of Virginia. The department shall have no further obligation to any vendor who furnishes information.

F. The department may, at its option, use the responses to the RFI as a basis for entering directly into negotiation with one or more vendors for the purpose of entering into a contract.

§ 4.4. Request for Proposals.

A. A written Request for Proposal (RFP) may be used by the department to describe in general terms the goods or services to be purchased. An RFP may result in a negotiated contract.

B. The RFP will set forth the due date and list the requirements to be used by the vendors in writing the proposal. It may contain other terms and conditions and essential vendor characteristics.

C. The department shall publish or post a public notice of the RFP.

1. All solicitations shall be posted on a bulletin board at the State Lottery Department. The notice may also be: mailed to vendors who responded to a Request for Information; published in general circulation

newspapers in areas where the contract will be performed; if time permits and at the option of the department, reported to the "Virginia Business Opportunities" at the Department of General Services, Division of Purchases and Supply; and given to any other interested vendor.

2. The department shall decide the method of giving public notice on a case-by-case basis. The decision will consider the means which will best serve competition in the private sector.

D. Public openings of the RFP's are not required. If the RFP's are opened in public, only the names of the vendors who submitted proposals will be available to the public.

E. The department will evaluate each vendor proposal.

1. The evaluation will consider the vendor's response to the factors in the RFP.

2. The evaluation will consider whether the vendor is qualified, responsive and responsible for the contract.

F. The department may conduct contract negotiations with one or more qualified vendors. The department may also determine, in its sole discretion, that only one vendor is fully qualified or that one vendor is clearly more highly qualified than the others and negotiate and award a contract to that vendor.

G. Award of RFP Contract.

1. The vendor selected shall be qualified and best suited on the basis of the proposal and contract negotiations.

2. Price will be considered but need not be the only determining factor.

3. The award document shall be a contract. It shall include requirements, terms and conditions of the RFP and the final contract terms agreed upon.

§ 4.5. Invitations for Bids.

A. A written Invitation for Bid (IFB) may be used by the department to describe in detail the specifications, contractual terms and conditions which apply to a purchase of goods or services.

B. The IFB will list special qualifications needed by a vendor. It will describe the contract requirements and set the due date for bid responses.

1. The IFB may contain inspection, testing, quality, and other terms essential to the contract.

2. It may contain other optional data.

C. Public notice of the IFB shall be given.

1. The IFB may be mailed to potential bidders. In addition, it may be published in summary form stating where a full copy may be obtained in general circulation newspapers in areas where the contract will be performed. The IFB shall be posted at the department's central office in a public area used to post purchase notices, and shall be given to any other interested vendor.

2. The publication of the IFB notice will consider the means which will best serve competition in the private sector.

D. Receiving IFB's.

1. Bids shall be received until the date and time set forth in the IFB.

2. Late bids shall not be considered.

E. Opening IFB's.

Bids shall be publicly opened and the following items shall be read aloud:

1. Name of bidder;

2. Unit or lot price, as applicable; and

3. Terms: discount terms offered, if applicable, and brand name and model number, if requested by attendees.

F. Evaluating IFB's.

The department shall evaluate each vendor bid.

1. The evaluation shall consider whether the bid responds to the factors in the IFB.

2. All bids which respond completely to the IFB shall be evaluated to determine which bid presents the lowest dollar price.

3. The vendor presenting the lowest price bid shall be evaluated to determine whether he is a responsible bidder.

G. Award of IFB contract.

The department shall award the contract to the lowest responsible bidder.

§ 4.6. Sole source contracts.

A. A sole source contract shall be made when there is only one source available for goods or services.

B. The director will state in writing for the file that

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only one source was determined to be available, the vendor selected, the goods or services contracted for and the date of the contract.

C. If the contract is over \$10,000, on the day the director awards the contract, he will post the written statement in a public area used to post purchase notices at the department's central office.

§ 4.7. Emergency purchase contract.

A. An emergency purchase contract shall be made when an unexpected, sudden, serious, or urgent situation demands immediate action.

B. The department will state in writing the nature of the emergency, the vendor selected, the goods or services contracted for and the date of the contract.

C. If the contract is over \$10,000, on the day the director awards the contract, he will post the written statement in a public area used to post purchase notices at the department's central office.

§ 4.8. Procedures for small purchases.

A. Generally.

Small purchases are those where the estimated one-time or annual contract for cost of goods or services does not exceed ~~\$10,000~~ \$ 25,000 .

B. Price quotations.

Price quotations may be obtained through oral quotations in person or by telephone.

C. Written confirmation.

If the contract is \$2,000 or less, no written confirmation is needed. Written price confirmation from the vendor is needed for small purchases over \$2,000.

D. Except in the case of an emergency under § 4.7, the department will attempt to obtain at least three quotations.

E. In letting small purchase contracts, the department may consider factors in addition to price.

§ 4.9. Time to submit and accept RFI's, RFP's or IFB's.

A. All vendors shall submit requests for information, proposals or bids in time to reach the department before the set time and due date.

1. All vendors shall take responsibility for their chosen method of delivery to the department.

2. The department will date stamp the vendors' answers to RFI's, RFP's and IFB's when received. The department's stamped date shall be considered the

official date received.

3. Any information which the department did not request or is received after the due date may be disregarded or returned to the vendor.

4. All vendors who received solicitations will be notified of any changes in the process times and dates or if a solicitation is cancelled.

B. Any proposal or bid quotation submitted by a vendor to the department shall remain valid for at least 45 days after the submission due date and will remain in effect thereafter unless the bidder retracts his bid in writing at the end of that period. The vendor must agree to accept a contract if offered within the 45-day time period. The department may require a longer or shorter period for specific goods or services.

§ 4.10. Questions on bids.

Questions on contents of other bidders' bids or offerors' proposals will not be answered until after decisions are made.

§ 4.11. How to modify or withdraw proposals or bids.

A. A vendor may modify or withdraw a proposal or bid before the due time and date set out in the request without any formalities except that the modification or withdrawal shall be in writing.

B. A request to modify or withdraw a bid or proposal after the due date may be given special review by the director.

1. A vendor shall put in writing and deliver to the department a statement which details how the proposal would be modified or why it should be permitted to be withdrawn.

2. A proposal or bid may be withdrawn after opening if the director receives prompt notice and sufficient information to show that an honest error will cause undue financial loss.

§ 4.12. Rejection of bids.

The department reserves the right to reject any or all bids. The decision may be made that a vendor is ineligible, disqualified, not responsive or responsible, or involved in fraud, or that the best interest of the Commonwealth will not be served. Vendors so identified shall be notified in writing by the department. New bids may be requested at a time which meets the needs of the department.

§ 4.13. Testing of product.

Various items or services may require testing either before or after the final award of a contract. The vendor

shall guarantee price and quality before and after testing.

§ 4.14. Proposal bid or performance security.

A. The department may require performance security on proposals or bids. The security is to protect the interests of the Commonwealth.

1. When required, security must be in the form of a certified check, certificate of deposit or letter of credit made payable to the State Lottery Department, or on a form issued by a surety company authorized to do business in Virginia.

2. When required, security will not be waived.

B. Security provided by vendors to whom a contract is awarded will be kept by the department until all provisions of the contract have been completed.

§ 4.15. Assignment of contracts.

A vendor may not assign any contract to another party without permission of the director.

§ 4.16. Strikes, lockouts or acts of God.

Whenever a vendor's place of business, mode of delivery or source of supply has been disrupted by a strike, lockout or act of God, the vendor will promptly advise the department by telephone and in writing. The department may cancel all orders on file with the vendor and place an order with another vendor.

§ 4.17. Remedies for the department on goods and services which do not meet the contract.

A. In any case where the vendor fails to deliver, or has delivered goods or services which do not meet the contract standards, the department will send a written "Notice to Cure" to the vendor for correction of the problem.

B. If the vendor does not respond adequately to the "Notice to Cure," the department may cancel the contract and buy goods or services from another vendor. Any increase between the contract price and market price will be paid by the vendor who failed to follow the contract. This remedy shall be in addition to any other remedy provided by law.

§ 4.18. Administration of contracts.

A. Generally.

The department will follow procedures in administering its contracts that will ensure that the vendor is complying with all terms and conditions of the contract.

B. Records.

The department shall keep all records relating to a contract for three years after the end of a contract.

1. The records shall include the requirements, a list of the vendors bidding, methods of evaluation, a signed copy of the contract, comments on vendor performance, and any other information necessary.

2. Records shall be open to the public except for proprietary information for which protection has been properly requested.

C. Change orders.

1. Contracts may need to be adjusted for minor changes. The department may change the contract to correct errors, to add or delete small quantities of goods, or to make other minor changes.

2. The department shall send the changes in writing to the vendor. Vendors who deviate from the contract without receiving the written changes from the department do so at their own risk.

D. Cancellation orders.

The department shall cancel orders in writing. Contracts may be cancelled if the vendor fails to fulfill his obligations as provided in § 4.17 A and B.

E. Overshipments and overruns.

The department may refuse to accept goods which exceed the number ordered. The goods may be returned to the vendor at the vendor's expense.

F. Inspection, acceptance and rejection of goods or services.

1. The department shall be responsible for inspecting, accepting or rejecting goods or services under contract.

2. In rejecting goods or services, the department will notify the vendor as soon as possible.

3. The department will state the reasons for rejecting the goods or services and request prompt replacement.

4. Replacement goods or services shall be made available at a date acceptable to the department.

G. Complaints.

The department will report complaints in writing to the vendor as they occur. The reports will be part of the department's purchase records.

H. Invoice processing.

To maintain good vendor relations and a competitive

State Lottery Department

environment, the department will process invoices promptly. The department shall follow the requirements for prompt payment found in Title 11, Chapter 7, Article 2.1 of the Code of Virginia. The department will use rules and regulations issued by the Department of Accounts to process invoices.

I. Default actions.

Before the department finds a vendor in default of a contract, it will consider the specific reasons the vendor failed and the time needed to get goods or services from other vendors.

J. Termination for convenience of the department.

1. A purchase order or contract may be terminated for the convenience of the department by delivering to the vendor a notice of termination specifying the extent to which performance under the purchase order or contract is terminated, and the date of termination. After receipt of a notice of termination, the contractor must stop all work or deliveries under the purchase order or contract on the date and to the extent specified.

2. If the purchase order or contract is for commercial items sold in substantial quantities to the general public and no specific identifiable inventories were maintained exclusively for the department's use, no claims will be accepted by the department. Payment will be made for items shipped prior to receipt of the termination notice.

3. If the purchase order or contract is for items being produced exclusively for the use of the department, and raw materials or services must be secured by the vendor from other sources, the vendor shall order no additional materials or services except as may be necessary for completion of any portion of the work which was not terminated. The department may direct the delivery of the fabricated or unfabricated parts, work in process, completed work, supplies, and other material produced as a part of, or acquired in connection with the performance of the work, or direct the vendor to sell the same, subject to the department's approval as to price. The vendor may, with the approval of the department retain the same, and apply a credit to the claim. The vendor must complete performance on any part of the purchase order or contract which was not terminated.

4. Within 120 days after receipt of the notice of termination, or such longer period as the department for good cause may allow, the vendor must submit any termination claims. This claim will be in a form and with certifications prescribed by the purchasing office that issued the purchase order. The claim will be reviewed and forwarded with appropriate recommendations to the requisitioning agency or the appropriate assistant attorney general, or both, for

disposition in accordance with § 2.1-127 of the Code of Virginia.

§ 4.19. Vendor background. not:

A. A vendor shall allow the department to check his background. The background check may extend to any on-line or instant ticket vendor employee working directly on a contract with the department, any parent or subsidiary corporation of the vendor and shareholders of 5.0% or more of the vendor, parent or subsidiary corporation. The check may include officers and directors of the vendor or parent or subsidiary corporation.

B. Before contracting with the department, the vendor shall sign an agreement with the department to allow a criminal investigation of the entities and persons named in ~~§ 4.18 A~~ § 4.19 .

C. The vendor shall allow the department to audit, inspect, examine or photocopy the vendor's records related to the State Lottery Department business during normal business hours.

§ 4.20. Ethics in contracting.

Generally.

Except for more stringent requirements set forth in this section, the department will follow the ethics in public contracting requirements of the Virginia Public Procurement Act, Title 11, Chapter 7, Article 4 of the Code of Virginia.

B. Employee role with vendors prohibited.

A department employee who has responsibility to buy from vendors may not:

1. Be employed by a vendor at the same time;
2. Have a business associate or a member of his household be an officer, director, trustee, partner or hold a similar position with a vendor and play a role in soliciting contracts for vendors;
3. Himself or his business associate or a member of his household own or control an interest in a vendor of at least 5.0%;
4. Himself or his business associate or a member of his household have a financial interest in a contract procured for the department;
5. Himself or his business associate or a member of his household negotiate or have an arrangement about prospective employment with a vendor.

C. Offers, requests, or acceptance of gifts.

No vendor or employee of the department involved in

purchasing will offer, request or accept, at the present or in the future, any payment, loan, advance, deposit of money, services or anything of more than nominal value for which nothing of comparable value is exchanged.

D. Kickbacks.

No vendor will demand or receive from any of his suppliers or subcontractors, as an incentive for a contract, any kickback.

E. Vendors to give certified statement on ethics in contracting.

Each vendor shall give the department a certified statement that the proposal, bid, or contract or any claim is not the result of, or affected by, collusion with another vendor. The statement will also state that no act of fraud has been involved in negotiating, signing and meeting the contract.

F. Department employees to give notice of subsequent employment with vendors.

Any department employee or former employee who dealt in an official capacity with vendors on procurement actions who intends to accept employment from any such vendor within one year of terminating his employment with the department shall give notice to the director of his intention prior to his first day of employment with the vendor.

G. Any contract which violates the contracting ethics in the Code of Virginia and these regulations may be voided and rescinded immediately by the department.

PART V. PROCUREMENT APPEALS AND DISPUTES.

§ 5.1. Generally.

The State Lottery Department is not subject to the Virginia Public Procurement Act or its procedures. In lieu thereof, this regulation applies to all vendors. In the event of a protest on a procurement action, the vendor shall follow the remedies available in this regulation. The vendor assumes whatever risks are involved in the selected method of delivery to the director. The director will conduct a hearing on each appeal or he shall designate a hearing officer to preside over the hearing.

§ 5.2. Appeals, protests, time frames and remedies related to solicitation and award of contracts.

A. If a vendor is considered ineligible or disqualified.

1. The vendor may appeal the department's decision. The written appeal shall be filed within 10 days after the vendor receives the department's decision.

2. If appealed and the department's decision is

reversed, the sole relief will be to consider the vendor eligible for the particular contract.

B. If a vendor is not allowed to withdraw a bid in certain circumstances.

1. The vendor may appeal the department's decision. The written appeal shall be filed within 10 days after the vendor receives the department's decision.

2. If no bond has been posted by the vendor, then before appealing the department's decision the vendor shall provide to the department a certified check or cash bond for the amount of the difference between the bid sought to be withdrawn and the next lowest bid.

a. The certified check shall be payable to the State Lottery Department.

b. The cash bond shall name the State Lottery Department as obligor.

c. The security shall be released if the vendor is allowed to withdraw the bid or if the vendor withdraws the appeal and agrees to accept the bid or if the department's decision is reversed.

d. The security shall go to the State Lottery Department if the vendor loses all appeals and fails to accept the contract.

3. If appealed and the department's decision is reversed, the sole relief shall be to allow the vendor to withdraw the bid.

C. If a vendor is considered not responsible for certain contracts.

1. Any vendor, despite being the low bidder, may be determined not to be responsible for a particular contract. The vendor may appeal the department's decision. The written appeal shall be filed within 10 days after the vendor receives the department's decision.

2. If appealed and the department's decision is reversed, the sole relief shall be that the vendor is a responsible vendor for the particular contract under appeal.

3. A vendor protesting the department's decision that he is not responsible, shall appeal under this section and shall not protest the award or proposed award under subsection D.

4. Nothing contained in this subsection shall be construed to require the department to furnish a statement of the reasons why a particular proposal was not deemed acceptable.

State Lottery Department

D. If a vendor protests an award or decision.

1. Any vendor or potential vendor may protest the award or the department's decision to award a contract. The written protest shall be filed within 10 days after the award on the announcement of the decision to award is posted or published, whichever occurs first.

2. If the protest depends upon information contained in public records pertaining to the purchase, then a 10 day time limit for a protest begins to run after the records are made available to the vendor for inspection, so long as the vendor's request to inspect the records is made within 10 days after the award or the announcement of the decision to award is posted or published, whichever occurs first.

3. No protest can be made that the selected vendor is not a responsible vendor. The only grounds for filing a protest are (i) that a procurement action was not based upon competitive principles, or (ii) that a procurement action violated the standards of ethics promulgated by the board.

4. If, prior to an award, it is determined by the director that the department's decision to award the contract is erroneous, the only relief will be that the director will cancel the proposed award or revise it.

5. No protest shall delay the award of a contract.

6. Where the award has been made, but the work has not begun, the director may stop the contract. Where the award has been made and the work begun, the director may decide that the contract is void if voiding the contract is in the best interest of the public. Where a contract is declared void, the performing vendor will be paid for the cost of work up to the time when the contract was voided. In no event shall the performing vendor be paid for lost profits.

§ 5.3. Appeals, time frames and remedies related to contract disputes and claims.

A. Generally.

In the event a vendor has a dispute with the department over a contract awarded to him, he may file a written claim with the director.

B. Contract claims.

Claims for money or other relief, shall be submitted in writing to the director, and shall state the reasons for the action.

1. All vendor's claims shall be filed no later than 30 days after final payment is made by the department.

2. If a claim arises while a contract is still being fulfilled, a vendor shall give a written notice of the vendor's intention to file a claim. The notice shall be given to the director at the time the vendor begins the disputed work or within 10 days after the dispute occurs.

3. Nothing in this regulation shall keep a vendor from submitting an invoice to the department for final payment after the work is completed and accepted.

4. Pending claims shall not delay payment from the department to the vendor for undisputed amounts.

5. The director's decision will state the reasons for the action.

C. Claims relief.

Relief from administrative procedures, liquidated damages, or informalities may be given by the director. The circumstances allowing relief usually result from acts of God, sabotage, and accidents, fire or explosion not caused by negligence.

§ 5.4. Form and content of appeal to the director.

A. Form for appeal.

The vendor shall make the appeal to the director in writing. The appeal shall be mailed to the State Lottery Director, State Lottery Department, P.O. Box 4689, Richmond, Virginia 23220 or hand delivered to the department's central office at the Bookbindery Building, 2201 West Broad Street, Richmond, Virginia 23220.

B. Content of appeal.

The appeal shall state the:

1. Decision of the department which is being appealed;
2. Basis for the appeal;
3. Contract number;
4. Other information which identifies the contract; and
5. Reasons for the action.

C. Vendor notification.

The director's decision on an appeal will be sent to the vendor by registered mail, return receipt requested.

1. The director shall follow the time limits in the regulations and shall not make exceptions to the filing periods for the vendor's appeal and rendering the director's decision.

2. The director's decision will state the reasons for the action.

§ 5.5. State Lottery Department appeal hearing procedures.

A. Generally.

The director or the appointed hearing officer will conduct a hearing on every appeal within 45 days after the appeal is filed with the director. The hearings before the State Lottery Department are not trials and shall not be conducted like a trial.

1. The Administrative Process Act does not apply to the hearings.
2. The hearings shall be informal. The vendor and the department will be given a reasonable time to present their position.
3. Legal counsel may represent the vendor or the department. Counsel is not required.
4. The director may exclude evidence which he determines is repetitive or not relevant to the dispute under consideration.
5. The director may limit the number of witnesses, testimony and oral presentation in order to hear the appeal in a reasonable amount of time.
6. Witnesses may be asked to testify. The director does not have subpoena power. No oath will be given.
7. The director may ask questions at any time. The director may not question the vendor in closed session.

B. Public hearings for appeals.

1. Hearings shall be open to the public. The director may adjourn the public hearing to discuss and reach his decision in private.
2. The hearings shall be electronically recorded. The department will keep the recordings for 60 days.
3. A court reporter may be used. The court reporter shall be paid by the person who requested him.
 - a. The court reporter's transcript shall be given to the director at no expense, unless the director requests the use of a court reporter.
 - b. The transcript shall become part of the department's records.

C. Order during the hearing.

Unless the director determines otherwise, hearings will be in the following order:

1. The vendor will explain his reasons for appealing and the desired relief.

2. The vendor will present his witnesses and evidence. The director and the department will be able to ask questions of each witness.

3. The department will present its witnesses and evidence. The appellant may ask questions of each party and witness.

4. After all evidence has been presented, the director shall reach his decision in private.

§ 5.6. Notice, time and place of hearings.

A. Notice and setting the time.

All people involved in the hearing will be given at least 10 days notice of the time and place of the appeal hearing.

1. Appeals may be heard sooner if everyone agrees.
2. In scheduling hearings, the director may consider the desires of the people involved in the hearing.

B. Place of hearings.

All hearings shall be held in Richmond, Virginia, unless the director decides otherwise.

§ 5.7. Who may take part in the appeal hearing.

A. Generally.

The director may request specific people to take part in the hearing.

B. Hearings on ineligibility, disqualification, responsibility or denial of a request to withdraw a bid.

The protesting vendor and the department shall participate.

C. Hearings on claims or disputes.

The protesting vendor and the department shall participate.

§ 5.8. Director's decision.

A. Generally.

The director will issue a written decision within 30 days after the hearing date except for hearings with a court reporter.

B. Hearings with court reporter.

For hearings with a court reporter, the director's

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decision will be issued within 30 days after a transcript of the hearing is received by the director if a transcript is prepared. There is no requirement that a transcript be made, even if services of a court reporter are used for the hearing.

C. Format of decision.

1. The director's decision will include a brief statement of the facts. This will be called "Findings of Fact."
2. The director will give his decision. The decision will include as much detail as the director feels is necessary to set out reasons for his decision.
3. The decision will be signed by the director.

D. Copies of the decision.

Copies will be mailed to the appealing vendor, all other vendors who participated in the appeal and the department. The director will give copies of the decision to other people who request it.

§ 5.9. Appeal to courts.

A. The department is not subject to the Virginia Public Procurement Act. Thus, a vendor has no automatic right of appeal of a decision to award, an award, a contract dispute, or a claim with the department.

B. Nothing in these regulations shall prevent the director from taking legal action against a vendor.

INFORMAL ADMINISTRATIVE HEARING REQUEST

TO: Kenneth W. Thorson, Director
Virginia State Lottery
P.O. Box 4689
Richmond, Virginia 23220

- I am requesting that an informal hearing be held to appeal the:
Denial of my license application for instant games.
Denial of selection as an on-line retailer.
Denial of my participation as an on-line retailer due to investigative findings.
Removal of my on-line terminal.
Suspension or revocation of my license.

The basis for the appeal is as follows:

(check here if applicable) I have attached additional information to support my appeal.

I understand that this appeal must be mailed to the Director within thirty (30) days from the receipt of the Department's decision in order to have my situation reviewed. I also understand that I may have legal counsel present to represent me.

Signature of Owner, Partner or Corporate Officer

Business Name Retailer Number

Date Received by Lottery Director

[This form will accompany written notices of denial, suspension or revocation.]

FORMAL ADMINISTRATIVE HEARING REQUEST

TO: State Lottery Board
Virginia State Lottery
P.O. Box 4689
Richmond, Virginia 23220

I am requesting that a formal hearing be held to appeal the Director's decision resulting from the informal hearing.

The basis for the appeal is as follows:

(check here if applicable) I have attached additional information to support my appeal.

I understand that this appeal must be mailed to the Board within fifteen (15) days from the receipt of the Director's decision in order to have my situation reviewed. I also understand that I may have legal counsel present to represent me.

Signature of Owner, Partner or Corporate Officer

Business Name Retailer Number

Date Received at Lottery or by Chairman

[This form will accompany all written decisions of the Director which deny any change in the decision appealed.]

COMMONWEALTH of VIRGINIA STATE LOTTERY DEPARTMENT AGENCY PURCHASE ORDER	Contract #	Date P.O. Prepared	P.O. No.
	Bid Open Date	Bid Ref\Req No.	M-C #

DELIVER TO:	Address ALL inquiries to: Purchase Officer: Title: Telephone: (804) 367- Intra-agency use:
Att. Phone:	

VENDOR:	SEND INVOICE TO: Virginia State Lottery Department P.O. Box 5546 Richmond, Virginia 23220
Att. Phone:	Att. Accounts Payable

Item #	Comm. Code	Description	Quantity	Unit	Unit Price	Item Amount
Total ▶						
Amount ▶						

 * See instructions, terms and conditions on last page of Purchase Order.
 * Purchase order number must appear on invoice and packing slip to be paid.
 Failure to provide this information suspends the Prompt Payment Act.

 Purchase
 Authorized By: _____ Title: _____

COMMONWEALTH of VIRGINIA
 STATE LOTTERY DEPARTMENT
 AGENCY PURCHASE ORDER
 CONTINUATION

Purchase Order No.
 Order Date:

Item No.	Trans.	Agency	Cost Code	Fund/Detail	FFY	Program			Object	Amount
						Prog.	Sub.	Ele.		
1	0	172		05-00		811	01	00		\$
2	0	172		05-00		811	01	00		\$
3	0	172		05-00		811	01	00		\$
4	0	172		05-00		811	01	00		\$
5	0	172		05-00		811	01	00		\$
6	0	172		05-00		811	01	00		\$
7	0	172		05-00		811	01	00		\$
8	0	172		05-00		811	01	00		\$
9	0	172		05-00		811	01	00		\$
10	0	172		05-00		811	01	00		\$
11	0	172		05-00		811	01	00		\$
12	0	172		05-00		811	01	00		\$
13	0	172		05-00		811	01	00		\$
14	0	172		05-00		811	01	00		\$
15	0	172		05-00		811	01	00		\$
16	0	172		05-00		811	01	00		\$
17	0	172		05-00		811	01	00		\$
18	0	172		05-00		811	01	00		\$
19	0	172		05-00		811	01	00		\$
20	0	172		05-00		811	01	00		\$
21	0	172		05-00		811	01	00		\$
22	0	172		05-00		811	01	00		\$
23	0	172		05-00		811	01	00		\$
24	0	172		05-00		811	01	00		\$

Vendor: _____ Sheet No. _____

State Lottery Department

* * * * *

Title of Regulation: VR 447-02-1. Instant Game Regulations.

Statutory Authority: § 58.1-4007 of the Code of Virginia.

Public Hearing Date: November 21, 1989 - 10 a.m.
(See Calendar of Events section for additional information)

Summary:

The State Lottery Department is amending certain portions of the Instant Game Regulations in order to conform to the State Lottery Law and to refine sections which deal with the retailer application, retailer's conduct, settlement of accounts, prize payment procedures and the elimination of claim form under certain circumstances.

These amended regulations will replace the regulations currently in force.

VR 447-02-1. Instant Game Regulations.

PART I.
LICENSING OF RETAILERS FOR INSTANT GAMES.

§ 1.1. Licensing.

Generally.

The director may license as lottery retailers for instant games persons who will best serve the public convenience and promote the sale of tickets and who meet the eligibility criteria and standards for licensing.

For purposes of this part on licensing, "person" means an individual, association, partnership, corporation, club, trust, estate, society, company, joint stock company, receiver, trustee, assignee, referee, or any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination of individuals. "Person" also means all departments, commissions, agencies and instrumentalities of the Commonwealth, including its counties, cities, and towns.

§ 1.2. Eligibility.

A. Eighteen years of age and bondable.

Any person who is 18 years of age or older and who is bondable may submit an application for licensure, except no person may submit an application for licensure:

1. Who will be engaged solely in the business of selling lottery tickets; or
2. Who is a board member, officer or employee of the State Lottery Department or who resides in the same

household as a board member, officer or employee of the department; or

3. Who is a vendor of lottery tickets or material or data processing services, or whose business is owned by, controlled by, or affiliated with a vendor of lottery tickets or materials or data processing services.

B. Application not an entitlement to license.

The submission of an application for licensure does not in any way entitle any person to receive a license to act as a lottery retailer.

§ 1.3. Application procedure.

Filing of forms with the department.

Any eligible person shall first file an application with the department on forms supplied for that purpose, along with the required fees as specified elsewhere in these regulations. The applicant shall complete all information on the application forms in order to be considered for licensing. The forms to be submitted include:

1. Retailer License Application;
2. Personal Data Form(s); and
3. Preliminary Marketing Evaluation Form.

State Lottery Law makes falsification, concealment or misrepresentation of a material fact, or making a false, fictitious or fraudulent statement or representation in an application for a license a misdemeanor.

§ 1.4. General standards for licensing.

A. Selection factors for licensing.

The director may license those persons who, in his opinion, will best serve the public interest and public trust in the lottery and promote the sale of lottery tickets. The director will consider the following factors before issuing or renewing a license:

1. The financial responsibility and security of the applicant, to include:
 - a. A credit and criminal background investigation;
 - b. Outstanding state tax liability;
 - c. Required business licenses, tax and business permits;
 - d. Physical security at the place of business, including insurance coverage.
2. The accessibility of his place of business to the public, to include:

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- a. The hours of operation;
 - b. The availability of parking and transit routes, where applicable;
 - c. The location in relation to major employers, schools, or retail centers;
 - d. The population level and rate of growth in the market area;
 - e. The traffic density, including levels of congestion in the market area.
3. The sufficiency of existing lottery retailers to serve the public convenience, to include:
- a. The number of and proximity to other lottery retailers in the market area;
 - b. The expected sales volume and profitability of potentially competing lottery retailers;
 - c. The adequacy of coverage of all regions of the Commonwealth with lottery retailers.
4. The volume of expected lottery ticket sales, to include:
- a. Type and volume of the products and services sold by the retailer;
 - b. Dollar sales volume of business;
 - c. Sales history of business and market area;
 - d. Volume of customer traffic in place of business.

B. Additional factors for selection.

The director may develop and, by administrative order, publish additional criteria which, in his judgment, are necessary to serve the public interest and public trust in the lottery.

§ 1.5. Bonding of lottery retailers.

A. Approved retailer to secure bond.

A lottery retailer approved for licensing shall obtain a surety bond from a surety company entitled to do business in Virginia. The purpose of the surety bond is to protect the Commonwealth from a potential loss in the event the retailer fails to perform his responsibilities.

1. Unless otherwise provided under subsection C of this section, the surety bond shall be in the amount and penalty of \$5,000 and shall be payable to the State Lottery Department and conditioned upon the faithful performance of the lottery retailer's duties.

2. Within 15 calendar days of receipt of the "License Approval Notice," the lottery retailer shall return the properly executed "Bonding Requirement" portion of the "License Approval Notice" to the State Lottery Department to be filed with his record.

B. Continuation of surety bond on renewal of license.

A lottery retailer applying for renewal of a license shall:

1. Obtain a letter or certificate from the surety company to verify that the surety bond is being continued for the license renewal period; and
2. Submit the surety company's letter or certificate with the required license renewal fee to the State Lottery Department.

C. Sliding scale for surety bond amounts.

The department may establish a sliding scale for surety bonding requirements based on the average volume of lottery ticket sales by a retailer to ensure that the Commonwealth's interest in tickets to be sold by a licensed lottery retailer is adequately safeguarded.

D. Effective date for sliding scale.

The sliding scale for surety bonding requirements will become effective when the director determines that sufficient data on lottery retailer ticket sales volume activity are available. Any changes in a retailer's surety bonding requirements that result from instituting the sliding scale will become effective only at the time of the retailer's next renewal action.

§ 1.6. Lottery bank accounts and EFT authorization.

A. Approved retailer to establish lottery bank account.

A lottery retailer approved for licensing shall establish a separate bank account to be used exclusively for lottery business in a bank participating in the Automatic Clearing House (ACH) system.

B. Retailer's use of lottery account.

The lottery account will be used by the retailer to make funds available to permit withdrawals and deposits initiated by the department through the electronic funds transfer (EFT) process to settle a retailer's account for funds owed or due from the purchase of tickets and the payment of prizes. All retailers shall make payments to the department through the electronic funds transfer (EFT) process unless the director designates another form of payment and settlement under terms and conditions he deems appropriate.

C. Retailer responsible for bank charges.

The retailer shall be responsible for payment of any

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fees or service charges assessed by the bank for maintaining the required account.

D. Retailer to authorize electronic funds transfer.

Within 15 calendar days of receipt of the "License Approval Notice," the lottery retailer shall return the properly executed "Electronic Funds Transfer Authorization" portion of the "License Approval Notice" to the department to record establishment of his account.

E. Change in retailer's bank account.

If a retailer finds it necessary to change his bank account from one bank to another, he must submit a newly executed "Electronic Funds Transfer Authorization" form for the new bank account. The retailer may not discontinue use of his previously approved bank account until he receives notice from the department that the new account is approved for use.

F. Director to establish EFT account settlement schedule.

The director will establish a schedule for processing the EFT transactions against retailers' lottery bank accounts and issue instructions to retailers on how settlement of accounts will be made.

§ 1.7. License term and renewal.

A. License term.

A general license for an approved lottery retailer shall be issued for a one-year period.

B. License renewal.

A general license shall be renewed annually at least 30 days before its expiration date and shall be accompanied by the appropriate fee(s) as specified elsewhere in these regulations. The director may implement a staggered, monthly basis for annual license renewals and allow for the proration of annual license fees to credit licensees for the time remaining on their current license when the staggered renewal requirement is imposed. This section shall not be deemed to allow for a refund of license fees when a license is terminated, revoked or suspended for any other reason.

C. Temporary license.

No temporary licenses shall be issued after November 30, 1988.

1. All temporary licenses expire not later than December 1, 1988.

2. Upon expiration of a temporary license, the applicant shall stop the sale of tickets and surrender to a department representative his temporary license

and department property and make settlement of his lottery account.

D. Amended license term.

An amended license issued under the requirements of § 1.9 C shall be valid for the remainder of the period of the license it replaces.

E. Special license.

The director may issue special licenses to persons for specific events and activities. Special licenses shall be for a limited duration and under terms and conditions that he determines appropriate to serve the public interest.

§ 1.8. License fees.

A. License application fee.

The fee for a license application for a lottery retailer general license to sell instant game tickets shall be \$25. The general license fee to sell instant game tickets shall be paid for each location to be licensed. This fee is nonrefundable.

B. License renewal fee.

The annual fee for renewal of a lottery retailer general license to sell instant game tickets shall be an amount fixed by the board at its November meeting for all renewals occurring in the next calendar year. The renewal fee shall be designed to recover all or a portion of the annual costs of the department in providing services to the retailer. The renewal fee shall be paid for each location for which a license is renewed. This fee is nonrefundable. The renewal fee shall be submitted at least 30 days before a retailer's general license expires.

C. Amended license application fee.

The fee for processing an amended license application for a lottery retailer general license shall be an amount as approved by the board at its November meeting for all amendments occurring in the next calendar year. The amended license fee shall be paid for each location affected. This fee is nonrefundable. An amended license application shall be submitted in cases where a business change occurs as specified in § 1.9 B.

§ 1.9. Transfer of license prohibited; invalidation of license.

A. License not transferrable.

A license issued by the director authorizes a specified person to act as a lottery retailer at a specified location as set out in the license. The license is not transferrable to any other person or location.

B. License invalidated.

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A license shall become invalid for any of the following reasons:

1. Change in business location;
2. Change in business structure (e.g., from a partnership to a sole proprietorship);
3. Change in the business owners listed in the original application form for which submission of a Personal Data Form is required under the license application procedure.

C. Amended application required.

A licensed lottery retailer who anticipates a change as listed in subsection B shall notify the department of the anticipated change at least 15 calendar days before it takes place and submit an amended application. The director shall review the changed factors in the same manner that would be required for a review of an original application.

§ 1.10. Display of license.

License displayed in general view.

Every licensed lottery retailer shall conspicuously display his lottery license in an area visible to the general public where lottery tickets are sold.

§ 1.11. Denial, suspension, revocation or nonrenewal of license.

A. Grounds for refusal to license.

The director may refuse to issue a license to a person if the person has been:

1. Convicted of a felony;
2. Convicted of a crime involving moral turpitude;
3. Convicted of any fraud or misrepresentation in any connection;
4. Convicted of bookmaking or other forms of illegal gambling.

B. Grounds for refusal to license partnership or corporation.

The director may refuse to issue a license to any partnership or corporation if he finds that any general or limited partner or officer or director of the partnership or corporation has been convicted of any of the offenses cited in subsection A.

C. Grounds for suspension, revocation or refusal to renew license.

After notice and a hearing, the director may suspend, revoke, or refuse to renew a license for any of the following reasons:

1. Failure to properly account for lottery tickets received, for prizes claimed and paid or for the proceeds of the sale of lottery tickets;
2. Failure to file or maintain the required bond or the required lottery bank account;
3. Failure to comply with applicable laws, instructions, terms and conditions of the license, or rules and regulations of the department concerning the licensed activity, especially with regard to the prompt payment of claims;
4. Conviction, following the approval of the license, of any of the offenses cited in subsection A;
5. Failure to file any return or report or to keep records or to pay any fees or other charges as required by the state lottery law or the rules and regulations of the department;
6. Commission of any act of fraud, deceit, misrepresentation, or conduct prejudicial to public confidence in the state lottery;
7. Failure to maintain lottery ticket sales at a level sufficient to meet the department's administrative costs for servicing the retailer, provided that the public convenience is adequately served by other retailers;
8. Failure to notify the department of a material change, after the license is issued, of any matter required to be considered by the director in the licensing application process;
9. Failure to comply with lottery game rules;
10. Failure to meet minimum point of sale standards.

D. Notice of intent to suspend, revoke or deny renewal of license.

Before taking action under subsection C, the director will notify the retailer in writing of his intent to suspend, revoke or deny renewal of the license. The notification will include the reason or reasons for the proposed action and will provide the retailer with the procedures for requesting a hearing before the board. Such notice shall be given to the retailer at least 14 calendar days prior to the effective date of suspension, revocation or denial.

E. Temporary suspension without notice.

If the director deems it necessary in order to serve the public interest and maintain public trust in the lottery, he may temporarily suspend a license without first notifying the retailer. Such suspension will be in effect until any

prosecution, hearing or investigation into possible violations is concluded.

F. Surrender of license and lottery property upon revocation or suspension.

A retailer shall surrender his license to the director by the date specified in the notice of revocation or suspension. The retailer shall also surrender the lottery property in his possession and give a final lottery accounting of his lottery activities by the date specified by the director.

§ 1.12. Responsibility of lottery retailers.

Each retailer shall comply with all applicable state and federal laws, rules and regulations of the department, license terms and conditions, specific rules for all applicable lottery games, and directives and instructions which may be issued by the director.

§ 1.13. Display of material.

A. Material in general view.

Lottery retailers shall display lottery point-of-sale material provided by the director in a manner which is readily seen by and available to the public.

B. Prior approval for retailer-sponsored material.

A lottery retailer may use or display his own promotional and point-of-sale material, provided it has been submitted to and approved for use by the department in accordance with instructions issued by the director.

C. Removal of unapproved material.

The director may require removal of any retailer's lottery material that has not been approved for use by the department.

§ 1.14. Inspection of premises.

Access to premises by department.

Each lottery retailer shall provide access during normal business hours or at such other times as may be required by the director or state lottery representatives to enter the premises of the licensed retailer. The premises include the licensed location where lottery tickets are sold or any other location under the control of the licensed retailer where the director may have good cause to believe lottery materials or tickets are stored or kept in order to inspect the lottery materials or tickets and the licensed premises.

§ 1.15. Examination of records; seizure of records.

A. Inspection, auditing or copying of records.

Each lottery retailer shall make all books and records

pertaining to his lottery activities available for inspection, auditing or copying as required by the director between the hours of 8 a.m. and 5 p.m., Mondays through Fridays and during the normal business hours of the licensed retailer.

B. Records subject to seizure.

All books and records pertaining to the licensed retailer's lottery activities may be seized with good cause by the director without prior notice.

§ 1.16. Audit of records.

The director may require a lottery retailer to submit to the department an audit report conducted by an independent certified public accountant on the licensed retailer's lottery activities. The retailer shall be responsible for the cost of only the first such audit in any one license term.

§ 1.17. Reporting requirements and settlement procedures.

Instructions for purchasing tickets, reporting transactions and settling accounts.

Before a retailer may begin lottery sales, the director will issue to him instructions and report forms that specify the procedures for (i) ordering tickets; (ii) paying for tickets purchased; (iii) reporting receipts, transactions and disbursements pertaining to lottery ticket sales; and (iv) settling the retailer's account with the department.

§ 1.18. Deposit of lottery receipts; interest and penalty for late payment; dishonored EFT transfers or checks.

A. Forms of payment for tickets; deposit of lottery receipts.

Each lottery retailer shall purchase the tickets distributed to him. The moneys for payment of these tickets shall be deposited to the credit of the State Lottery Fund by the department. The retailer shall make payments to the department by Electronic Funds Transfers (EFT); however, the director reserves the right to specify one or more of the following alternative forms of payment under such conditions as he deems appropriate:

1. Cash;
2. Cashier's check;
3. Certified check;
4. Money order; or
5. Business check.

B. Payment due date.

Payments shall be due as specified by the director in

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the instructions to retailers regarding the purchasing and payment of tickets and the settlement of accounts.

C. Penalty and interest charge for late payment.

Any retailer who fails to make payment when payment is due will be assessed an interest charge on the moneys due plus a \$25 penalty. The interest charge will be equal to the "Underpayment Rate" established pursuant to § 6621(a)(2) of the Internal Revenue Code of 1954, as amended. The interest charge will be calculated beginning the date following the retailer's due date for payment through the day preceding receipt of the late payment by the department for deposit.

D. Service charge for dishonored EFT transfer or bad check.

The director will assess a service charge of \$25 against any retailer whose payment through electronic funds transfer (EFT) or by check is dishonored.

E. Service charge for debts referred for collection.

If the department refers a debt of any retailer to the Attorney General, the Department of Taxation or any other central collection unit of the Commonwealth, the retailer owing the debt shall be liable for an additional service charge which shall be in the amount of the administrative costs associated with the collection of the debt that are incurred by the department and the agencies to which the debt is referred.

§ 1.19. Training of retailers and their employees.

Retailer training.

Each retailer or his designated representative or representatives is required to participate in training given by the department in the operation of each game. The director may consider nonparticipation as grounds for suspending or revoking the retailer's license.

§ 1.20. License termination by retailer.

Voluntary termination of license.

The licensed retailer may voluntarily terminate his license with the department by first notifying the department in writing at least 15 calendar days before the proposed termination date. The department will then notify the retailer of the date by which settlement of the retailer's account will take place. The retailer shall maintain his bond and the required accounts and records until settlement is completed and all lottery property belonging to the department has been surrendered.

PART II. INSTANT GAMES.

§ 2.1. Development of instant games.

The director shall select, operate, and contract for the operation of instant games which meet the general criteria set forth in these regulations. The board shall determine the specific details of each instant game after consultation with the director. These details include, but are not limited to:

1. Prize amounts and prize structure,
2. Types of noncash prizes, if any, and
3. The amount and type of any jackpot or grand prize which may be awarded.

§ 2.2. Prize structure.

The prize structure for any instant game shall be designed to return to winners approximately 50% of gross sales.

A. The specific prize structure for each instant game shall be approved in advance by the board.

B. Prizes may be cash or noncash awards, including instant game tickets.

§ 2.3. Ticket price.

A. The sale price of a lottery ticket for each game will be determined by the board and will be between \$.25 and \$15. Lottery retailers may not discount the sale price of instant game tickets or offer free tickets as a promotion with the sale of instant tickets. This section shall not prevent a retailer from giving away *providing* free instant tickets with the purchase of other goods or services customarily offered for sale at the retailer's place of business; provided, however, that such promotion shall not be for the primary purpose of inducing persons to participate in the lottery.

B. This section shall not apply to the redemption of a winning instant ticket the prize for which is another free ticket.

~~C. Lottery tickets purchased by nonlottery retailers from licensed lottery retailers may be given away and used as promotional items.~~

§ 2.4. Sales, gift of tickets to minors prohibited.

An instant game ticket shall not be sold to, purchased by, or given as a gift to any individual under 18 years old.

§ 2.5. Odds of winning.

The director shall publicize the overall odds of winning a prize in each instant game. The odds may be printed on the ticket or contained in informational materials, or both.

§ 2.6. End of game.

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Each instant game will end when all tickets have been sold or on a date announced in advance by the director. The director may suspend or terminate an instant game without advance notice if he finds that this action will serve and protect the public interest.

§ 2.7. Sale of tickets from expired games prohibited.

No instant game tickets shall be sold after that game ends.

§ 2.8. Licensed retailers' ~~commissions~~ compensation .

A. Licensed retailers shall receive a 5.0% ~~discount~~ *compensation* on all instant game tickets purchased from the department for resale by the retailer.

B. The director may award cash bonuses or other incentives to retailers. The board shall approve any bonus or incentive system. The director will publicize any such system in rules of the game(s) to which it applies.

§ 2.9. Price for ticket packs.

For each pack, retailers shall pay the retail value, less the 5.0% retailer discount and less the value of the low-tier winning tickets in the pack. For example, for a pack of tickets with a retail value of \$500, and guaranteed low end prize structure of \$165, the retailer would pay \$310: \$500 (the pack value) minus \$165 for low-tier winners, less the retailer's \$25 discount.

§ 2.10. Purchase of instant tickets.

A. Retailers shall purchase books of tickets directly from the department or through designated depositories.

B. Retailers shall pay for tickets via an electronic funds transfer (EFT) initiated by the department.

1. The department will initiate the EFT after tickets are delivered to the retailer. The schedule will be determined by the director.

2. If, for any reason, an electronic funds transfer is refused, the retailer shall be assessed service charge, interest and penalty charges as provided for in these regulations.

3. The director may approve another form of payment for designated retailers under conditions to be determined by the director.

4. If the director permits payment by check and if payment on any check is denied, the retailer shall be assessed service charge, interest and penalty charges as provided for in these regulations.

C. Once tickets are accepted by a retailer, the department will not replace mutilated or damaged tickets, unless specifically authorized by the director.

D. Ticket sales to retailers are final.

1. The Department will not accept returned tickets except as provided for elsewhere in these regulations or with the director's advance approval.

2. The retailer is responsible for lost, stolen or destroyed tickets unless otherwise approved by the director.

§ 2.11. Retailers' conduct.

A. Retailers shall sell instant tickets at the price fixed by regulation, unless the board allows reduced prices or ticket give-aways.

B. All ticket sales shall be for cash, check, cashier's check, traveler's check or money order at the discretion of and in accordance with the licensed retailer's policy for accepting payment by such means. A ticket shall not be purchased with credit cards, food stamps or food coupons.

C. All ticket sales shall be final. Retailers shall not accept ticket returns except as allowed by department regulations or policies or with the department's specific approval.

D. Tickets shall be sold during all normal business hours unless the director approves otherwise.

E. Tickets shall be sold only at the location listed on each retailer's license from the department.

F. Retailers shall not sell instant tickets after the announced end of an instant game.

G. Retailers shall not break apart ticket packs to sell instant tickets except to sell tickets from the same pack at separate selling stations within the same business establishment.

H. Retailers shall not exchange ticket books or tickets with one another or sell ticket books or tickets to one another.

I. On the back of each instant ticket sold by a retailer, the retailer shall print or stamp the retailer's name, address and retailer number. This shall be done in a manner that does not conceal any of the preprinted material.

J. No retailer or his employee or agent shall try to determine the numbers or symbols appearing under the removable latex coverings or otherwise attempt to identify unsold winning tickets. However, this shall not prevent the removal of the covering over the validation code or validation number after the ticket is sold and a prize is claimed.

K. Unsupervised retailer employees who sell or otherwise vend lottery tickets must be at least 18 years of

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age. Employees not yet 18 but at least 16 years of age may sell or vend lottery tickets so long as they are supervised by a person 18 years of age or older.

§ 2.12. Returns of unsold tickets.

A. After the date announced by the director as the end of an instant game, each retailer may return all unbroken ticket books and one partly-sold book per cash register on the retailer's premises.

B. Retailers shall return unsold tickets to the department or to the depository which services the retailer for the department within 21 calendar days after the end of each instant game or after any final prize drawing.

C. The department will show the value of each retailer's unsold tickets in the department's accounting records. However, no funds will be returned to the retailer until after the settlement procedures are completed.

§ 2.13. Settlement of accounts after game ends. (See Part III of these regulations for payment of prizes before the game ends.) *Reserved.*

Because players may redeem low-tier prize-winning tickets directly through the department instead of through the retailer where the ticket was purchased, and because the retailer already has been granted an allowance for such low-tier winning tickets sold through his establishment, it is necessary to reconcile each retailer's account against returned, unsold tickets after the instant game ends.

A. Within 30 calendar days after an instant game ends, the department will calculate the amount of low-tier prizes paid by the department on winning tickets sold by each retailer.

B. If a retailer's credit for returned unsold tickets is less than the dollar amount of low-tier prizes paid by the department on tickets sold by that retailer, the department will give the retailer written notice of the amount owed to the department by the retailer.

C. If a retailer's credit for returned unsold tickets exceeds the dollar amount of low-tier prizes paid by the department on tickets sold by that retailer, the retailer will receive written notice of the amount owed by the department to the retailer.

D. A retailer shall inform the department of any discrepancies between its records and the department's records as stated in the notice within seven calendar days after the notice is received.

E. After a discrepancy, if any, is corrected, the department will use electronic funds transfers to collect moneys due to the department or to pay moneys owed to the retailer. However, the director may specify another form of payment to settle these accounts.

§ 2.14. If low-tier prizes paid by department after game account settled. (See Part III of these regulations for payment of prizes before settlement.) *Reserved*

Retailers shall reimburse the department for low-tier prizes paid by the department on tickets sold by the retailer. Reimbursement shall be made even if the retailer's account for that game has been settled.

A. The department will provide the retailer with an invoice and supporting documentation on prizes paid.

B. Any discrepancies between the department's invoice and the retailer's records shall be brought to the department's attention within seven days after the invoice is received.

C. After any discrepancies are resolved, the department shall use an electronic funds transfer to collect the amount owed by the retailer, unless the director specifies another form of payment.

§ 2.15. If larger prizes are paid by retailer after game account settled. (See Part III of these regulations for payment of prizes before settlement.) *Reserved*

The department will reimburse a retailer for prizes of between \$26 and \$500 paid up to 180 days after an instant game ends. Reimbursement will be made even if the retailer's account for that game has been settled.

A. A retailer shall follow all ticket validation and prize payment procedures for the game for which the ticket was sold.

B. The director may require the retailer to submit the ticket and a completed prize claim form before the retailer is reimbursed.

PART III.

PAYMENT OF PRIZES FOR INSTANT GAMES.

§ 3.1. Prize winning tickets.

Prize-winning instant tickets are those that have been validated and determined in accordance with the rules of the department to be official prize winners. *Criteria Consistent with these regulations, criteria* and specific rules for winning prizes shall be published and posted by the director for each instant game and made available for all players. Final validation and determination of prize winning tickets remains with the department.

§ 3.2. Unclaimed prizes.

All instant game winning tickets shall be submitted received for payment as prescribed in these regulations within 180 days after the announced end of the game or of the event which caused the ticket to be a winning entry, whichever is later. *Tickets which have been mailed in an envelope bearing a postmark on or before the 180th*

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day will be deemed to have been received on time.

A. Any non-low-tier instant game prize which has been won as a result of a drawing but which is not claimed within 180 days after the instant game drawing shall revert to the state State Literary Fund.

B. Any non-low-tier instant game prize which has been won other than by drawing, but which is not claimed within 180 days after the announced end of the instant game shall revert to the State Lottery Literary Fund.

C. Any instant game low-tier prize-winning ticket which has been purchased but which is not claimed within 180 days after the announced end of the instant game shall revert as a bonus ~~commission~~ *compensation* to the account of the retailer which sold the instant game low-tier prize-winning ticket.

§ 3.3. Using winners' names.

The department shall have the right to use the names of prize winners. Photographs of prize winners may be used with the *written* permission of the winners. No additional consideration shall be paid by the department for this purpose.

§ 3.4. No prize paid to people under 18.

No prize shall be claimed by or paid to any individual under 18 years of age.

§ 3.5. Where prizes claimed.

Winners may claim instant game prizes from the retailer from whom the ticket was purchased or the department in the manner specified in these regulations.

§ 3.6. Validating winning tickets.

Winning tickets shall be validated by the retailer or the department as set out in these regulations or in any other manner which the director may determine.

§ 3.7. How prize claim entered.

A prize claim shall be entered in the name of an individual person or legal entity. If the prize claimed is \$600 or greater, the person or entity also shall furnish a tax identification number.

A. An individual shall provide his social security number if a claim form is required by these regulations.

B. A claim may be entered in the name of an organization only if the organization is a legal entity and possesses a federal employer's identification number (FEIN) issued by the Internal Revenue Service.

1. If the department, a retailer or these regulations require that a claim form be filed, the FEIN shall be

shown on the claim form.

2. A group, family unit, club or other organization which is not a legal entity or which does not possess a FEIN may file Internal Revenue Service (IRS) Form 5754, "Statement by Person(s) Receiving Gambling Winnings," with the department. This form designates to whom winnings are to be paid and the person(s) to whom winnings are taxable.

3. A group, family unit, club or other organization which is not a legal entity or which does not possess a FEIN and which does not file IRS Form 5754 with the department shall designate one individual in whose name the claim shall be entered and that person's social security number shall be furnished.

§ 3.8. Right to prize not assignable.

No right of any person to a prize shall be assignable, except that:

1. The director may pay any prize to the estate of a deceased prize winner, and

2. The prize to which a winner is entitled may be paid to another person pursuant to an appropriate judicial order.

§ 3.9. No accelerated payments.

The director shall not accelerate payment of a prize for any reason.

§ 3.10. Liability ends with prize payment.

All liability of the Commonwealth, its officials, officers and employees, and of the department, the director and employees of the department, terminates upon payment of a lottery prize.

§ 3.11. Delay of payment allowed.

The director or the board may refrain from making payment of the prize pending a final determination by the director, the board or by a court of competent jurisdiction under any of the following circumstances:

1. If a dispute occurs or it appears that a dispute may occur relative to any prize;

2. If there is any question regarding the identity of the claimant;

3. If there is any question regarding the validity of any ticket presented for payment; or

4. If the claim is subject to any set off for delinquent debts owed to any agency eligible to participate in the Set-Off Debt Collection Act.

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No liability for interest for such delay shall accrue to the benefit of the claimant pending payment of the claim.

§ 3.12. When periodic prize payment may be delayed.

The director may, at any time, delay any payment in order to review a change in circumstance relative to the prize awarded, the payee, the claim, or any other matter that has been brought to the department's attention. All delayed payments shall be brought up to date immediately upon the director's confirmation. Delayed payments shall continue to be paid according to the original payment schedule after the director's decision is given.

§ 3.13. Ticket is bearer instrument.

A ticket that has been legally issued by a lottery retailer is a bearer instrument until the ticket has been signed. The person who signs the ticket is considered the bearer of the ticket.

§ 3.14. Payment made to bearer.

Payment of any prize will be made to the bearer of the validated winning ticket for that prize upon presentation of proper identification and the submission of a prize claim form if one is required, unless otherwise delayed in accordance with these regulations.

§ 3.15. Marking tickets prohibited; exceptions.

Marking of tickets in any way is prohibited except by a player to claim a prize or by the department or a retailer to identify or to void the ticket.

§ 3.16. Penalty for counterfeit or altered ticket.

Knowingly Forging, altering or fraudulently making any lottery ticket or knowingly presenting a forged, counterfeit or altered ticket for prize payment or transferring such a ticket to another person to be presented for prize payment is a Class 6 felony in accordance with the state lottery law.

§ 3.17. Lost, stolen, destroyed tickets.

The department is not liable for lost, stolen or destroyed tickets.

§ 3.18. Erroneous or mutilated ticket.

The department is not liable for erroneous or mutilated tickets. The director, at his option, may replace an erroneous or mutilated ticket with an unplayed ticket for the same or a later instant game.

§ 3.19. Retailer to pay low-tier prizes.

Low-tier prizes (those of \$25 or less in cash or free instant game tickets) shall be paid by the retailer who sold the winning ticket, or by the department at the option

of the ticket holder, or by the department when the ticket cannot be validated by the retailer.

§ 3.20. Retailers' prize payment procedures.

Procedures for prize payments by retailers are as follows:

1. Retailers may pay cash prizes in cash, by certified check, cashier's check, business check, or money order, or by any combination of these methods.

2. If payment of a prize by a check presented to a claimant by a retailer is denied for any reason, the retailer is subject to the same service charge interest and penalty payments that would apply if the check were made payable to the department. A claimant whose prize check is denied shall notify the department to obtain the prize.

3. Retailers shall pay claims for low-tier prizes during all normal business hours.

4. Prize claims shall be paid only at the location specified on the license.

5. *The department will reimburse a retailer for prizes of between \$26 and \$599 paid up to 180 days after an instant game ends.*

§ 3.21. Retailer to validate winning ticket.

Before paying a prize claim, the retailer shall validate the winning ticket. The retailer shall follow validation procedures listed in these regulations or obtained from the department.

§ 3.22. When retailer cannot validate ticket.

If, for any reason, a retailer is unable to validate a prize-winning ticket, the retailer shall provide the ticket holder with a department claim form and instruct the ticket holder on how to file a claim with the department.

§ 3.23. No reimbursement for retailer errors.

The department shall not reimburse retailers for prize claims paid in error.

§ 3.24. Retailer to void winning ticket.

After a winning ticket is validated and signed by the ticket holder, the retailer shall physically void the ticket to prevent it from being redeemed more than once. The manner of voiding the ticket will be prescribed by the director.

§ 3.25. Prizes of less than \$600.

A retailer may elect to pay instant prizes between \$26 and \$599 won on tickets validated and determined by the

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department to be official prize winners, regardless of where the tickets were sold. If the retailer elects to pay prizes of up to \$599, the following terms and conditions apply:

1. The retailer shall execute an agreement with the department to pay higher prize limits.
2. The retailer shall pay all prizes agreed to up to \$599 or less on validated tickets presented to that retailer.
3. The retailer shall display special informational material provided by or approved by the department informing the public of the exceptional prize payments available from that retailer.
4. Nothing in this section shall be construed to prevent the department from accepting an agreement from a retailer to pay prize amounts \$26 more but less than \$599.

§ 3.26. Additional validation requirements.

Before paying any prize between \$26 and \$599, the retailer shall:

1. Require the claimant to fill out a prize claim form; *Reserved*
2. Inspect the ticket to assure that it conforms to each validation criterion listed in these regulations and to any additional criteria the director may specify;
3. Report to the department the ticket number, validation code and validation number of the ticket; and
4. Obtain an authorization number for prize payment from the department.

§ 3.27. When prize shall be claimed from the department.

The department will pay prizes in any of the following circumstances:

1. If a retailer cannot validate a claim which the retailer otherwise would pay, the ticket holder shall send or present to the department a completed claim form and the signed ticket.
2. If a ticket holder is unable to return to the retailer from which the ticket was purchased, a completed claim form and the signed ticket may be presented or mailed to the department.
3. If the prize amount is over the limit paid by the retailer from which the ticket was purchased, a completed claim form and the signed ticket shall be presented or mailed to the department.

§ 3.28. Prizes of ~~\$5,000~~ \$25,000 or less.

Prizes of ~~\$5,000~~ \$25,000 or less may be claimed from any of the department's regional offices. Regional offices will pay prizes by check after tickets are validated and after any other applicable requirements contained in these regulations are met.

§ 3.29. Prizes of more than ~~\$5,000~~ \$25,000 .

Prizes of more than ~~\$5,000~~ \$25,000 and noncash prizes other than free lottery tickets may be claimed from the department's central office in Richmond. The central office will pay prizes by check, after tickets are validated and after any other applicable requirements contained in these regulations are met.

§ 3.30. When claims form required.

A claims form for a winning ticket may be obtained from any department office or any lottery sales retailer.

A. Claims forms shall be required to claim any prize from the department's central and regional offices.

B. Claims forms shall be required to claim prizes of between \$26 and \$599 from lottery retailers *Reserved* .

C. The department or any lottery retailer may, in their discretion, require claims forms to claim prizes of \$26 or less from a lottery retailer *Reserved* .

D. The director may, at his discretion, require claims forms to be filed to claim prizes.

§ 3.31. Department action on claims for prizes submitted to department.

The department shall validate the winning ticket claim according to procedures contained in these regulations.

A. If the claim is not valid, the department will notify the ticket holder promptly.

B. If the claim is mailed to the department and the department validates the claim, a check for the prize amount will be mailed to the winner.

C. If an individual presents a claim to the department in person and the department validates the claim, a check for the prize amount will be presented to the bearer.

§ 3.32. Withholding, notification of prize payments.

A. When paying any prize of \$600 or more, the department shall:

1. File the appropriate income reporting form(s) with the state Department of Taxation and the federal Internal Revenue Service; and

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2. Withhold any moneys due for delinquent debts listed with the Department of Taxation's set-off debt collection program.

B. When paying any prize of more than \$5,000, the department shall provide for the withholding of the applicable amount of state and federal income tax of persons claiming a prize for the winning ticket.

§ 3.33. Grand prize event.

If an instant game includes a grand prize or jackpot event, the following general criteria shall be used:

1. Entrants in the event shall be selected from tickets which meet the criteria stated in specific game rules set by the director.

2. Participation in the drawing(s) shall be limited to those tickets which are actually received and validated by the department on or before the date announced by the director.

3. If, after the event is held, the director determines that a ticket should have been entered into the event, the director may place that ticket into a grand prize drawing for the next equivalent instant game. That action is the extent of the department's liability.

4. The director shall determine the date(s), time(s) and procedures for selecting grand prize winner(s) for each instant game. The proceedings for selection of the winners shall be open to members of the news media and to either the general public or entrants or both.

§ 3.34. Director may postpone drawing.

The director may postpone any drawing to a certain time and publicize the postponement if he finds that the postponement will serve and protect the public interest.

§ 3.35. Valid ticket described.

To be valid, a Virginia lottery game ticket shall meet all of the validation requirements listed here:

1. The ticket shall have been issued by the department in an authorized manner.

2. The ticket shall not be altered, unreadable, reconstructed, or tampered with in any way.

3. The ticket shall not be counterfeit in whole or in part.

4. The ticket shall not have been stolen or appear on any list of void or omitted tickets on file with the department.

5. The ticket shall be complete and not blank or

partly blank, miscut, misregistered, defective, or printed or produced in error.

6. The ticket shall have exactly one play symbol and exactly one caption under each of the rub-off spots, exactly one ticket number, exactly one validation code, and exactly one validation number. These items shall be present in their entirety, legible, right side up, and not reversed in any manner.

7. The validation number of an apparent winning ticket shall appear on the department's official list of validation numbers of winning tickets provided by the vendor of the instant tickets. A ticket with that validation number shall not have previously been paid.

8. The ticket shall pass all additional confidential validation requirements set by the department.

§ 3.36. Invalid ticket.

An instant ticket which does not pass all the validation requirements listed in these regulations and any validation requirements contained in the rules for its instant game is invalid. An invalid ticket is not eligible for any prize.

§ 3.37. Replacement of ticket.

The director may replace an invalid ticket with an unplayed ticket from the same or another instant game. If a defective ticket is purchased, the department's only liability or responsibility shall be to replace the defective ticket with an unplayed ticket from the same or another instant game or to refund the purchase price, at the department's option.

§ 3.38. When ticket is partially mutilated or not intact.

If an instant ticket is partially mutilated or if the ticket is not intact but can still be validated by other validation tests, the director may pay the prize for that ticket.

§ 3.39. Director's decision final.

All decisions of the director regarding ticket validation shall be final.

§ 3.40. When prize payable over time.

Unless the rules for any specific instant game provide otherwise, any cash prize of \$500,000 or more will be paid in multiple payments over time. The schedule of payments shall be designed to pay the winner equal dollar amounts each year until the total payments equal the prize amount.

§ 3.41. Rounding total prize payment.

When a prize or share is to be paid over time, except for the first payment, the director may round the actual amount of the prize or share to the nearest \$1,000 to facilitate purchase of an appropriate funding mechanism.

§ 3.42. When prize payable for "life."

If a prize is advertised as payable for the life of the winner, only an individual may claim the prize. If a claim is filed on behalf of a group, company, corporation or any other type of organization, the life of the claim shall be 20 years.

<p>RETAILER LICENSE APPLICATION</p> <p>Virginia Lottery P.O. Box 4689 Richmond, Virginia 23220</p> <p>Processing Fee: \$25.00 (non-refundable) Make check payable to: Virginia Lottery</p>	<p style="text-align: center;">DO NOT WRITE IN THIS BLOCK</p> <p>Date Received: _____ Control # _____</p> <p>Security: _____ License # _____</p> <p>Final Action: _____ Final Action Date: _____</p>												
<p><small>NOTE: Please print or type. Read Applicant Instructions before completing application. Attach additional sheets if necessary for any questions.</small></p>													
<p>TYPE OF APPLICATION</p>													
<p>1. INDICATE TYPE OF APPLICATION: <input type="checkbox"/> Single Location <input type="checkbox"/> Multiple Locations</p> <p>List main company address below, and attach a retail location form for each retail location that will be selling tickets.</p> <p>a. Business Name: _____ Phone Number: () _____</p> <p>b. Street Address: _____ City/County: _____ State: _____ Zip: _____</p> <p>c. Mailing Address: _____ City/Town: _____ State: _____ Zip: _____</p>													
<p>BUSINESS/ORGANIZATION INFORMATION</p>													
<p>2. INDICATE TYPE OF BUSINESS/ORGANIZATION.</p> <p><input type="checkbox"/> Sole Proprietorship <input type="checkbox"/> Partnership or Joint Venture <input type="checkbox"/> Trust</p> <p><input type="checkbox"/> Corporation or Subsidiary <input type="checkbox"/> Association, Fraternal or Civic (including Non-Profit) <input type="checkbox"/> Governmental</p> <p>List below the names of individuals for your type of business as defined in the instruction booklet.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 25%;">Name (Last name first)</th> <th style="width: 25%;">Name (Last name first)</th> <th style="width: 25%;">Name (Last name first)</th> <th style="width: 25%;">Name (Last name first)</th> </tr> <tr> <td>1. _____</td> <td>2. _____</td> <td>3. _____</td> <td>4. _____</td> </tr> <tr> <td>4. _____</td> <td>5. _____</td> <td>6. _____</td> <td> </td> </tr> </table> <p>c. FOR EACH NAME LISTED ABOVE ATTACH A PERSONAL DATA FORM. If there are more names than the spaces above, please list them on a separate sheet and also attach a Personal Data Form for each of them.</p> <p>3. HAS BUSINESS/ORGANIZATION EVER BEEN CONVICTED OF A GAMBLING RELATED OFFENSE OR OTHER CRIME? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please provide details on a separate sheet.</p> <p>4. ATTACH LIST OF OTHER CURRENT STATE OR LOCAL BUSINESS LICENSES HELD. Include License Number.</p> <p>5. HAS BUSINESS OPERATED UNDER A DIFFERENT NAME? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, provide details on separate sheet.</p>		Name (Last name first)	Name (Last name first)	Name (Last name first)	Name (Last name first)	1. _____	2. _____	3. _____	4. _____	4. _____	5. _____	6. _____	
Name (Last name first)	Name (Last name first)	Name (Last name first)	Name (Last name first)										
1. _____	2. _____	3. _____	4. _____										
4. _____	5. _____	6. _____											
<p>FINANCIAL INFORMATION</p>													
<p>6. BANK (List primary business bank)</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%;">Bank Name _____</td> <td style="width: 30%;">Account # _____ <small>(If more than one account, attach list of all account numbers)</small></td> </tr> <tr> <td colspan="2">Bank Address _____</td> </tr> </table> <p>7. ARE YOU CURRENTLY BONDED? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, list bond company, type & limits on separate sheet.</p> <p>8. FEDERAL EMPLOYER I.D. # _____ VIRGINIA TAX I.D. # _____</p> <p>9. ARE ALL STATE TAXES CURRENT? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>		Bank Name _____	Account # _____ <small>(If more than one account, attach list of all account numbers)</small>	Bank Address _____									
Bank Name _____	Account # _____ <small>(If more than one account, attach list of all account numbers)</small>												
Bank Address _____													

10. DISCLOSURE STATEMENT (Read Carefully).

I, the undersigned do hereby certify that I have not knowingly made a false statement of material fact on this application and that I have read and understand the License Terms and Conditions enclosed with this Retailer License Application. If the Lottery issues a license pursuant to this application, the State Lottery Department and I will be bound by all the requirements contained in the License Terms and Conditions. I understand that untruthful or misleading answers are cause for denial of the application and/or termination of any lottery license. I authorize the Virginia State Lottery Department and/or the Department of State Police to investigate any or all matters set forth in this Retailer License Application pursuant to §581-4009 of the State Lottery Law including but not limited to financial records, financial sources, state tax records and criminal history. I understand that further information may be requested of me in regard to this investigation. I waive any rights or causes of action, based on disclosure of otherwise confidential information, that I may have against the Virginia State Lottery, the Virginia State Police, and/or any other individual or agency disclosing or releasing such information to the Virginia State Lottery or the Virginia State Police.

APPLICANT/AUTHORIZED AGENT OF BUSINESS/ORGANIZATION	TYPE OR PRINT NAME	TITLE
	SIGNATURE	DATE

ROUTING INSTRUCTIONS: _____

<p>PERSONAL DATA FORM</p> <p>Virginia Lottery P.O. Box 4689 Richmond, Virginia 23220</p> <p><small>Note: Submit Personal Data Form for each individual listed in Question 2b of the Retailer License Application</small></p>	<p style="text-align: center;">DO NOT WRITE IN THIS BLOCK</p> <p>Date Received: _____ Control # _____</p> <p>Security Recommendation: _____ License # _____</p> <p>Accept <input type="checkbox"/> Not Accept <input type="checkbox"/> Date _____</p> <p>By: _____</p>																			
<p><small>NOTE: Please print or type. Read Applicant Instructions before completing Personal Data Form. Attach additional sheets if needed.</small></p>																				
<p>1. a. Business Name: _____ Phone () _____ <small>(As listed on retailer license application)</small></p> <p>b. Street Address: _____ City/County _____ State _____ Zip _____</p> <p>c. Mailing Address: _____ City/Town _____ State _____ Zip _____</p>																				
<p>2. YOUR NAME DATE OF BIRTH</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 25%;">Last Name</th> <th style="width: 25%;">First</th> <th style="width: 25%;">Middle</th> <th style="width: 10%;">Sex</th> <th style="width: 10%;">Race</th> <th style="width: 10%;">Month</th> <th style="width: 10%;">Day</th> <th style="width: 10%;">Year</th> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </table> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%;">Place of Birth - County or City _____</td> <td style="width: 33%;">Place of Birth - State or Country _____</td> <td style="width: 33%;">Social Security Number _____</td> </tr> </table>		Last Name	First	Middle	Sex	Race	Month	Day	Year									Place of Birth - County or City _____	Place of Birth - State or Country _____	Social Security Number _____
Last Name	First	Middle	Sex	Race	Month	Day	Year													
Place of Birth - County or City _____	Place of Birth - State or Country _____	Social Security Number _____																		
<p>3. a. Current Street Address: _____ City/County _____ State _____ Zip _____</p> <p>Home Phone () _____</p> <p>b. Have you been a permanent Virginia resident for the past year? <input type="checkbox"/> Yes <input type="checkbox"/> No If no, attach a list of other states in which you have resided.</p>																				
<p>4. YOUR RELATIONSHIP TO BUSINESS <input type="checkbox"/> Owner <input type="checkbox"/> Principal <input type="checkbox"/> Officer/Board Member</p> <p><input type="checkbox"/> Partner <input type="checkbox"/> Stockholder (10% or more) <input type="checkbox"/> Other _____</p>																				
<p>5. List two credit references: 1. _____ 2. _____</p>																				
<p>6. Current Bank _____ Account # _____ <small>(If more than one account, attach list of all account numbers)</small></p> <p>Bank Address _____ City/Town _____ State _____ Zip _____</p>																				
<p>7. If any of the following questions are answered yes, please attach a separate sheet with complete details.</p> <p>a. Have you ever been convicted of a felony, illegal gambling, fraud or had any business license revoked or suspended in Virginia or any other state? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>b. Ever filed for bankruptcy? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>																				

8. DISCLOSURE STATEMENT (Read Carefully).

I, the undersigned do hereby certify that I have not knowingly made a false statement of material fact on this application and that I have read and understand the License Terms and Conditions enclosed with this Retailer License Application. If the Lottery issues a license pursuant to this application, the State Lottery Department and I will be bound by all the requirements contained in the License Terms and Conditions. I understand that untruthful or misleading answers are cause for denial of the application and/or termination of any lottery license. I authorize the Virginia State Lottery Department and/or the Department of State Police to investigate any or all matters set forth in this Retailer License Application pursuant to §581-4009 of the State Lottery Law including but not limited to financial records, financial sources, state tax records and criminal history. I understand that further information may be requested of me in regard to this investigation. I waive any rights or causes of action, based on disclosure of otherwise confidential information, that I may have against the Virginia State Lottery, the Virginia State Police and/or any other individual or agency disclosing or releasing such information to the Virginia State Lottery or the Virginia State Police.

TYPE OR PRINT NAME	TITLE
SIGNATURE	DATE

NOTARY PUBLIC

State of _____ County/City of _____

To wit, this day _____ (signature of person named in record) personally appeared before me in the County/City aforesaid, and under oath authorized the Virginia State Police to search the files of the Central Criminal Records Exchange for any criminal history record and report the results of such search to the Virginia State Lottery Department.

Subscribed and sworn to before me this _____ day of _____, 19 _____

My commission expires _____, 19 _____

Notary Public

NOTE: This form may be copied

<p align="center">RETAILER LOCATION FORM</p> <p>Virginia Lottery P.O. Box 4689 Richmond, Virginia 23220</p> <p><small>Please include this form when returning the Retailer License Application.</small></p>	<p align="center">DO NOT WRITE IN THIS BLOCK</p> <p>Date Received: _____ Control # _____ License # _____</p> <p>Preliminary Evaluation: _____ Final Action Date: _____</p>																								
<p><small>NOTE: This form must be filled out for each location selling Lottery Tickets.</small></p>																									
<p align="center">STORE INFORMATION</p>																									
<p>Store Name: _____ Business Name (if Different): _____ Street Address: _____ City/County: _____ State: _____ Zip: _____ Owner or Authorized Agent: _____ Is the proprietor on premises daily? <input type="checkbox"/> Yes <input type="checkbox"/> No Business Telephone: () _____ How long has business been in operation at this location? Years _____ Months _____ Number of cash registers _____ Average weekly in-store customer count _____ Average weekly cash register receipts \$ _____</p>																									
<p align="center">AUTHORIZED CONTACT PERSON(S)</p>																									
<p><small>Please list contact persons at this location authorized to receive and sign for Lottery Tickets starting with primary contact person then alternates. Please type or print.</small></p> <p>PRIMARY _____ ALTERNATE _____ ALTERNATE _____ ALTERNATE _____ ALTERNATE _____ ALTERNATE _____</p>																									
<p align="center">TYPE OF BUSINESS</p>																									
<p><input type="checkbox"/> Grocery/Supermarket <input type="checkbox"/> Convenience <input type="checkbox"/> Restaurant <input type="checkbox"/> Specialty/Non-Grocery <input type="checkbox"/> Drug/Variety <input type="checkbox"/> Auto/Gas Service <input type="checkbox"/> Bar/Tavern <input type="checkbox"/> Other (Specify) _____</p>																									
<p align="center">BUSINESS HOURS</p>																									
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%;">Day of Week</td> <td style="width: 10%;">Mon.</td> <td style="width: 10%;">Tue.</td> <td style="width: 10%;">Wed.</td> <td style="width: 10%;">Thurs.</td> <td style="width: 10%;">Fri.</td> <td style="width: 10%;">Sat.</td> <td style="width: 10%;">Sun.</td> </tr> <tr> <td>Opening Time</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Closing Time</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </table> <p>Total Weekly Hours _____</p>		Day of Week	Mon.	Tue.	Wed.	Thurs.	Fri.	Sat.	Sun.	Opening Time								Closing Time							
Day of Week	Mon.	Tue.	Wed.	Thurs.	Fri.	Sat.	Sun.																		
Opening Time																									
Closing Time																									

<p align="center">STREET MAP</p> <table border="1" style="width: 100%; height: 100px; border-collapse: collapse;"> <tr><td style="width: 25px; height: 25px;"></td><td style="width: 25px; height: 25px;"></td><td style="width: 25px; height: 25px;"></td><td style="width: 25px; height: 25px;"></td></tr> <tr><td style="width: 25px; height: 25px;"></td><td style="width: 25px; height: 25px;"></td><td style="width: 25px; height: 25px;"></td><td style="width: 25px; height: 25px;"></td></tr> <tr><td style="width: 25px; height: 25px;"></td><td style="width: 25px; height: 25px;"></td><td style="width: 25px; height: 25px;"></td><td style="width: 25px; height: 25px;"></td></tr> </table> <p align="center"><small>Indicate Retailer Location. Draw & Identify Closest Intersection.</small></p>													<p align="center"><small>You May Include Additional Comments Below To Support Your Selection as a Lottery Retailer.</small></p> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>

AUTHORIZATION AGREEMENT FOR PREAUTHORIZED PAYMENTS

DATE _____

Retailer Name (As Shown on Bank Account)	Retailer Lottery I.D.
--	-----------------------

I (we) hereby authorize the VIRGINIA STATE LOTTERY DEPARTMENT, hereinafter called LOTTERY, to initiate debit and credit entries to my (our) Checking account or Savings account indicated below. It is agreed that these withdrawals, deposits, and adjustments may be made by the Electronic Fund Transfer System —EFT) under the rules of the Virginia State Lottery and the National and Local Automated Clearing House (ACH) Associations.

Depository Name		
Branch		
Address		
City	State	Zip
Bank Account Number		

Please staple to the original form a Check marked in ink "VOID" (Checking account) or a Deposit Slip (Savings account) from your financial institution and account.

This authority is to remain in full force and effect until LOTTERY and DEPOSITORY has received written notification from me (or either of us) of its termination in such time and in such manner as to afford LOTTERY and DEPOSITORY a reasonable time to act on it.

Retailer Address		
City	State	Zip
EFT Authorization Name	Signature	
EFT Authorization Name	Signature	

BANK FOR LOTTERY USE ONLY

TRANSIT ROUTING NUMBER	ACCOUNT NUMBER INFORMATION
<p>TRANSIT ABA</p>	

WHITE: "LOTTERY COPY" YELLOW: "BANK COPY" PINK: "RETAILER COPY"

VIRGINIA LOTTERY
P.O. BOX 4689
RICHMOND, VIRGINIA 23220

SHIPPER NO.
PACKAGE ID

INVOICE

PAGE
INVOICE NUMBER

VER TO:		CHAIN NO.	RETAILER NO.	INVOICE DATE
LSR #	LOTTERY SALES REP NAME			
DAY	STOP #	LOCATION CONTACT		

VIRGINIA
LOTTERY



LICENSED
RETAILER

BUSINESS ADDRESS	
EXPIRES	RETAILER NO.

BY AUTHORITY OF
THE STATE LOTTERY LAW OF 1987, AS AMENDED,
THE ABOVE-NAMED RETAILER IS DULY AUTHORIZED AS
INDICATED TO SELL LOTTERY TICKETS IN VIRGINIA.
INSTANT GAME TICKETS ONLY

**THIS CERTIFICATE MUST
BE PROMINENTLY DISPLAYED
AT ALL TIMES**

KENNETH W. THORSON
DIRECTOR, VIRGINIA LOTTERY

NON-TRANSFERABLE

REV 8/88

Virginia Register of Regulations

3900

VIRGINIA LOTTERY	EXPIRES	AUTHORIZED RETAILER
BUSINESS NAME		
RETAILER NO.		

KENNETH W. THORSON
DIRECTOR, VIRGINIA LOTTERY

REV 7/88
**NON-TRANSFERABLE
MUST BE PRESENTED WHEN ACCEPTING TICKETS**

- DO NOT DESTROY CERTIFICATE OR IDENTIFICATION CARD.
- Carefully detach along perforated lines.
- Display certificate in a **PROMINENT PLACE** in your business location.
- Identification card **MUST** be presented when purchasing or accepting tickets.
- If retailer authorization is suspended, revoked or voluntarily discontinued, return certificate identification card, and stamp to the Lottery.

IVERED BY (SIGNATURE)	DATE	RECEIVED BY (SIGNATURE)	DATE
E—LOTTERY HEADQUARTERS		YELLOW—REGIONAL OFFICE	GOLDENROD—CHAIN HQ. PINK—LOTTERY RETAILER

VIRGINIA LOTTERY STATEMENT

P.O. Box 4689
Richmond, Virginia 23220
(804) 367-9130 ext. 37



Virginia Lottery Department Agreement to Pay Mid-Tier Prizes

This agreement is entered into between _____ and the Virginia Lottery Department. retailer

Payment of Mid-Tier Prizes is a retailer benefit. It provides extraordinary customer service, generates new customer visits and promotes customer loyalty.

Retailer agrees to pay all instant lottery validated winning tickets of \$100.00 or less. The retailer agrees to pay prizes of up to the specified limit during the hours of 8:00 a.m. to 8:00 p.m., or as otherwise specified by the Lottery Director.

In consideration of this agreement by retailer, the Virginia Lottery agrees to supply special display materials, at no charge, to participating retailers paying Mid-Tier Prizes. Those materials will identify your location as a special lottery payment center and retailer's signature on this agreement requires retailer to display the materials provided in retailer's store.

This agreement shall remain in effect, unless terminated in writing by the retailer or the Virginia Lottery Department.

Retailer

Virginia Lottery Department

Name

Name

Title

Title

Date

Date

Note: Both copies must be signed by retailer and Lottery representative
White copy for retailer
Canary copy for agency

REFERENCE	DATE	GAME	DESCRIPTION	AMOUNT



RETAILER GUIDELINES FOR USING ADVERTISING APPROVAL FORM

Retailers who want to advertise that they sell lottery tickets need to be aware of certain advertising restrictions. The lottery law contains a provision that limits the lottery advertising to "...reasonably informing the public concerning..." at least one of the following:

1. type(s) of lotteries to be conducted;
2. price of tickets or shares in the lottery;
3. number and size of prizes and the odds of winning prizes;
4. way in which winning tickets or shares are selected;
5. way in which prizes are paid to winners;
6. frequency of drawings;
7. type(s) of locations at which tickets or shares may be sold; and
8. disposition of lottery revenues to the General Fund.

Retailers may list the names of winners, and the amount they won, in lottery advertising. (Provided, of course, that those winners have given permission to release their names.) This listing of winners is entirely voluntary, for the retailer as well as for the winners themselves.

The law further states that "...no funds shall be expended for the primary purpose of inducing persons to participate in the lottery."

All print ads (newspapers, magazines, free shoppers, flyers, etc.), all radio and television commercials, and all signs (interior and exterior) must be approved by the Virginia Lottery BEFORE they appear. Each ad or commercial within a continuing series must have separate approval. (IMPORTANT: All advertising materials you receive from the Virginia Lottery or your Lottery Sales Representative have been approved and may be used immediately. If your vendors--TV, radio, newspapers, printers, etc.--need written proof of ad approval, you need a form. Otherwise, completion of a form is at the discretion of the Lottery Sales Representative or Corporate Account Representative. For obvious cases, verbal approvals are acceptable and would require no form.

Lottery Sales Representatives and Corporate Account Representatives are responsible for the review of all retailer advertising. After each review, they must fill out a retailer advertising approval form in this manner:

1. Indicate the business name, address, retailer identification number, and primary retailer contact.
2. Write a brief description of the advertising, including all words used. Attach a copy if one is available.
3. Indicate whether or not the advertising should be approved by checking "yes" or "no" or "not sure."

WINNER CLAIM FORM - FOR PRIZES OF MORE THAN \$25		FOR LOTTERY USE ONLY	
MAIL TO: Virginia Lottery Box C-32100 Richmond, VA. 23261-2100		DATE <input type="text"/> - <input type="text"/> - <input type="text"/>	WINNER NO. <input type="text"/>
INSTRUCTIONS TO CLAIMANT		TIME <input type="text"/>	CASHIER <input type="text"/>
<ul style="list-style-type: none"> * ON BACK OF TICKET PRINT YOUR NAME & ADDRESS * YOU MUST SIGN YOUR NAME ON THE TICKET * COMPLETE ITEMS 1 THROUGH 16 AND OPTIONAL ITEMS 17 AND 18 BELOW * YOU MUST SIGN YOUR NAME ON THE CLAIM FORM * STAPLE TICKET TO TOP COPY OF FORM AT RIGHT * KEEP BOTTOM (PINK) COPY OF THIS FORM * MAIL WHITE & YELLOW COPIES OF THIS FORM WITH TICKET TO ADDRESS SHOWN ABOVE. 		STAPLE TICKET TO TOP COPY HERE	
PLEASE DO NOT STAPLE THROUGH ANY NUMBERS OR PLAY SPOTS ON TICKET!			
1. GAME NO. Black 2-digit number from front of ticket.	<input type="text"/>		
2. PACK NO. Black 10-digit number from front of ticket.	<input type="text"/>		
3. VALIDATION NO. 12 digit number from front of ticket.	<input type="text"/>		
4. PRIZE AMOUNT	\$ <input type="text"/>		
5. NAME	<input type="text"/>		
6. ADDRESS	<input type="text"/>		
7. CITY	<input type="text"/>	8. STATE	<input type="text"/>
9. ZIP CODE	<input type="text"/>	10. PHONE NUMBER	<input type="text"/>
11. COUNTRY CODE	<input type="text"/>	12. SOCIAL SECURITY NO.	<input type="text"/>
13. U.S. CITIZEN	RESIDENT ALIEN <input type="checkbox"/>	NON-RESIDENT ALIEN <input type="checkbox"/>	14. SEX <input type="checkbox"/> OR <input type="checkbox"/>
15. DATE PURCHASED	<input type="text"/>	16. DATE OF BIRTH	<input type="text"/>
OPTIONAL INFORMATION			
17. HOW OFTEN DO YOU PURCHASE INSTANT TICKETS (CHECK ONE)			
<input type="checkbox"/> 1. DAILY	<input type="checkbox"/> 3. 2 TIMES/WEEK	<input type="checkbox"/> 5. 1 TIME/TWO WEEKS	<input type="checkbox"/> 7. LESS THAN ONCE/MONTH
<input type="checkbox"/> 2. 3 - 6 TIMES/WEEK	<input type="checkbox"/> 4. 1 TIME/WEEK	<input type="checkbox"/> 6. 1 TIME/MONTH	
18. NUMBER OF TICKETS PURCHASED AT ONE TIME? (CIRCLE ONE)			
1 2 3 4 5 6 7 8 9 10+			
UNDER PENALTY OF PERJURY, I DECLARE THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THE NAME, ADDRESS, AND SOCIAL SECURITY NUMBER CORRECTLY IDENTIFY ME AS THE RECIPIENT OF THIS PAYMENT. I UNDERSTAND THAT ANY PERSON WHO, WITH INTENT TO DEFRAUD, FALSELY MAKES, FORGES OR COUNTERFEITS A LOTTERY TICKET IS IN VIOLATION OF STATE LAW. I ALSO AUTHORIZE THE VIRGINIA LOTTERY TO USE MY NAME AND PHOTOGRAPH FOR ANY REASONABLE PUBLICITY IT CONSIDERS DESIRABLE.			
CLAIMANT'S SIGNATURE		TIME	DATE



RETAILER ADVERTISING APPROVAL FORM

Please read the guidelines for advertising approval before completing this form. Retailer lottery advertising is subject to the restrictions of the Lottery Law, specifically, "...no funds shall be expended for the primary purpose of inducing persons to participate in the lottery."

Business Name _____ Retailer I.D.# _____
 Address _____ Retailer Contact _____
 City, State, Zip _____

Description of Advertising (attach copy of ad if possible)

___ Point of Sale (write all words here) _____
 ___ Interior sign
 ___ counter card
 ___ window sign
 ___ door sign
 ___ other (describe) _____

___ Newspaper ad
 Date(s) ad will appear _____
 Headline _____
 Words used _____

___ Radio/Television ad
 Date(s) ad will appear _____
 Tagline _____
 Words used _____

___ Other
 Please describe (include dates of usage and exact wording) _____

Advertising approved ___ Yes ___ No ___ Not sure

If not approved or if not sure, indicate reason: _____

Lottery employee signature _____ Date _____

Retailer contact signature _____ Date _____

White copy to retailer, yellow copy to LSR/CAR, pink copy to Lottery

SLD-0022 (1/89)

**VIRGINIA LOTTERY
 STOLEN TICKET REPORT**

DATE OF REPORT:			INVESTIGATOR TAKING REPORT:			
RETAILER NAME & ADDRESS (if applicable):					RETAILER NUMBER:	
STOLEN PACK NUMBER(S)			STOLEN TICKET NUMBERS			
GM.	PACK	CK.	FROM	TO	FROM	TO
LOCATION OF THEFT:			DATE/THEFT:		<input type="checkbox"/> STOLEN OR <input type="checkbox"/> LOST FROM: <input type="checkbox"/> MAIN WHSE <input type="checkbox"/> L S R. <input type="checkbox"/> REGN WHSE <input type="checkbox"/> RETAILER	
REPORTING PERSON'S NAME:			ADDRESS		PHONE ()	
DETAILS OF THEFT:						
THEFT REPORTED TO LOCAL AUTHORITIES? <input type="checkbox"/> YES <input type="checkbox"/> NO SPECIFY						
INVESTIGATOR'S SIGNATURE:			DATE & TIME ENTERED ON COMPUTER: AM / / PM			

766.000 REV. 1/89

SHAW _____
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WHITE - FILE
 YELLOW - P/A

State Lottery Department

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Title of Regulation: VR 447-02-2. On-Line Game Regulations.

Stutory Authority: § 58.1-4007 of the Code of Virginia.

Public Hearing Date: November 21, 1989 - 10 a.m.
(See Calendar of Events section for additional information)

Summary:

The State Lottery Department is promulgating regulations which set out general parameters for the on-line game. This includes setting standards and requirements for licensing of on-line lottery retailers, ticket validation, setting the framework for the operations of on-line lottery games and the payment of prizes.

These regulations replace emergency regulations currently in force.

VR 447-02-2. On-Line Game Regulations

**PART I.
ON-LINE GAMES.**

§ 1.1. Development of on-line games.

The director shall select, operate, and contract for the operation of on-line games which meet the general criteria set forth in these regulations. The board shall determine the specific details of each on-line lottery game after consultation with the director. These details include, but are not limited to:

- 1. The type or types of on-line lottery games;*
- 2. Individual prize amounts and overall prize structure;*
- 3. Types of noncash prizes, if any;*
- 4. The amount and type of any jackpot or grand prize which may be awarded and how awarded; and*
- 5. Chances of winning.*

§ 1.2. General definitions for on-line games.

"Auto-picks" means computer generated numbers or items. The director may select a different name to identify this feature for marketing purposes.

"Breakage" means the fraction of a dollar not paid out due to rounding down and shall be used exclusively to fund prizes.

"Cancelled ticket" means a ticket that has been placed

into the terminal, whereupon the terminal must read the information from the ticket, cancel the transaction and brand the ticket with a mark or words indicating that the ticket is cancelled and void.

"Certified drawing" means a drawing in which a lottery official and an independent certified public accountant attest that the drawing equipment functioned properly and that a random selection of a winning combination has occurred.

"Drawing" means a procedure by which the lottery randomly selects numbers or items in accordance with the specific game rules for those games requiring random selection of number(s) or item(s).

"Duplicate ticket" means a ticket produced by any means other than by an on-line terminal with intent to imitate the original ticket.

"On-line game" means a lottery game, the play of which is dependent upon the use of an on-line terminal in direct communication with an on-line game main frame operated by or at the direction of the department.

"On-line lottery retailer" means a licensed lottery retailer who has entered an agreement with the department to sell on-line tickets.

"On-line system" means the department's on-line computer system consisting of on-line terminals, central processing equipment, and a communication network.

"On-line terminal" means computer hardware through which a combination of numbers or items is selected or generated and through which on-line tickets are generated and claims may be validated.

"On-line ticket" means a computer-generated ticket issued by an on-line lottery retailer to a player as a receipt for the number, numbers, or items or combination of number or items the player has selected.

"Play" means a wager on a single set of selected numbers.

"Player-selected item" means a number or item or group of numbers or items selected by a player in connection with an on-line game. Player-selected items include selections of items randomly generated by the computer on-line system. Such computer-generated numbers or items are also known as "auto-picks" or "quick picks."

"Quick pick" means the same as "auto pick."

"Retailer," as used in these on-line game regulations, means a licensed on-line lottery retailer, unless the context clearly requires otherwise.

"Roll stock" means the paper roll placed into the

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lottery retailer terminals from which a unique lottery ticket is generated by the computer, displaying the player selected item(s) or number(s).

"Share" means a percentage of ownership in a winning ticket.

"Validation" means the process of determining whether an on-line ticket presented for payment is a winning ticket.

"Validation number" means a unique number assigned by the on-line central computer and printed on the front of each on-line ticket which is used for validation.

"Winning combination" means two or more items or numbers selected by a drawing.

§ 1.3. Prize structure.

The prize structure for any on-line game shall be designed to return to winners approximately 50% of gross sales.

A. The specific prize structure for each type of on-line game shall be determined in advance by the board.

B. From time to time, the board may determine temporary adjustments to the prize structure to account for breakage or other fluctuations in the anticipated redemption of prizes.

§ 1.4. Drawing and selling times.

A. Drawings shall be conducted at times and places designated by the director and publicly announced by the department.

B. On-line tickets may be purchased up to a time prior to the drawing as specified in the on-line drawing rules. That time will be designated by the director.

§ 1.5. Ticket price.

A. The sale price of a lottery ticket for each game will be determined by the board and will be between \$.50 and \$15. These limits shall not operate to prevent the sale of more than one lottery play on a single ticket. Lottery retailers may not discount the sale price of on-line game tickets or provide free lottery tickets as a promotion with the sale of on-line tickets. This section shall not prevent a licensed retailer from providing free on-line tickets with the purchase of other goods or services customarily offered for sale at the retailer's place of business; provided, however, that such promotion shall not be for the primary purpose of inducing persons to participate in the lottery. (see § 1.9)

§ 1.6. Ticket cancellation.

A ticket may be cancelled and a refund of the purchase

price obtained at the request of the bearer of the ticket under the following conditions:

1. To be accepted for cancellation, the ticket must be presented to the lottery retailer location at which the ticket was sold within 10 minutes of the date and time at which the ticket was issued.

2. Cancellation may only be effected by inserting the ticket into the lottery terminal, whereupon the terminal must read the information from the ticket, cancel the transaction and brand the ticket with a mark or words indicating that the ticket is cancelled and void. Any ticket which cannot be cancelled by this procedure remains valid for the drawing for which purchased, and is to be returned to the person who presented the ticket for cancellation and no refund will be available. Any ticket which is mutilated, damaged or has been rendered unreadable, and cannot be inserted into or read by the lottery terminal, cannot be cancelled by any other means.

3. The cancelled ticket must be surrendered by the bearer to the retailer who must deliver the cancelled ticket to the lottery sales representative serving that location. Cancelled tickets will be returned to the department.

4. The lottery's internal auditor will audit cancelled tickets on a sample basis.

§ 1.7. Chances of winning.

The director shall publicize the overall chances of winning a prize in each on-line game. The chances may be printed in informational materials.

§ 1.8. Licensed retailers' compensation.

A. Licensed retailers shall receive 5.0% compensation on all net sales from on-line games. "Net sales" are gross sales less cancels.

B. The board shall approve any bonus or incentive system for payment to retailers. The director will publicize any such system in the rules of the game(s) to which it applies. The director may then award such cash bonuses or other incentives to retailers.

§ 1.9. Retailers' conduct.

A. Retailers shall sell on-line tickets at the price fixed by the board, unless the board allows reduced prices or ticket give-aways.

B. All ticket sales shall be for cash, check, cashier's check, traveler's check or money order at the discretion of and in accordance with the licensed retailer's policy for accepting payment by such means. A ticket shall not be purchased with credit cards, food stamps or food coupons.

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C. All ticket sales shall be final. Retailers shall not accept ticket returns except as allowed by department regulations or policies, or with the department's specific approval.

D. Tickets shall be sold during all normal business hours of the lottery retailer when the on-line terminal is available unless the director approves otherwise.

E. Tickets shall be sold only at the location listed on each retailer's license from the department.

F. On-line retailers must offer for sale all lottery products offered by the department.

G. An on-line game ticket shall not be sold to, purchased by, or given as a gift to any individual under 18 years of age.

H. On-line retailers shall furnish players with proper claim forms provided by the department.

I. On-line retailers shall post winning numbers prominently.

J. On-line retailers and employees who will operate on-line equipment shall attend training provided by the department and allow only trained personnel to operate terminals.

K. Unsupervised retailer employees who sell or otherwise vend lottery tickets must be at least 18 years of age. Employees not yet 18 but at least 16 years of age may sell or vend lottery tickets so long as they are supervised by a person 18 years of age or older.

§ 1.10. End of game; suspension.

The director may suspend or terminate an on-line game without advance notice if he finds that this action will serve and protect the public interest.

PART II.

LICENSING OF RETAILERS FOR ON-LINE GAMES.

§ 2.1. Licensing.

A. Generally.

The director may license persons as lottery retailers for on-line games who will best serve the public convenience and promote the sale of tickets and who meet the eligibility criteria and standards for licensing.

B. For purposes of this part on licensing, "person" means an individual, association, partnership, corporation, club, trust, estate, society, company, joint stock company, receiver, trustee, assignee, referee, or any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination of individuals. "Person" also means all departments,

commissions, agencies and instrumentalities of the Commonwealth, including its counties, cities, and towns.

§ 2.2. Eligibility.

A. Eighteen years of age and bondable.

Any person who is 18 years of age or older and who is bondable may be considered for licensure, except no person may be considered for licensure:

1. Who will be engaged solely in the business of selling lottery tickets; or
2. Who is a board member, officer or employee of the State Lottery Department or who resides in the same household as board member, officer or employee of the department; or
3. Who is a vendor to the department of instant or on-line lottery tickets or goods or data processing services, whose tickets, goods or services are provided directly to the lottery department, or whose business is owned by, controlled by, or affiliated with a vendor of instant or on-line lottery tickets or goods or data processing services whose tickets, goods or services are provided directly to the lottery department.

B. Form submission.

The submission of forms or data for licensure does not in any way entitle any person to receive a license to act as an on-line lottery retailer.

§ 2.3. General standards for licensing.

A. Selection factors for licensing.

The director may license those persons who, in his opinion, will best serve the public interest and public trust in the lottery and promote the sale of lottery tickets. The director will consider the following factors before issuing or renewing a license:

1. The financial responsibility and integrity of the retailer, to include:
 - a. A credit and criminal record history search or when deemed necessary a full investigation of the retailer;
 - b. A check for outstanding delinquent state tax liability;
 - c. A check for required business licenses, tax and business permits; and
 - d. An evaluation of physical security at the place of business, including insurance coverage.
2. The accessibility of his place of business to public,

to include:

- a. The hours of operation compared to the on-line system selling hours;
 - b. The availability of parking including ease of ingress and egress to parking;
 - c. Public transportation stops and passenger traffic volume;
 - d. The vehicle traffic density, including levels of congestion in the market area;
 - e. Customer transaction count within the place of business;
 - f. Other factors indicating high public accessibility and public convenience when compared with other retailers; and
 - g. Adequate space and physical layout to sell a high volume of lottery tickets efficiently.
3. The sufficiency of existing lottery retailers to serve the public convenience, to include:
- a. The number of and proximity to other lottery retailers in the market area;
 - b. The expected impact on sales volume of potentially competing lottery retailers;
 - c. The adequacy of coverage of all regions of the Commonwealth with lottery retailers; and
 - d. The population to terminal ratio, compared to other geographical market areas.
4. The volume of expected lottery ticket sales, to include:
- a. Type and volume of the products and services sold by the retailer;
 - b. Dollar sales volume of the business;
 - c. Sales history of the market area;
 - d. Sales history for instant tickets, if already licensed as an instant retailer;
 - e. Volume of customer traffic in place of business; and
 - f. Market area potential, compared to other market areas.
5. The ability to offer high levels of customer service to on-line lottery players, including:

- a. A history demonstrating successful use of lottery product related promotions;
- b. Volume and quality of point of sale display;
- c. A history of compliance with lottery directives;
- d. Ability to display jackpot prize amounts to pedestrians and vehicles passing by;
- e. A favorable image consistent with lottery standards;
- f. Ability to pay prizes less than \$600 during maximum selling hours, compared to other area retailers;
- g. Commitment to authorize employee participation in all required on-line lottery training; and
- h. Commitment and opportunity to post jackpot levels near the point of sale.

B. Additional factors for selection.

The director may develop and, by director's order, publish additional criteria which, in the director's judgment, are necessary to serve the public interest and public trust in the lottery.

C. Filing of forms with the department.

After notification of selection as an on-line lottery retailer, the retailer shall file required forms with the department. The retailer must submit all information required to be considered for licensing. Failure to submit required forms and information within the times specified in these regulations may result in the loss of the opportunity to become or remain a licensed on-line retailer. The forms to be submitted shall include:

1. Signed retailer agreement;
2. Signed EFT Authorization form with a voided check or deposit slip from the specified account; and
3. Executed bond requirement.

§ 2.4. Bonding of lottery retailers.

A. Approved retailer to secure bond.

A lottery retailer approved for licensing shall obtain a surety bond in the amount of \$10,000 from a surety company entitled to do business in Virginia. If the retailer is already bonded for instant games, a second bond will not be required. However, the amount of the original bond must be increased to \$10,000. The purpose of the surety bond is to protect the Commonwealth from a potential loss in the event the retailer fails to perform his responsibilities.

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1. Unless otherwise provided under subsection C of this section, the surety bond shall be in the amount and penalty of \$10,000 and shall be payable to the State Lottery Department and conditioned upon the faithful performance of the lottery retailer's duties.

2. Within 15 calendar days of receipt of the "On-Line License Approval Notice," the lottery retailer shall return the properly executed "Bonding Requirement" portion of the "On-Line License Approval Notice" to the State Lottery Department to be filed with his record.

B. Continuation of surety bond on renewal of license.

A lottery retailer applying for renewal of a license shall:

1. Obtain a letter or certificate from the surety company to verify that the surety bond is being continued for the license renewal period; and

2. Submit the surety company's letter or certificate with the required license renewal fee to the State Lottery Department.

C. Sliding scale for surety bond amounts.

The department may establish a sliding scale for surety bonding requirements based on the average volume of lottery ticket sales by a retailer to ensure that the Commonwealth's interest in tickets to be sold by a licensed lottery retailer is adequately safeguarded. Such sliding scale may require a surety bond amount either greater or lesser than the amount fixed by subsection A of this section.

D. Effective date for sliding scale.

The sliding scale for surety bonding requirements will become effective when the director determines that sufficient data on lottery retailer ticket sales volume activity are available. Any changes in a retailer's surety bonding requirements that result from instituting the sliding scale will become effective only at the time of the retailer's next renewal action.

§ 2.5. Lottery bank accounts and EFT authorization.

A. Approved retailer to establish lottery bank account.

A lottery retailer approved for licensing shall establish a separate bank account to be used exclusively for lottery business in a bank participating in the automatic clearing house (ACH) system. A single bank account may be used for both on-line and instant lottery business.

B. Retailer's use of lottery account.

The lottery account will be used by the retailer to make funds available to permit withdrawals and deposits initiated by the department through the electronic funds

transfer (EFT) process to settle a retailer's account for funds owed by or due to the retailer from the sale of tickets and the payment of prizes. All retailers shall make payments to the department through the electronic funds transfer (EFT) process unless the director designates another form of payment and settlement under terms and conditions he deems appropriate.

C. Retailer responsible for bank charges.

The retailer shall be responsible for payment of any fees or service charges assessed by the bank for maintaining the required account.

D. Retailer to authorize electronic funds transfer.

Within 15 calendar days of receipt of the "On-Line License Approval Notice," the lottery retailer shall return the properly executed "On-Line Electronic Funds Transfer Authorization" portion of the "License Approval Notice" to the department recording the establishment of his account.

E. Change in retailer's bank account.

If a retailer finds it necessary to change his bank account from one bank account to another, he must submit a newly executed "Electronic Funds Transfer Authorization" form for the new bank account. The retailer may not discontinue use of his previously approved bank account until he receives notice from the department that the new account is approved for use.

F. Director to establish EFT account settlement schedule.

The director will establish a schedule for processing the EFT transactions against retailers' lottery bank accounts and issue instructions to retailers on how settlement of accounts will be made.

§ 2.6. Deposit of lottery receipts; interest and penalty for late payment; dishonored EFT transfers or checks.

A. Payment due date.

Payments shall be due as specified by the director in the instructions to retailers regarding the settlement of accounts.

B. Penalty and interest charge for late payment.

Any retailer who fails to make payment when payment is due will have his on-line terminal disconnected. The retailer will not be reconnected until payment is made by cashiers check, certified check or wire transfer. Additionally, interest will be charged on the moneys due plus a \$25 penalty. The interest charge will be equal to the "Underpayment Rate" established pursuant to § 6621(a)(2) of the Internal Revenue Code of 1954, as amended. The interest charge will be calculated beginning

the date following the retailer's due date for payment through the day preceding receipt of the late payment by the department for deposit.

C. Service charge for dishonored EFT transfer or bad check.

In addition to the penalty authorized by subsection B of this section, the director will assess a service charge of \$25 against any retailer whose payment through electronic funds transfer (EFT) or by check is dishonored.

D. Service charge for debts referred for collection.

If the department refers a debt of any retailer to the Attorney General, the Department of Taxation or any other central collection unit of the Commonwealth, the retailer owing the debt shall be liable for an additional service charge which shall be in the amount of the administrative costs associated with the collection of the debt incurred by the department and the agencies to which the debt is referred.

§ 2.7. License term and renewal.

A. License term.

A general on-line license for an approved lottery retailer shall be issued for a one-year period. A general on-line license requires the retailer to sell both on-line and instant lottery tickets.

B. License renewal.

A general on-line license shall be renewed annually at least 30 days prior to its expiration date and shall be accompanied by the appropriate fee(s) as specified elsewhere in these regulations. The director may implement a staggered, monthly basis for annual license renewals and allow for the proration of annual license fees to credit licensees for the time remaining on their current license when the staggered renewal requirement is imposed. This section shall not be deemed to allow for a refund of license fees when a license is terminated, revoked or suspended for any other reason.

C. Amended license term.

An amended license shall be valid for the remainder of the period of the license it replaces.

D. Special license.

The director may issue special licenses. Special licenses shall be for a limited duration and under terms and conditions that he determines appropriate to serve the public interest.

§ 2.8. License fees.

A. License fee.

The fee for a lottery retailer general license to sell on-line game tickets shall be \$25. The general license fee to sell on-line game tickets shall be paid for each location to be licensed. This fee is nonrefundable.

B. License renewal fee.

The annual fee for renewal of a lottery retailer general license to sell on-line game tickets shall be an amount determined by the board at its November meeting or as soon thereafter as practicable for all renewals occurring in the next calendar year. The renewal fee shall be designed to recover all or a portion of the annual costs of the department in providing services to the retailer. The renewal fee shall be paid for each location for which a license is renewed. This fee is nonrefundable. The renewal fee shall be submitted at least 30 days prior to the expiration of a retailer's general license.

C. Amended license fee.

The fee for processing an amended license for a lottery retailer general license shall be an amount as determined by the board at its November meeting or as soon thereafter as practicable for all amendments occurring in the next calendar year. The amended license fee shall be paid for each location affected. This fee is nonrefundable. An amended license shall be submitted in cases where a business change has occurred.

§ 2.9. Fees for operational costs.

A. Installation fee.

The fee for initial terminal telecommunications installation for the on-line terminal shall be \$275. This fee may be subject to change based upon an annual cost review by the department.

1. If the retailer has purchased a business where a terminal is presently installed or telecommunication service is available, a fee of \$25 per year shall be charged upon issuance of a new license.

2. No installation fee will be charged if interruption of service to the terminal has not occurred.

B. Weekly on-line telecommunications line charge.

Each retailer shall be assessed a weekly charge of \$15 per week. This fee may be subject to change based upon an annual cost review by the department.

§ 2.10. Transfer of license prohibited; invalidation of license.

A. License not transferrable.

A license issued by the director authorizes a specified person to act as a lottery retailer at a specified location as set out in the license. The license is not transferrable

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to any other person or location.

B. License invalidated.

A license shall become invalid in the event of any of the following circumstances:

1. Change in business location;
2. Change in business structure (e.g., from a partnership to a sole proprietorship);
3. Change in the business owners listed on the original personal data forms for which submission of a personal data form is required under the license procedure.

C. Amended personal data form required.

A licensed lottery retailer who anticipates any change listed in subsection B must notify the department of the anticipated change at least 30 calendar days before it takes place and submit an amended personal data form. The director shall review the changed factors in the same manner that would be required for a review of an original personal data form.

§ 2.11. Denial, suspension, revocation or nonrenewal of license.

A. Grounds for refusal to license.

The director may refuse to issue a license to a person if the person has been:

1. Convicted of a felony;
2. Convicted of a crime involving moral turpitude;
3. Convicted of any fraud or misrepresentation in any connection;
4. Convicted of bookmaking or other forms of illegal gambling;
5. Convicted of knowingly and willfully falsifying, or misrepresenting, or concealing a material fact or makes a false, fictitious, or fraudulent statement or misrepresentation;
6. Determined not to meet the eligibility criteria or general standards for licensing.

B. Grounds for refusal to license partnership or corporation.

In addition to refusing a license to a partnership or corporation under subsection A of this section, the director may also refuse to issue a license to any partnership or corporation if he finds that any general or limited partner or officer or director of the partnership or

corporation has been convicted of any of the offenses cited in subsection A of this section.

C. Appeals of refusal to license.

Any person refused a license under subsection A or B may appeal the director's decision in the manner provided by VR 447-01-02, Part III, Article 2, § 3.4.

D. Grounds for suspension, revocation or refusal to renew license.

After notice and a hearing, the director may suspend, revoke, or refuse to renew a license for any of the following reasons:

1. Failure to properly account for on-line terminal ticket roll stock, for cancelled ticket, for prizes claimed and paid, or for the proceeds of the sale of lottery tickets;
2. Failure to file or maintain the required bond or the required lottery bank account;
3. Failure to comply with applicable laws, instructions, terms or conditions of the license, or rules and regulations of the department concerning the licensed activity, especially with regard to the prompt payment of claims;
4. Conviction, following the approval of the license, of any of the offenses cited in subsection A;
5. Failure to file any return or report or to keep records or to pay any fees or other charges as required by the state lottery law or the rules or regulations of the department or board;
6. Commission of any act of fraud, deceit, misrepresentation, or conduct prejudicial to public confidence in the state lottery;
7. Failure to maintain lottery ticket sales at a level sufficient to meet the department's administrative costs for servicing the retailer, provided that the public convenience is adequately served by other retailers. This failure may be determined by comparison of the retailer's sales to a sales quota established by the director;
8. Failure to notify the department of a material change, after the license is issued, of any matter required to be considered by the director in the licensing process;
9. Failure to comply with lottery game rules; and
10. Failure to meet minimum point of sale standards.

E. Notice of intent to suspend, revoke or deny renewal of license.

Before taking action under subsection C, the director will notify the retailer in writing of his intent to suspend, revoke or deny renewal of the license. The notification will include the reason or reasons for the proposed action and will provide the retailer with the procedures for requesting a hearing before the board. Such notice shall be given to the retailer at least 14 calendar days prior to the effective date of suspension, revocation or denial.

F. Temporary suspension without notice.

If the director deems it necessary in order to serve the public interest and maintain public trust in the lottery, he may temporarily suspend a license without first notifying the retailer. Such suspension will be in effect until any prosecution, hearing or investigation into possible violations is concluded.

G. Surrender of license and lottery property upon revocation or suspension.

A retailer shall surrender his license to the director by the date specified in the notice of revocation or suspension. The retailer shall also surrender the lottery property in his possession and give a final accounting of his lottery activities by the date specified by the director.

§ 2.12. Responsibility of lottery retailers.

Each retailer shall comply with all applicable state and federal laws, rules and regulations of the department, license terms and conditions, specific rules for all applicable lottery games, and directives and instructions which may be issued by the director.

§ 2.13. Display of license.

License displayed in general view. Every licensed lottery retailer shall conspicuously display his lottery license in an area visible to the general public where lottery tickets are sold.

§ 2.14. Display of material.

A. Material in general view.

Lottery retailers shall display lottery point-of-sale material provided by the director in a manner which is readily seen by and available to the public.

B. Prior approval for retailer-sponsored material.

A lottery retailer may use or display his own promotional and point-of-sale material, provided it has been submitted to and approved for use by the department in accordance with instructions issued by the director.

C. Removal of unapproved material.

The director may require removal of any licensed

retailer's lottery promotional material that has not been approved for use by the department.

§ 2.15. Inspection of premises.

Access to premises by department. Each lottery retailer shall provide access during normal business hours or at such other times as may be required by the director or state lottery representatives to enter the premises of the licensed retailer. The premises include the licensed location where lottery tickets are sold or any other location under the control of the licensed retailer where the director may have good cause to believe lottery materials or tickets are stored or kept in order to inspect the lottery materials or tickets and the licensed premises.

§ 2.16. Examination of records; seizure of records.

A. Inspection, auditing or copying of records.

Each lottery retailer shall make all books and records pertaining to his lottery activities available for inspection, auditing or copying as required by the director between the hours of 8 a.m. and 5 p.m., Mondays through Fridays and during the normal business hours of the licensed retailer.

B. Records subject to seizure.

All books and records pertaining to the licensed retailer's lottery activities may be seized with good cause by the director without prior notice.

§ 2.17. Audit of records.

The director may require a lottery retailer to submit to the department an audit report conducted by an independent certified public accountant on the licensed retailer's lottery activities. The retailer shall be responsible for the cost of only the first such audit in any one license term.

§ 2.18. Reporting requirements and settlement procedures.

Instructions for ordering on-line terminal ticket roll stock, reporting transactions and settling accounts. Before a retailer may begin lottery sales, the director will issue to him instructions and report forms that specify the procedures for (i) ordering on-line terminal ticket roll stock; (ii) reporting receipts, transactions and disbursements pertaining to on-line lottery ticket sales; and (iii) settling the retailer's account with the department.

§ 2.19. Training of retailers and their employees.

Retailer training. Each retailer or anyone that operates an on-line terminal at the retailer's location will be required to participate in training given by the department for the operation of each game. The director

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may consider nonparticipation in the training as grounds for suspending or revoking the retailer's license.

§ 2.20. License termination by retailer.

Voluntary termination of license. The licensed retailer may voluntarily terminate his license with the department by first notifying the department in writing at least 30 calendar days before the proposed termination date. The department will then notify the retailer of the date by which settlement of the retailer's account will take place. The retailer shall maintain his bond and the required accounts and records until settlement is completed and all lottery property belonging to the department has been surrendered.

PART III.

ON-LINE TICKET VALIDATION REQUIREMENTS.

§ 3.1. Validation requirements.

To be valid, a Virginia lottery on-line game ticket shall meet all of the validation requirements listed here:

1. The original ticket must be presented for validation.
2. The ticket validation number shall be presented in its entirety and shall correspond using the computer validation file to the selected numbers printed on the ticket.
3. The ticket shall not be mutilated, altered, or tampered with in any manner. (see § 3.4)
4. The ticket shall not be counterfeited, forged, fraudulently made or a duplicate of another winning ticket.
5. The ticket shall have been issued by the department through a licensed on-line lottery retailer in an authorized manner.
6. The ticket shall not have been cancelled.
7. The ticket shall be validated in accordance with procedures for claiming and paying prizes. (see §§ 3.10 and 3.12)
8. The ticket data shall have been recorded in the central computer system before the drawing, and the ticket data shall match this computer record in every respect.
9. The player-selected items, the validation data, and the drawing date of an apparent winning ticket must appear on the official file of winning tickets and a ticket with that exact data must not have been previously paid.
10. The ticket may not be misregistered or defectively

printed to an extent that it cannot be processed by the department.

11. The ticket shall pass any validation requirement contained in the rules published and posted by the director for the on-line game for which the ticket was issued.

12. The ticket shall pass all other confidential security checks of the department.

§ 3.2. Invalid ticket.

An on-line ticket which does not pass all the validation requirements listed in these regulations and any validation requirements contained in the rules for its on-line game is invalid. An invalid ticket is not eligible for any prize.

§ 3.3. Replacement of ticket.

The director may refund the purchase price of an invalid ticket. If a defective ticket is purchased, the department's only liability or responsibility shall be to refund the purchase price of the defective ticket.

§ 3.4. When ticket cannot be validated through normal procedures.

If an on-line ticket is partially mutilated or if the ticket cannot be validated through normal procedure but can still be validated by other validation tests, the director may pay the prize for that ticket.

§ 3.5. Director's decision final.

All decisions of the director regarding ticket validation shall be final.

§ 3.6. Prize winning tickets.

Prize winning on-line tickets are those that have been validated in accordance with these regulations and the rules of the department and determined to be official prize winners. Criteria and specific rules for winning prizes shall be published for each on-line game and available for all players. Final validation and determination of prize winning tickets remain with the department.

§ 3.7. Unclaimed prizes.

A. All claims for on-line game winning tickets must be postmarked or received for payment as prescribed in these regulations within 180 days after the date of the drawing for which the ticket was purchased.

B. Any on-line lottery prize which remains unclaimed after 180 days following the drawing which determined the prize shall revert to the State Literary Fund.

§ 3.8. Using winners' names.

State Lottery Department

The department shall have the right to use the names of prize winners and the city, town or county in which they live. Photographs of prize winners may be used with the written permission of the winners. No additional consideration shall be paid by the department for this purpose.

§ 3.9. No prize paid to people under 18.

No prize shall be claimed by or paid to any individual under 18 years of age.

§ 3.10. Where prizes claimed.

Winners may claim on-line game prizes from any licensed on-line retailer or the department in the manner specified in these regulations. Licensed on-line retailers are authorized and required to make payment of all validated prizes of less than \$600.

§ 3.11. Validating winning tickets.

Winning tickets shall be validated by the retailer or the department as set out in these regulations and in any other manner which the director may prescribe in the specific rules for each type of on-line game.

§ 3.12. How prize claim entered.

A prize claim shall be entered in the name of an individual person or legal entity. If the prize claimed is \$600 or greater, the person or entity also shall furnish a tax identification number.

A. An individual shall provide his social security number if a claim form is required by these regulations. A nonresident alien shall furnish their Immigration and Naturalization Service Number. This I.N.S. number begins with an A and is followed by numerical data.

B. A claim may be entered in the name of an organization only if the organization is a legal entity and possesses a federal employer's identification number (FEIN) issued by the Internal Revenue Service. If the department or these regulations require that a claim form be filed, the FEIN must be shown on the claim form.

C. A group, family unit, club or other organization which is not a legal entity or which does not possess a FEIN may file Internal Revenue Service (IRS) Form 5754, "Statement by Person(s) Receiving Gambling Winnings," with the department. This form designates to whom winnings are to be paid and the person(s) to whom winnings are taxable.

D. A group, family unit, club or other organization which is not a legal entity or which does not possess a FEIN and which does not file IRS Form 5754 with the department shall designate one individual in whose name the claim shall be entered and that person's social security number shall be furnished.

§ 3.13. Right to prize not assignable.

No right of any person to a prize shall be assignable, except that:

1. The director may pay any prize to the estate of a deceased prize winner, and

2. The prize to which a winner is entitled may be paid to another person pursuant to an appropriate judicial order.

§ 3.14. No accelerated payments.

The director shall not accelerate payment of a prize for any reason.

§ 3.15. Liability ends with prize payment.

All liability of the Commonwealth, its officials, officers and employees, and of the department, the board, the director and employees of the department, terminates upon final payment of a lottery prize.

§ 3.16. Delay of payment allowed.

The director may refrain from making payment of the prize pending a final determination by the director, under any of the following circumstances:

1. If a dispute occurs or it appears that a dispute may occur relative to any prize;

2. If there is any question regarding the identity of the claimant;

3. If there is any question regarding the validity of any ticket presented for payment; or

4. If the claim is subject to any set-off for delinquent debts owed to any agency eligible to participate in the Set-Off Debt Collection Act, when the agency has registered such debt with the Virginia Department of Taxation and timely notice of the debt has been furnished by the Virginia Department of Taxation to the State Lottery Department. No liability for interest for such delay shall accrue to the benefit of the claimant pending payment of the claim.

§ 3.17. When installment prize payment may be delayed.

The director may, at any time, delay any installment in order to review a change in circumstance relative to the prize awarded, the payee, the claim, or any other matter that has been brought to the department's attention. All delayed installments shall be brought up to date immediately upon the director's confirmation. Delayed installments shall continue to be paid according to the original payment schedule after the director's decision is given.

State Lottery Department

§ 3.18. Ticket is bearer instrument.

A ticket that has been legally issued by a licensed lottery retailer is a bearer instrument until the ticket has been signed. The person who signs the ticket is considered the bearer of the ticket.

§ 3.19. Payment made to bearer.

Payment of any prize will be made to the bearer of the validated winning ticket for that prize upon submission of a prize claim form, if one is required, unless otherwise delayed in accordance with these regulations. If a validated winning ticket has been signed, the bearer may be required to present proper identification.

§ 3.20. Marking tickets prohibited; exceptions.

Marking of tickets in any way is prohibited except by a player to claim a prize or by the department or a retailer to identify or to void the ticket.

§ 3.21. Penalty for counterfeit, forged or altered ticket.

Forging, altering or fraudulently making any lottery ticket or knowingly presenting a counterfeit, forged or altered ticket for prize payment or transferring such a ticket to another person to be presented for prize payment is a Class 6 felony in accordance with the state lottery law.

§ 3.22. Lost, stolen, destroyed tickets.

The department is not liable for lost, stolen or destroyed tickets.

§ 3.23. Retailer to pay all prizes less than \$600.

Prizes less than \$600 shall be paid by any licensed on-line retailer, or by the department at the option of the ticket holder, or by the department when the ticket cannot be validated by the retailer.

§ 3.24. Retailers' prize payment procedures.

Procedures for prize payments by retailers are as follows:

1. Retailers may pay prizes in cash, by certified check, cashier's check, business check, or money order, or by any combination of these methods.
2. If a check for payment of a prize by a retailer to a claimant is denied for any reason, the retailer is subject to the same service charge for referring a debt to the department for collection and penalty payments that would apply if the check were made payable to the department. A claimant whose prize check is denied shall notify the department to obtain the prize.

3. Retailers shall pay claims for all prizes under \$600 during all normal business hours of the lottery retailer when the on-line terminal is operational and the ticket claim can be validated.

4. Prize claims shall be payable only at the location specified on the license.

5. The department will reimburse a retailer for prizes paid up to 180 days after the drawing date.

§ 3.25. When retailer cannot validate ticket.

If, for any reason, a retailer is unable to validate a prize winning ticket, the retailer shall provide the ticket holder with a department claim form and instruct the ticket holder on how to file a claim with the department.

§ 3.26. No reimbursement for retailer errors.

The department shall not reimburse retailers for prize claims a retailer has paid in error.

§ 3.27. Retailer to void winning ticket.

After a winning ticket is validated and signed by the ticket holder, the retailer shall physically void the ticket to prevent it from being redeemed more than once. The manner of voiding the ticket will be prescribed by the director.

§ 3.28. Prizes of less than \$600.

A retailer shall pay on-line prizes of less than \$600 won on tickets validated and determined by the department to be official prize winners, regardless of where the tickets were sold. The retailer shall display special informational material provided by or approved by the department informing the public that the retailer pays all prizes of less than \$600.

§ 3.29. When prize shall be claimed from the department.

The department will process claims for payment of prizes in any of the following circumstances:

1. If a retailer cannot validate a claim which the retailer otherwise would pay, the ticket holder shall send or present the ticket to the department for validation with a completed claim form.
2. If a ticket holder is unable to return to any on-line retailer, a completed claim form and the ticket may be presented or mailed to the department for validation.
3. If the prize amount is \$600 or more, a completed claim form with the ticket shall be presented or mailed to the department for validation.

§ 3.30. Prizes of \$25,000 or less.

State Lottery Department

Prizes of \$25,000 or less may be claimed from any of the department's regional offices. Regional offices will pay prizes by check after tickets are validated and after any other applicable requirements contained in these regulations are met.

§ 3.31. Prizes of more than \$25,000.

Prizes of more than \$25,000 and noncash prizes other than free lottery tickets may be claimed from the department's central office in Richmond. The central office will pay prizes by check, after tickets are validated and after any other applicable requirements contained in these regulations are met.

§ 3.32. Grand prize event.

If an on-line game includes a grand prize or jackpot event, the following general criteria shall be used:

1. Entrants in the event shall be selected from tickets which meet the criteria stated in specific game rules set by the director consistent with § 1.1 of these regulations.
2. Participation in the drawing(s) shall be limited to those tickets which are actually purchased by the entrants on or before the date announced by the director.
3. If, after the event is held, the director determines that a ticket should have been entered into the event, the director may place that ticket into a grand prize drawing for the next equivalent event. That action is the extent of the department's liability.
4. The director shall determine the date(s), time(s) and procedures for selecting grand prize winner(s) for each on-line game. The proceedings for selection of the winners shall be open to members of the news media and to either the general public or entrants or both.

§ 3.33. When prize payable over time.

Unless the rules for any specific on-line game provide otherwise, any cash prize of \$500,000 or more will be paid in multiple payments over time. The schedule of payments shall be designed to pay the winner equal dollar amounts over a period of years until the total payments equal the prize amount.

§ 3.34. Rounding total prize payment.

When a prize or share is to be paid over time, except for the first payment, the director may round the actual amount of the prize or share to the nearest \$1,000 to facilitate purchase of an appropriate funding mechanism.

§ 3.35. When prize payable for "life."

If a prize is advertised as payable for the life of the

winner, only an individual may claim the prize. If a claim is filed on behalf of a group, company, corporation or any other type of organization, the life of the claim shall be 20 years.

§ 3.36. When claims form required.

A claim form for a winning ticket may be obtained from any department office or any licensed lottery retailer. A claim form shall be required to claim any prize from the department's central and regional offices.

§ 3.37. Department action on claims for prizes submitted to department.

The department shall validate the winning ticket claim according to procedures contained in these regulations as follows:

1. If the claim is not valid, the department will promptly notify the ticket holder.
2. If the claim is mailed to the department and the department validates the claim, a check for the prize amount will be mailed to the winner.
3. If an individual presents a claim to the department in person and the department validates the claim, a check for the prize amount will be presented to the bearer.

§ 3.38. Withholding, notification of prize payments.

When paying any prize of \$600 or more, the department shall:

1. File the appropriate income reporting form(s) with the Virginia Department of Taxation and the Federal Internal Revenue Service;
2. Withhold any moneys due for delinquent debts listed with the Commonwealth's Set-Off Debt Collection Program; and
3. Withhold federal and state taxes from any winnings over \$5,000.

§ 3.39. Director may postpone drawing.

The director may postpone any drawing to a certain time and publicize the postponement if he finds that the postponement will serve and protect the public interest.

**Virginia Lottery
On-Line Ticket Stock Return**

X-0120 (6/89)

Retailer # _____ Retailer Name: _____ Phone #: _____
 Address: _____
 Contact Name: _____

Amount of tickets returned: _____

Ticket Numbers:	From _____	Through _____
	From _____	Through _____
	From _____	Through _____
	From _____	Through _____

Reason for Return: Check one
 Damaged Tickets
 Retailer's Request
 Retailer Inactivated
 Other - Specify _____

Receipt A:
 Retailer Signature: _____
 Technician/LSR/Security _____
 Date _____ Time _____

Receipt B:
 Technician/LSR/Security _____
 Regional Warehouseman _____
 Date _____ Time _____

Receipt C:
 Regional Warehouseman: _____
 Lottery Courier: _____
 Date _____ Time _____

Receipt D:
 Data Center Security _____

X-0121 (6/89)	Ticket Numbers From - Thru	Date Destroyed	Destroyed By
780,000			



SEAL VERIFICATION CHART PICK 3/4

DATE: SAT., _____ through SAT., _____, 19____

BALL SET:

SAT _____

MON _____

TUE _____

WED _____

THU _____

FRI _____

SAT _____

DISTRIBUTION: WHITE - Security CANARY - External Auditor PINK - Internal Auditor GOLDENROD - TV Studio Secura Room

X-0103 (6/89)

604 000 VSL (5-18)

<p>X - 0118 (6/89)</p>	<p>REQUEST FOR INACTIVATING RETAILER TERMINAL</p>
<p>TO: Peggy Bodde Data Center Operations Manager</p> <p>FROM: Kim Guida Licensing Coordinator</p> <p>DATE: _____</p>	<p>Retailer Name _____ Region _____</p> <p>Retailer Number _____</p> <p>INACTIVATE RETAILER'S TERMINAL DUE TO THE FOLLOWING:</p> <p>Non-sufficient funds on EFT sweep _____</p> <p>Retailer's request _____</p> <p>Other _____</p> <p>Recommended Date _____ Recommended Time _____</p> <p>Approved By: _____</p> <p style="text-align: right;">Deputy Director/Director _____ Date _____</p>
<p>Re-Activate Date _____</p> <p>Approved By: _____</p>	<p style="text-align: center;">REQUEST FOR RE - ACTIVATING RETAILER TERMINAL</p> <p>Re-Activate Time _____</p> <p>Approved By: _____</p> <p style="text-align: right;">Deputy Director/Director _____ Date _____</p> <p>cc: Cy Coleman Brend Pennington Randy Venable Bobby Vaughan Debbie Shaw Jim Kulp Nora Moon</p>



DRAW VERIFICATION SHEET

Date: / / Draw Day: _____

Lottery Drawing Specialist _____

Lottery Security Official _____

VCR Meter Reading: Start _____ Stop _____

Tape VolSer Number: _____

Winning Numbers

Daily Pick 3 _____

Daily Pick 4 _____

Weekly Lotto _____

Culling in Balance: Yes _____ No _____

Daily 3 _____ Daily 4 _____ Lotto _____

Lotto Prize Information

Actual Jackpot _____

Estimated Jackpot _____

Handle _____

% of Plays Covered _____

Carryover to next Draw _____

Winners fa7004prizes & ga9001payout draw results

Lotto

Match 6 _____

Match 5 _____

Match 4 _____

Match 3 _____

Data Center Operations Supervisor _____

Lead Computer Operator _____

Computer Operator _____

Original - Director of Security
Yellow - Data Center Supervisor
Goldenrod - Computer Systems Security
Pink - Internal Auditor

Return To:
Virginia Lottery
1610 Ownby Lane
Richmond, VA 23220

ORDER
NUMBER



VIRGINIA LOTTERY ON-LINE PLAY CENTER
AGREEMENT / ORDER FORM

This agreement/order form between the State Lottery Department (Lottery) and the retailer named below provides for the placement of the on-line Play Center in the retailer's business.

RETAILER NAME: (trading as) _____ Phone #: () _____

DELIVERY ADDRESS: _____

CITY/STATE/ZIP: _____

LOTTERY REGION NAME: _____ RETAILER NUMBER: _____

PLACE AN "X" BESIDE DESIRED ITEM:

_____ PLAY CENTER (TOP & BASE (A/B)) _____ PLAY CENTER (TOP ONLY)

_____ APPROXIMATE DELIVERY DATE (PLEASE ALLOW TWO WEEKS FROM ORDER)

PLAY CENTER PLACEMENT AND USAGE

A Lottery Play Center may be provided at no charge for each on-line retail location. The Lottery reserves the right to approve the Play Center placement. The Play Center may be used only for the display and use of approved Lottery materials. The Play Center remains the property of the Lottery.

The Play Center may be removed at the Lottery's request due to unauthorized use or the retailer no longer sells lottery on-line games.

RETAILER CONTACT

LOTTERY REPRESENTATIVE

Print Name _____ Date _____

Print Name _____ Date _____

Signature _____

Signature _____

Title _____

Title _____

WHITE - Central Warehouse GREEN - Retail Promotion Specialist CANARY - Regional Sales Office PINK - Sales Department GOLD - Retailer



WEEKLY SETTLEMENT FORM

TUESDAY SETTLEMENT DATE: _____

RETAILER NAME _____

RETAILER NUMBER _____

RETAILER INSTRUCTIONS:

1. On settlement date, obtain 2 copies of your weekly settlement report from your terminal. Staple one report to this form and retain one copy for your records.
2. Enclose this form in your weekly settlement envelope.
3. If you have a billing problem, explain below and check "YES" box for billing problem on outside of weekly settlement envelope. Accounting must review problem to determine if adjustment can be made.

RETAILER'S SIGNATURE _____

DATE _____

**STAPLE
WEEKLY SETTLEMENT REPORT
HERE**

EXPLANATION OF BILLING PROBLEM: _____


SLD - 0133 (6/89) 780.003

Date _____

VIRGINIA LOTTERY
TICKET STOCK REGIONAL DISTRIBUTION FORM

Box Number	Ticket Numbers of Missing Tickets	Issued by	Rcvd by	Date Rcvd	Identification Number

<p>Distribution:</p> <p>WHITE - Regional Security</p> <p>YELLOW - Regional Warehouseman</p> <p>PINK - Technician/LSR</p>	<p>Comments:</p> <p>_____</p> <p>_____</p> <p>_____</p>
---	--



VIRGINIA LOTTERY

HOT LINE REPORT

VIRGINIA LOTTERY CONTROL NUMBER **C-100253** DATE / /

RETAILER NAME _____ RETAILER NUMBER _____

TICKET PROBLEM REPORT REFERENCE NUMBER **P.**

DATE PROBLEM OCCURRED	HR	MIN	SEC	AM	PM
DATE CALL RECEIVED	HR	MIN	SEC	AM	PM
VALUE OF TICKETS \$					

TYPE OF PROBLEM: NO PRINT MISPRINT OTHER

EXPLANATION/RECOMMENDATION: CREDIT DEBIT

TICKET INFORMATION

DRAW DATE: (month) (day) (year) NUMBER OF DRAWS

PICK 3 / PICK 4 LOTTO

EXACT ORDER	()	PLAY A:	-	-	-	-	-	-						
			ANY ORDER	()	PLAY B:	-	-	-	-	-				
						EXACTIANRY	()	PLAY C:	-	-	-	-	-	
									()	PLAY D:	-	-	-	-
											()	PLAY E:	-	-

ON-LINE VALIDATION NUMBER (Number at Bottom of Ticket)

*****LOTTERY USE ONLY*****

ADJUSTMENT: APPROVED <input type="checkbox"/> DENIED <input type="checkbox"/>	INITIALS	DATE
TOTAL ADJUSTMENT APPROVED	CREDIT	DEBIT
LESS COMMISSION	APPROVED BY:	
NET ADJUSTMENT		

EXPLANATION:

ACCOUNTING - when easy HOT LINE - carry copy SECURITY - pass only

X-0070 (2/89)



ON-LINE WEEKLY SETTLEMENT ENVELOPE

ITEM 3: _____

ITEM 4: _____

DO NOT MAIL
THIS ENVELOPE WILL BE PICKED UP BY YOUR LOTTERY SALES REPRESENTATIVE

- PLEASE CHECK ITEMS ENCLOSED**
- ITEM 5 DAILY SIGN-ON SLIPS
 - ITEM 6 CASH TICKETS ENVELOPE
 - ITEM 7 CANCELLED TICKETS ENVELOPE
 - ITEM 8 ON-LINE RETAILER TICKET PROBLEM REPORT
 - ITEM 9 ON-LINE WEEKLY SETTLEMENT REPORT

(SENDER ONLY)


SIGNATURE

(RECIPIENT ONLY)

BILLING PROBLEM?
YES NO

ELD-0127

VIRGINIA LOTTERY ON-LINE GAME SURVEY

LIST NO.	RETAILER NUMBER	CITY/TOWN CODE #	MAJOR NEWSPAPER	CENSUS TRACT	INTERVIEW DATE
LEGAL BUSINESS NAME _____ DSA _____					
PHYSICAL LOCATION ADDRESS _____ CITY/TOWN _____ STATE _____ ZIP _____					
I WISH TO BE SURVEYED FOR ON-LINE GAMES <input type="checkbox"/> YES <input type="checkbox"/> NO			TELEPHONE NUMBERS		
NAME OF PERSON INTERVIEWED (PRINT NAME)		SIGNATURE _____		BUSINESS ()	
TITLE _____		<input type="checkbox"/> PROPRIETOR OPERATED <input type="checkbox"/> MANAGER OPERATED <input type="checkbox"/> CHAIN STORE		TERMINAL PHONE # ()	
DESCRIPTION OF PROPOSED SITE:					
TYPE OF BUSINESS (NAME/NUMBER FROM BUSINESS CLASSIFICATION CODE)					
LENGTH OF TIME AT LOCATION			SAME BUSINESS STYLE		
CURRENT OWNERSHIP			TYPE OF AREA/NEIGHBORHOOD (CHECK ONE)		
			<input type="checkbox"/> URBAN <input type="checkbox"/> SUBURBAN <input type="checkbox"/> RURAL <input type="checkbox"/> SEASONAL <input type="checkbox"/> RESIDENTIAL		
BRIEFLY DESCRIBE AREA BELOW					
DEFINE TARGET MARKET PARAMETERS					
DAILY VEHICLE COUNT ON STREET(S) (Obtain from CITY, COUNTY OR STATE ROAD DEPT.)			TRANSIT STOPS		
DEPT _____ YEAR (Lastest Figure) _____			LAW ENFORCEMENT AGENCY <input type="checkbox"/> CITY <input type="checkbox"/> COUNTY		
NEARBY MAJOR EMPLOYERS OF CUSTOMERS		DISTANCE		NUMBER OF EMPLOYEES	
NAME _____					
LOCATION/PRODUCTS SOLD					
SKETCH MACHINE LOCATION WITHIN SITE: 		ANNUAL GROSS SALES \$ _____		<input type="checkbox"/> VIDEO RENTALS : _____	
		SOURCE _____		<input type="checkbox"/> CHECK CASHING : _____	
		RESTAURANT: FOOD \$ _____		<input type="checkbox"/> PAY PHONES : _____	
		BEVERAGE \$ _____		<input type="checkbox"/> ATM : _____	
		<input type="checkbox"/> SERVICES : _____			
(Approximate Percent Volume by Section)		GAS SALES (\$/Mo) _____			
STORES:		TOTAL CUSTOMERS/WEEK _____			
BEVERAGE: _____ %		FRONT END: _____ %		READER BOARD <input type="checkbox"/> YES <input type="checkbox"/> NO	
DAIRY: _____ %		DELI: _____ %		WILL USE FOR JACKPOT <input type="checkbox"/>	
OTHER: _____ %		GROCERY: _____ %		MAKES OWN SIGNAGE <input type="checkbox"/>	
POINT OF SALES CONVENIENCE AND VISIBILITY: <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5					

BLD-0120 NOTE: ALL SPACES MUST BE COMPLETED BEFORE FORM CAN BE PROCESSED. Page 1



TICKET PROBLEM REPORT

REFERENCE NO. P--

INSTRUCTIONS:

1. CALL VIRGINIA LOTTERY HOT-LINE AT 1-800-654-2500 AT THE TIME PROBLEM OCCURS TO OBTAIN A CONTROL NUMBER.
2. COMPLETE THE FORM AND EXPLAIN PROBLEM BELOW. STAPLE THE PROBLEM TICKET(S) TO THE FORM.
3. KEEP PINK AND GOLDENROD FOR YOUR RECORDS. FORWARD THE WHITE AND YELLOW COPIES IN WEEKLY SETTLEMENT ENVELOPE (TO BE PICKED UP BY LOTTERY SALES REPRESENTATIVE).

DATE ____/____/____ RETAILER _____
 RETAILER NO. [] [] [] [] [] ADDRESS _____
 CITY _____ STATE _____ ZIP _____
 PHONE (____) _____

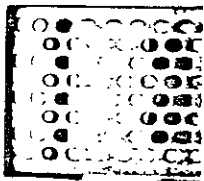
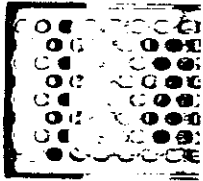
LOTTERY CONTROL NO. _____	VALUE OF TICKET(S): \$ _____
DATE PROBLEM OCCURRED ____/____/____	
TIME PROBLEM OCCURRED ____:____:____ am hr min sec pm	DO NOT CHANGE AMOUNT DUE ON WEEKLY SETTLEMENT REPORT. ADJUSTMENTS WILL BE MADE BY LOTTERY HEADQUARTERS.

TYPE OF TICKET PROBLEM: No Print Misprinted Other

EXPLANATION

STAPLE TICKET HERE

ON-LINE VALIDATION NUMBER
 Number at Bottom of Ticket:



CANCELLED TICKETS ENVELOPE

RETAILER NUMBER				

NUMBER OF TICKETS ENCLOSED	

RETAIL VALUE OF TICKETS ENCLOSED				

TUESDAY SETTLEMENT DATE		
Month	Day	Year

STAPLE EACH CANCELLED TICKET TO THE CORRESPONDING PLAYER TICKET.

SLD-0124



RETAILER AGREEMENT FORM

This agreement between the State Lottery Department ("Department") and the Retailer ("Retailer") named below, in consideration of the \$275 non-refundable terminal installation fee paid by the Retailer, entitles the Retailer to an On-Line Retailer License to sell On-Line and Instant lottery tickets at the specified location.

1. RETAILER'S BUSINESS NAME: _____

ADDRESS: _____
 Street City Zip Code

Retailer Identification Number: _____

2. Retailer shall comply with all applicable state and federal laws, Department rules and regulations, license terms and conditions, specific rules for all applicable lottery games, and directives and instructions which may be issued by the Department.

3. It is understood that this does not constitute a lease for on-line equipment but is an arrangement whereby the on-line retailer, as a license of the Department, maintains sole custody of the equipment during the active term of the license. All equipment, manuals, tapes, cards, computer printouts, ticket stock, and other items furnished to the Retailer for use with on-line and instant games shall at all times remain the sole property of the Department.

4. The Department reserves the right to discontinue operation of an on-line terminal without notice, order its removal from the Retailer's premises, and revoke the Retailer's license in the event that: a) the on-line Retailer fails to comply with any rule established by the Department, or any instruction issued by the Director of the Department; b) the Department suspends or revokes the Retailer's license to sell lottery tickets; or c) the Retailer fails to make payment of a prize or makes payment with a business check which is dishonored.

5. The Retailer agrees to submit the following forms:

- a. Signed EFT Authorization form with a voided check or deposit slip from the specified account.
- b. Executed bond requirement. (See On-Line Game Regulations-Part II. Section 2.4)
- c. Signed Retailer agreement.

6. The Retailer recognizes that this license is a privilege and not a right. The license issued by the Department authorizes the business named above to act as an on-line Retailer at the location specified in the license. The license is not transferrable to any other business, person, or location.

7. The Retailer understands and agrees that, in addition to the provisions of this Agreement, he has read, understands and agrees to abide and be bound by all rules and regulations adopted by the Department.

SIGNATURES: _____
 PRINT NAME: _____
 TITLE: _____
 DATE: _____

WHITE-Department PINK-Retailer YELLOW-Retailer

SLD-0130 (1/89)

X-0105 6/99

COMMONWEALTH of VIRGINIA
STATE LOTTERY DEPARTMENT

A/R ONLINE ACCOUNTING TRANSACTION FORM

REFERENCE # _____
DATE _____

AGENT NO:	AGENT NAME:	TRANSACTION AMOUNT:
-----------	-------------	---------------------

	TRAN CODE	DESCRIPTION	GL JOURNAL NO: _____
<input checked="" type="checkbox"/>	8	CM - Account Credit	
<input type="checkbox"/>	9	DM - Account Charge	
<input type="checkbox"/>	11	DM - Cash Transfer	
<input type="checkbox"/>	12	DM - Chargeback NSF	
<input type="checkbox"/>	13	DM - Interest on NSF	
<input type="checkbox"/>	14	DM - Penalty	
<input type="checkbox"/>	15	DM - Regional Adjustment	

Comments: _____

Approved: _____ Date: _____

Entered: _____ Date: _____

White: Accounting Yellow: Retailer Pink: General Ledger



CASH TICKETS ENVELOPE

RETAILER NUMBER					

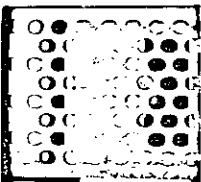
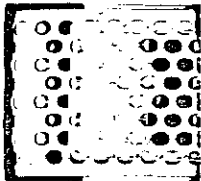
NUMBER OF TICKETS ENCLOSED

PRIZE VALUE OF TICKETS ENCLOSED					

TUESDAY SETTLEMENT DATE					
Month	Day	Year			

**EACH CASH TICKET MUST
BE STAPLED TO THE
CORRESPONDING PLAYER TICKET.**

8LD-0125





COMMONWEALTH of VIRGINIA

State Lottery Department

P.O. Box 4689, Richmond, Virginia 23220

(804) 367-9130

Kenneth W. Thorson
DirectorVIRGINIA LOTTERY BOARD
H. Stuart Knight
The Honorable William F. Parkerson, Jr.
Henry Thompson Tucker, Jr.
Dr. Cynthia Maudslayi Tyson
The Honorable G. William Whitshurst

ON-LINE LICENSE APPROVAL NOTICE

Dear Lottery Retailer:

Congratulations! Your business has been selected as an on-line retailer. Soon after you have signed and returned the enclosed agreement form and completed the requirements set forth below, the Lottery will initiate the steps necessary for installation of an on-line terminal for your location. This letter and the enclosed materials explain what you have to do to complete this process and receive your new license.

As an on-line retailer, you are required to provide \$10,000 surety bond coverage for your on-line terminal location(s). This may be done by having your current instant ticket \$5,000 bond amended to the \$10,000 amount or by securing a new bond.

You must also authorize access to an electronic funds transfer (EFT) bank account to be used exclusively for lottery settlement. You can use your current EFT account that you established for the instant games.

Also enclosed with this notice is a summary of the duties and responsibilities of the lottery and on-line retailers. Please take a few moments to read the enclosed information.

After you have reviewed this information, please do the following:

- (1) Complete and return the On-Line Agreement form;
- (2) Purchase or amend your bond to show \$10,000 coverage and provide the original of the surety bond certificate and the surety company's power of attorney;
- (3) Complete and return the on-line electronic funds transfer (EFT) agreement form; and
- (4) Return a check payable to the State Lottery Department in the amount of \$275.00.

If you have any questions, please contact our licensing service representative at (804) 367-9236.

Sincerely,

Larry J. Gray
Deputy Director

Enclosures

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1. THE LOTTERY WILL (at no cost to you):

- a. Provide an on-line terminal for the sale and cancellation of on-line tickets, the validation of winning tickets and the production of management reports.
- b. Arrange for the installation of the telecommunications lines.
- c. Provide advertising for the on-line games.
- d. Provide point-of-sale material, signage and other forms of merchant sale aids.
- e. Provide marketing and advertising assistance to the retailer.
- f. Provide training on the operation of the on-line terminal for the sale, redemption and cancellation of the on-line tickets.
- g. Supply the retailer playslips, ticket stock, weekly settlement envelopes, and all other forms required for on-line games.
- h. Provide mechanical and electrical maintenance and repairs to the on-line terminal.
- i. Provide funds to the retailer, when necessary, if any required payment of on-line prizes exceeds retailer's sales since the last settlement date.

2. THE RETAILER SHALL:

- a. Pay to the Lottery a non-refundable amount of \$275 in advance to cover the Lottery's cost for initial installation expenses and will be assessed a weekly charge of \$15 for the on-line telecommunication line charges.
- b. Attend such training sessions as the Lottery shall provide to ensure that the retailer and employees are properly trained in the operation of the on-line terminal.
- c. Provide secure storage for the on-line terminal supplies and a secure area for the on-line terminal, cancelled tickets, and tickets on which payments have been paid.
- d. Locate secure cash storage within close proximity to the on-line terminal.
- e. Provide for the sale of all Lottery products.
- f. Exercise due diligence in the operation of the on-line terminal and shall immediately notify the Lottery of any telephone line or on-line terminal malfunction.
- g. Not perform mechanical or electrical maintenance on the on-line terminal, but may replace ribbons and on-line ticket stock and minor machine corrections per the instructions provided by the Lottery.
- h. Conduct the sale, redemption, and cancellation of on-line tickets during all hours and days the retailer's business is open and the on-line system is functioning.

THINGS TO DO

ON-LINE RETAILER

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- i. Immediately pay each valid winning on-line ticket claim of less than \$600.
- j. Stamp, mark or otherwise identify all cancelled on-line tickets and winning on-line tickets that have been paid and submit these along with the "cancel" and "pay" tickets to the Lottery as part of the payment process.
- k. Provide the proper claim forms and instructions to each bearer of a winning ticket of \$600 or more.
- l. Post each winning number prominently where tickets are sold as soon as possible following the drawing.
- m. Be responsible for the loss of or damages to the on-line terminal equipment which results from the retailer's negligence or intentional acts.
- n. Provide a bond in the amount of \$10,000 made payable to the State Lottery Department.
- o. Establish and maintain a special electronic funds transfer bank account to be used exclusively for lottery business.

3. INSTALLATION:

- a. The retailer will provide, prior to installation of the on-line terminal, an electrical duplex-grounded outlet on a separate circuit that remains operational 24 hours a day. The circuit shall be 110 volts AC, 60 Hz nominal and a 20 amp circuit breaker. The outlet shall be located within six feet of the on-line terminal and in an area where the public does not have access.
- b. The retailer will locate the on-line terminal within the retailer's premises at a point of sale approved by the Lottery. The retailer shall not move the terminal unless the retailer follows the procedures established by the Director, including reimbursing the Lottery for any telephone charges associated with the change of location if the retailer requests the change.

4. COMPENSATION:

- a. In consideration for properly performing its duties and responsibilities, the licensed retailer shall receive 5.0% compensation on all net sales from on-line games. "Net sales" are gross sales less cancels.

**Check box
When Complete**

Task

Sign on-line Retailer agreement form.

Submit \$275.00 check for telecommunications installation fee.

Specify bank account number for electronic funds transfer settlement.

Provide lottery with proof of \$10,000 bond.

Mark area near terminal counter with stickers for Installers (TELCO and A.C. power).

Prepare counter space for terminal installation.

Attend training as scheduled.



SURETY COMPANY BOND # _____

**COMMONWEALTH OF VIRGINIA
LOTTERY RETAILER SURETY BOND**

KNOW ALL MEN BY THESE PRESENTS: That we, _____
as Principal and _____, incorporated under the laws of the State
of _____ and authorized to do business in the Commonwealth of Virginia, as Surety,
are held and firmly bound unto the State Lottery Department, Commonwealth of Virginia, as obligee,
in the penal sum of Five Thousand and no/100 Dollars (\$5,000), lawful money of the United States
of America, for which payment, well and truly to be made, we bind ourselves, our heirs, executors,
administrator, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the above bound Principal has obtained or is about to obtain from the Obligee a
license as a Lottery Retailer at the following physical location: _____
and the term of said license shall be for a period of
one year effective during the month of the lottery retailer's license approval,

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH,
that if the above bound Principal shall make payment of all sums due the Obligee for lottery tickets
and proceeds and comply with all statutes, rules, and regulations pertaining to said license, than this
obligation shall be null and void, otherwise to remain in full force and effect.

PROVIDED, that this bond shall be effective on _____, 19____, and shall
continue in force for one year, unless said bond is continued in force from year to year by the
issuance of a continuation certificate executed by the Surety hereon; and

PROVIDED FURTHER, that regardless of the number of years this bond shall continue in
force, the Surety shall not be liable hereunder for a larger amount, in the aggregate, than the amount
of this bond, and

PROVIDED FURTHER, this bond may be cancelled by the Surety as to subsequent liability
by giving thirty (30) days notice in writing by certified mail to the Director, State Lottery Department,
P. O. Box 4689, Richmond, VA 23220.

Signed and sealed this ____ day of _____, 19____.

Surety (Seal) Principal

By: _____ By: _____

SEE REVERSE SIDE FOR ACKNOWLEDGMENT OF SURETY
PLEASE RETURN THIS BOND TO THE LOTTERY

GOVERNOR

GOVERNOR'S COMMENTS ON PROPOSED REGULATIONS

(Required by § 9-6.12:9.1 of the Code of Virginia)

DEPARTMENT OF CORRECTIONS

Title of Regulation: VR 230-30-002. Community Diversion
Program Standards.

Governor's Comment:

I have no substantive objection to these regulations. I would, however, urge the Department of Corrections to continue to work closely with local Community Corrections Resources Boards to assist the local boards to develop appropriate eligibility criteria for participation in local Community Diversion Incentive (CDI) programs.

/s/ Gerald L. Baliles
Date: August 10, 1989

GENERAL NOTICES/ERRATA

Symbol Key †

† Indicates entries since last publication of the Virginia Register

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES (BOARD OF)

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Agriculture and Consumer Services intends to consider amending regulations entitled: **VR 115-01-01. Rules Governing the Solicitation of Contributions.** The purpose of the proposed action is to (i) review the regulations for currency and continued need; (ii) define certain terms contained in statute regarding exemption from annual registration; (iii) specify pursuant to § 57-55.2 (i) of the Code of Virginia the name or names by which a professional solicitor may identify himself and his employer; and (iv) consider other measures to enforce the Solicitation of Contributions Law (§§ 57-48 et seq. of the Code of Virginia) and to assure uniform regulation of charitable solicitations throughout the Commonwealth.

Drafts of the amended regulations will be sent to those who respond to this notice.

Statutory Authority: §§ 57-66 of the Code of Virginia.

Written comments may be submitted until October 15, 1989.

Contact: Jo Freeman, Chair, Revisions Committee, Department of Agriculture and Consumer Services, Division of Consumer Affairs, 1100 Bank St., P.O. Box 1163, Richmond, VA 23209, telephone (804) 786-1343, toll-free 1-800-552-9963 or SCATS 786-1343

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Agriculture and Consumer Services intends to consider amending regulations entitled: **VR 115-04-04. Rules and Regulations for the Enforcement of the Virginia Weights and Measures Law.** The purpose of the proposed action is to adopt the standards of the National Conference on Weights and Measures pertaining to the Method of Sale of Clams, Mussels, and Oysters. These standards are contained in NBS Handbook 130, 1989 edition.

NBS Handbook 130 provides, as follows, with respect to the Method of Sale of Clams, Mussels, and Oysters:

1.5.3. Clams, Mussels, and Oysters

1.5.3.1. Processed clams, mussels, or oysters on the half shell (fresh or frozen) shall be sold by weight excluding the weight of the shell.

1.5.3.2. Canned (heat-processed) mussels, clams, or oysters shall be sold by net weight. A maximum of 41% free liquid by weight is permitted for canned oysters.

1.5.3.3. Fresh oysters, clams, or mussels removed from the shell and placed in a container shall be sold by fluid volume. A maximum of 15% free liquid by weight is permitted.

1.5.3.4. Whole clams, oysters, or mussels in the shell (fresh or frozen) shall be sold by weight (including the weight of the shell, but not including the liquid or ice packed with them), dry measure (e.g., bushel), and/or count. In addition, size designations may be provided.

Statutory Authority: § 3.1-926 of the Code of Virginia.

Written comments may be submitted until 5 p.m., September 29, 1989.

Contact: J. Alan Rogers, Bureau Chief, Virginia Weights and Measures Bureau, Department of Agriculture and Consumer Services, P.O. Box 1163, Room 402, Richmond, VA 23209, telephone (804) 786-2476 or SCATS 786-2476

STATE AIR POLLUTION CONTROL BOARD

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Air Pollution Control Board intends to consider amending regulations entitled: **VR 120-01. Regulations for the Control and Abatement of Air Pollution.** The purpose of the proposed action is to require the owner to limit source emissions of noncriteria pollutants to a level that will not produce ambient air concentrations that may cause, or contribute to, the endangerment of public health.

A public meeting will be held on September 20, 1989, at 10 a.m. in House Committee Room 1, State Capitol Building, Richmond, Virginia, to receive input on the development of the proposed regulations.

Statutory Authority: § 10.1-1308 of the Code of Virginia.

Written comments may be submitted until September 20,

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1989, to Director of Program Development, Department of Air Pollution Control, P.O. Box 10089, Richmond, Virginia 23240.

Contact: Nancy S. Saylor, Policy and Program Analyst, Division of Program Development, Department of Air Pollution Control, P.O. Box 10089, Richmond, VA 23240, telephone (804) 786-1249 or SCATS 786-1249

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Air Pollution Control Board intends to consider amending regulations entitled: **VR 120-01. Regulations for the Control and Abatement of Air Pollution.** The purpose of the proposed regulation is to enhance the Department of Air Pollution Control's ability to ensure compliance with emission standards by requiring a permit to operate.

A public meeting will be held on September 27, 1989, at 10 a.m. in House Committee Room 1, State Capitol Building, Richmond, Virginia to receive input on the development of the proposed regulation.

Statutory Authority: § 10.1-1308 of the Code of Virginia.

Written comments may be submitted until September 27, 1989, to Director of Program Development, Department of Air Pollution Control, P.O. Box 10089, Richmond, VA 23240.

Contact: Nancy S. Saylor, Policy and Program Analyst, Division of Program Development, Department of Air Pollution Control, P.O. Box 10089, Richmond, VA 23240, telephone (804) 786-1249 or SCATS 786-1249

VIRGINIA ATHLETIC BOARD

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Athletic Board intends to consider amending regulations entitled: **Virginia Athletic Board Rules and Regulations.** The purpose of the proposed action is to promulgate and amend technical rules and equipment requirements for the safety of contestants. Standard of conduct pertaining to controlled narcotic substances. Repeal outdated technical rules.

Statutory Authority: § 54.1-805 of the Code of Virginia.

Written comments may be submitted until September 15, 1989.

Contact: C. Douglas Beavers, Assistant Director, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8507 or toll-free 1-800-552-3016

VIRGINIA EMPLOYMENT COMMISSION

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Employment Commission intends to consider amending regulations entitled: **VR 300-01-3. Benefits.** The purpose of this action is to clarify the conditions under which training is approved by the commission so as to allow claimants for unemployment insurance to meet the requirements that they be available for work or actively seeking work during weeks they are enrolled in and regularly attending such training.

The proposed amendment is intended to permit claimants for Unemployment Insurance to obtain commission approval of a training course when it conforms to the usual and customary educational and industrial requirements.

Statutory Authority: § 60.2-111 of the Code of Virginia.

Written comments may be submitted until September 27, 1989.

Contact: Joseph L. Hayes, Manager, Administration and Appeals, Virginia Employment Commission, P.O. Box 1358, Richmond, VA 23211, telephone (804) 786-7554 or SCATS 786-7554

VIRGINIA HEALTH SERVICES COST REVIEW COUNCIL

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Health Services Cost Review Council intends to consider amending regulations entitled: **Rules and Regulations of the Virginia Health Services Cost Review Council.** The purpose of the proposed action is to (i) bring licensed nursing homes or certified nursing facilities under the financial reporting and review of the Cost Review Council; (ii) require an audited consolidated financial statement from each hospital that reports to the council or any corporation which controls a hospital which includes a balance sheet detailing its total assets, liabilities and net worth and a statement of income and expenses and includes all such corporation's affiliates.

Statutory Authority: § 9-164 of the Code of Virginia.

Written comments may be submitted until September 15, 1989.

Contact: Ann Y. McGee, Director, Virginia Health Services Cost Review Council, 805 E. Broad St., 6th Floor, Richmond, VA 23219, telephone (804) 786-6371 or SCATS 786-6371

BOARD OF MEDICINE

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Medicine intends to consider amending regulations entitled: **VR 465-02-01. Regulations Governing the Practice of Medicine, Osteopathic Medicine, Chiropractic, Clinical Psychology, Podiatry, Acupuncture, and Other Healing Arts.** The purpose of the proposed action is to amend Part I - General Provisions to add new §§ 1.6. Misleading or Deceptive Advertising and 1.7. Anabolic Steroids.

Statutory Authority: § 54.1-2400 of the Code of Virginia.

Written comments may be submitted until September 28, 1989.

Contact: Eugenia K. Dorson, Deputy Executive Director, Board of Medicine, 1601 Rolling Hills Dr., Surry Bldg., 2nd Floor, Richmond, VA 23229-5005, telephone (804) 662-9925

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Medicine intends to consider amending regulations entitled: **VR 465-03-01. Physical Therapy.** The purpose of the proposed action is to amend Part V - Practice of Physical Therapy, § 5.3 - Supervisory responsibilities, F. Supervision of personnel in Mental Health Institutions and Part IX - Fees, Section I - Lapsed License - Reinstatement.

Statutory Authority: § 54.1-2400 of the Code of Virginia.

Written comments may be submitted until September 28, 1989.

Contact: Eugenia K. Dorson, Deputy Executive Director, 1601 Rolling Hills Dr., Surry Bldg., 2nd Floor, Richmond, VA 23229-5005, telephone (804) 662-9925

DEPARTMENT OF MOTOR VEHICLES

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Motor Vehicles intends to consider promulgating regulations entitled: **VR 485-60-8901. Motor Vehicle Dealer Advertising Practices and Enforcement Regulations.** The purpose of the proposed regulation is to ensure that the advertising of motor vehicles is honest, fair, and clear and that deceptive or misleading advertising of the retail sales of motor vehicles as described in Motor Vehicle Dealer Advertising, Code of Virginia, Chapter 7, § 46.1-550.5:39 et seq. should be prohibited.

These permanent regulations will replace the emergency

regulations (VR 485-60-8901) which were adopted and effective July 1, 1989.

Statutory Authority: §§ 46.1-26 and 46.1-550.5:41 of the Code of Virginia.

Written comments may be submitted until September 22, 1989.

Contact: William A. Malanima, Manager, Dealer and Records Division, Virginia Department of Motor Vehicles, P.O. Box 27412, Richmond, VA 23269, telephone (804) 367-0455 or SCATS 367-0455

DEPARTMENT OF SOCIAL SERVICES (STATE BOARD OF)

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Board of Social Services intends to consider amending regulations entitled: **Employment Services Program.** The purpose of the proposed action is to amend the current Employment Services Program to include requirements of the Job Opportunities and Basic Skills Training (JOBS) Program of the Family Support Act of 1988.

Statutory Authority: § 63.1-25 of the Code of Virginia.

Written comments may be submitted until October 9, 1989, to Joan Kerby, Department of Social Services, 8007 Discovery Drive, Richmond, Virginia 23229-8699.

Contact: Peggy Friedenber, Legislative Analyst, Department of Social Services, Division of Service Programs, 8007 Discovery Dr., Richmond, VA 23229-8699, telephone (804) 662-9217 or SCATS 662-9217

VIRGINIA SOIL AND WATER CONSERVATION BOARD

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Soil and Water Conservation Board intends to consider promulgating regulations entitled: **VR 625-03-00. Flood Prevention and Protection Assistance Fund.** The purpose of the proposed regulation is to make grants or loans to any city, county, town, water authority, service authority or taxing district for the purpose of assisting local sponsors in providing required matching funds for flood prevention or protection, or for flood prevention or protection studies conducted by agencies of the federal government.

Statutory Authority: § 10.1-603.18 of the Code of Virginia.

Written comments may be submitted until October 1, 1989, to Leon E. App, Executive Assistant, Department of

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Conservation and Recreation, 203 Governor Street, Suite 302, Richmond, Virginia 23219.

Contact: L. S. Button, Jr., Bureau of Dam Safety and Floodplain Programs Manager, Department of Conservation and Recreation, Division of Soil and Water Conservation, 203 Governor St., Suite 238, Richmond, VA 23219, telephone (804) 371-7536 or SCATS 371-7536

GENERAL NOTICES

DEPARTMENT OF HEALTH

Notice of Intent to Solicit Comments on the Proposed WIC Program State Plan of Program Operations and Administration for Federal Fiscal Year 1990

Notice is hereby given that the Special Supplemental Food Program for Women, Infants and Children (WIC) is soliciting additional comments from the general public regarding its proposed WIC State Plan for Federal FY 1990.

The WIC State Plan includes state goals and objectives for FY 1990, names and addresses of local agencies, a map identifying the areas being served, an affirmative action plan, a description of the financial management system, fair hearing procedures, state agency monitoring procedures, an outreach program description, a plan for the provision of nutrition education, a description of the methods used to certify participants, the specific nutritional risk criteria used to determine a person's eligibility, a description of the food delivery system and other sections required by federal regulations.

The State WIC Office has provided one copy of the proposed State Plan for public review at the headquarters office in each of the state's 36 health districts. The location of the office in your area may be obtained by calling your local health department or the State WIC Office at (804) 786-5420. Additional copies of the proposed State Plan are available on a limited basis upon request.

Those individuals wishing to comment in person on the proposed State Plan are invited to attend a public hearing from 1 - 5 p.m. on September 12, 1989, in the Main Floor Conference Room, James Madison Building, 109 Governor Street, Richmond, VA 23319.

Written comments will be accepted until 5 p.m. on October 13, 1989, and should be sent to:

WIC Program Director
State Department of Health
109 Governor Street - 6th Floor
Richmond, Virginia 23219

DEPARTMENT OF LABOR AND INDUSTRY

September 11, 1989 - 7 p.m. - Open Meeting
Roanoke County Administration Building, 3738 Brambleton Avenue, S.W., Roanoke, Virginia

September 13, 1989 - 7 p.m. - Open Meeting
Department of Motor Vehicles, Military Circle Branch, 5745 Poplar Hall Drive, Norfolk, Virginia

September 14, 1989 - 7 p.m. - Open Meeting
Fairfax City Council Chambers, 10455 Armstrong Street, Room 305, Fairfax, Virginia

September 18, 1989 - 7 p.m. - Open Meeting
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia

In accordance with this agency's public participation guidelines, comments on a proposed Standard for Boiler and Pressure Vessel Operator Certification, VR 425-01-64, will be accepted at the open meeting listed. The standard can be found in the proposed regulations section of this issue of The Virginia Register. Oral comments to be presented must be accompanied by a written copy. Written comments will be accepted at the meetings or by mail to John J. Crisanti, Policy Analyst, Department of Labor and Industry, P.O. Box 12064, Richmond, Virginia, through October 30, 1989.

* * * * *

† Notice to the Public of Adoption of Agency Policy Statement Concerning the Recommendation of Manslaughter Charges as a Result of Workplace Fatalities

Notice is given that the Commissioner of the Virginia Department of Labor and Industry has adopted an Agency Policy Statement concerning the recommendation of Manslaughter Charges as a Result of Workplace Fatalities. The Policy Statement that follows shows changes made to the original draft policy statement by italicizing new language and striking through language to be deleted.

The effective date for the Agency Policy Statement is October 1, 1989.

The final changes being made to the policy statement are the result of comments received from the public and Commonwealth's Attorneys.

The internal procedures listed in the policy statement are not subject to the formal notice and comment procedures required under the Virginia Administrative Process Act.

AGENCY POLICY STATEMENT

Subject: Manslaughter Charges as a Result of Workplace Fatalities

Effective Date: October 1, 1989

I. Purpose:

The purpose of This policy statement is to establish a uniform policy for determining when a charge of the appropriateness of bringing manslaughter charges as a result of a when a death occurs in the workplace . fatality is appropriate. This policy addresses how such cases shall be investigated, and how the investigation shall be coordinated with the appropriate Commonwealth's Attorney.

II. Background:

A. Statutory Law

Section § 40.1-49.4 of the Code of Virginia provides for misdemeanor sanctions against any "employer" who willfully violates provisions of the Occupational Safety and Health laws and regulations when that violation results in the death of an employee. There may be cases, however, where a person's conduct is so egregious that a more stringent criminal penalty is warranted. In these these cases, the department may recommend that the appropriate Commonwealth's Attorney bring a charge of manslaughter against the violator.

A recent The United States Supreme Court ruling has defined defines "willful" violations in a civil context to include those situations where the employer exhibits a conscious disregard for the provisions of the Act or a plain indifference to the Act's requirements. *McLaughlin v. Richland Shoe Company*, 56 USLW 4433, 4436 (1988).

When an employer wilfully violates safety and health laws or regulations, and an employee is killed as a result, the employer can be cited by the department can cite the employer for a civil willful violation. In these cases which meet the criteria of Chapter IV of the VOSH Field Operations Manual (attached), the Commonwealth's Attorney may also charge the employer may also be charged with a criminal misdemeanor by the Commonwealth's Attorney under § 40.1-49.4(K).

B. Common Law

The criminal laws of Virginia provide for felony sanctions where the conduct resulting in death is:

so flagrant, culpable, and wanton as to show utter disregard of the safety of others under circumstances likely to cause injury.

King v. Commonwealth, 217 Va. 601, 606, 321 S.E.2d 312, 316 (1977). Where the death is an unintentional result of such flagrant, culpable, or wanton conduct, a charge of involuntary manslaughter is appropriate.

Under the common law, a person who involuntarily takes the life of another , (1) in the "performance of an unlawful but not felonious act," or , (2) in the "improper performance of a lawful act," can be charged with involuntary manslaughter.

Where the charge is the "improper performance of a lawful act," the act must be more than mere negligence. The negligent conduct must be "performed in a manner so gross, wanton, and culpable as to show a reckless disregard for human life." *Gooden v. Commonwealth*, 226 Va. 565, 571, 311 S.E.2d 780, 784 (1984). See also *Davis v. Commonwealth*, 230 Va. 201, 206, 335 S.E.2d 375, 378 (1985).

Virginia Courts have found find such a "callous disregard for human life" where when the defendant has violated violates a safety and that the violation was is the proximate cause of the fatal accident. In the case of *Beck v. Commonwealth*, 216 Va. 1, 216 S.E.2d 8 (1975), a manslaughter charge was upheld where the defendant was driving while intoxicated (violating a safety statute), and his actions resulted in the death of killed two pedestrians. However, in a later case, *King v. Commonwealth*, 217 Va. 601, 231 S.E.2d 312 (1977), the Commonwealth was unsuccessful in arguing that the defendant's driving at night without headlights (as required by statute) was constituted criminal negligence. The Court stated held that not every "statutory violation that proximately causes death constitutes involuntary manslaughter." *Id.* at 605, 231 S.E.2d at 316. The violation of a statute falls within the common law definition of involuntary manslaughter where it is:

so flagrant, culpable, and wanton as to show utter disregard of the safety of others under circumstances likely to cause injury. ...Inadvertent acts of negligence, without recklessness, while giving rise to civil liability, will not suffice to impose criminal responsibility...Intentional, willful, and wanton violations of safety statutes, resulting in death, however, will justify conviction of involuntary manslaughter.

Id. at 606, 231, S.E.2d at 316. See also *Darnell v. Commonwealth*, 6 Va. App. 485, 489, 370 S.E.2d 717, 719 (1988).

III. Statement of Policy

A. General:

It shall be is the Department's policy of the Department to recommend felony prosecution for manslaughter of any natural person whose flagrant, culpable, or wanton violation of the Occupational Safety and Health laws and regulation results in the death of an employee.

Because these charges are criminal, it shall further be

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is the Department's policy of the Department to coordinate investigation of such fatalities with the local police or sheriff's office, and with the Commonwealth's Attorney. The Commonwealth's Attorney shall make the final decision whether to pursue a manslaughter charge.

Misdemeanor charges for criminal willful violations of the VOSH law under § 40.1-49.4(k) will only be brought against the "employer" (as defined by statute and case law) in circumstances meeting the criteria of the F.O.M. Chapter 4. This charge can be brought against any legal entity that is an employer, including corporations and natural persons. Individuals may also be charged as aiders and abettors of the employer. Va. Code §§ 18.2-18 to 18.2-21. As with felony prosecutions, final discretion as to whether to pursue charges lies with the appropriate Commonwealth's Attorney.

Manslaughter charges, on the other hand, will be brought against "any natural person" whose flagrant, culpable, and wanton conduct brings about the death of an employee.

B. Definitions:

For the purposes of this policy, any "Natural person" shall mean means any individual having direction, management, control, or custody of any worksite, place of employment, employee and shall exclude excluding corporate or other legal entities.

C. Criteria For Determining When a Manslaughter Charge is Appropriate:

1. In order To establish grounds for a manslaughter charge, the CSHO must document that the death occurred as the result of either:

a. the performance of some unlawful, but not felonious, act, OR

b. the improper performance of a lawful act.

2. If the charge is based on 1(a)(above), i.e. an unlawful but not felonious act, the CSHO must document that:

a. the individual whose conduct brought brings about the death committed a misdemeanor violation of Virginia law.

[Note: This element is established in those cases where the responsible individual is also the "employer" and has thus committed a criminal willful violation of VOSH standards under § 40.1-49.4(K). The criminal willful misdemeanor violation could be considered a lesser included offense. It is not established where the responsible individual is a co-worker or person outside of the

supervisory chain-of-command];

AND

b. the statutory violation is so flagrant, culpable, and wanton as to show utter disregard of the safety of others under circumstances likely to cause injury.

[Note: An accidental or inadvertent act of negligence will not support a charge of involuntary manslaughter];

AND

c. the statutory violation is the proximate cause of the victim's death.

[Note: If several factors contributed to the victim's death, and the statutory violation was one of the contributing causes, this element is satisfied.]

Example:

A foreman in charge of a construction site decides that a job is moving too slowly for proper safety precautions, and He orders employees to enter a 12 foot deep trench with vertical unshored walls. This same foreman had been was responsible for earlier violations of VOSH trench standards and has clear knowledge of the requirements for sloping and shoring.

If the trench caves in , resulting in a fatality, the employer would be cited by VOSH for a civil willful violation of VOSH standards . and a In addition, a recommendation for criminal willful charges against the "employer" under § 40.1-49.4(K) would be made to the appropriate Commonwealth's Attorney.

Because the foreman committed a nonfelonious criminal violation of the statute, and because his conduct, considering his actual or imputed knowledge of the dangers of unshored trenches, was is flagrant, culpable, and proximately caused the employee's death, a manslaughter charge would be is appropriate.

3. If the charge is based on 1(b)(above), i.e., the improper performance of a lawful act, the CSHO must document that the individual whose conduct brought about the death was negligent in the performance of his duty, and the negligence was so gross and culpable as to indicate a callous disregard of human life. Each element should be analyzed separately:

a. the individual had has a legal duty under § 40.1-51.1(a) to provide a workplace free from recognized hazards and to comply with Virginia Occupational Safety and Health laws and regulations; OR

the individual had has a legal duty under §

40.1-51.2(a) to comply with Virginia Occupational Safety and Health laws and regulations; OR

the individual ~~had~~ has a legal duty imposed by contract to protect employee safety and health;

AND

b. the individual negligently breached that duty;

AND

c. the individual's negligent breach of duty was the proximate cause of the victim's death;

AND

d. the negligence was so reckless, wanton, and flagrant as to indicate a callous disregard for human life.

Example:

An example of this type of manslaughter would be the A foreman ~~who~~ sends an untrained maintenance employee to paint an unlocked enclosure for an electrical installation, and, knowing that the electrical bost was *is* live, fails to warn the employee about exposed live parts or *fails* to instruct him in methods of disconnecting live equipment, resulting in the electrocution of the employee.

A second example would be the *highrise construction site* is where a county building inspector at a *highrise construction site* tells the General Contractor, the Safety Director, and the Subcontractor's foreman on 3 occasions to replace missing guardrails on the 10th floor. The project is under a deadline and all 3 men ignore his warnings, and a worker then falls from the unguarded 10th floor.

In both cases, the persons responsible ~~had~~ have either a statutory or contractual responsibility for the safety of the employees; they breached that duty by failing to take action (warning/training employee, installing guardrails); and their ~~behavior~~ *conduct* showed a callous disregard for the lives of the deceased employees.

D. Manslaughter Distinguished From Murder

If an individual willfully or purposefully (rather than negligently) embarks on a course of wrongful conduct with an obvious likelihood of death or serious bodily harm, the charge is not manslaughter, but murder. Second degree murder is defined as any purposeful, cruel act committed by one individual against another without great provocation. If the death results from an intentional or malicious omission of the performance of a duty defined in § 3(a), the charge is also murder.

E. Procedure:

1. When a jobsite fatality ~~has occurred~~ *occurs*, the CSHO and *Regional Supervisor* shall follow existing procedures in the Field Operations Manual and the Significant Case Review Policy for fatality investigations. *The Regional Supervisor shall immediately notify (by telephone) local law enforcement officials and the Commonwealth's Attorney of the fatality and VOSH's ongoing investigation.*

2. At any time during the investigation, if the CSHO determines ~~that~~ a willful violation of the Act ~~may~~ have occurred, the CSHO shall immediately notify his ~~her~~ Supervisor. The CSHO, Supervisor, and Enforcement Director shall review the evidence in the case with the *Commissioner, the Assistant Commissioner for Enforcement, and the Director Office of Federal Liaison and Technical Support. The Regional Supervisor shall immediately notify the Commonwealth's Attorney of the CSHO's findings.*

3. If the evidence at this point seems to ~~support~~ *supports* a criminal violation of the Act ~~under the definitions of manslaughter set out in § III(C) above,~~ the Enforcement Director shall notify the Assistant Commissioner, the Commissioner, and the Assistant Attorney General. At the direction of the Commissioner, the ~~CSHO~~ *Regional Supervisor* and/or the Technical Support staff shall immediately consult with the ~~appropriate~~ Commonwealth's Attorney.

4. After the ~~initial~~ *this* determination is made, ~~all~~ *ALL* further stages of the investigation shall be coordinated with local law enforcement officials. The Commonwealth's Attorney may determine the type and scope of investigatory procedures to be followed. *Once the Commonwealth's Attorney is involved in the investigation, the CSHO shall not conduct any further questioning of the principals involved without prior consultation with the Commonwealth's Attorney and the Technical Support Staff. and shall determine whether the investigation has proceeded to a point at which Miranda warnings should be given by local law enforcement officials.*

5. Once the investigation is completed, the Enforcement Director shall review the case and recommend the appropriate course of action to the Assistant Commissioner and Commissioner. The Commissioner, on review of the evidence in the case file, shall recommend a course of action to the Commonwealth's Attorney.

6. If the Commonwealth's Attorney determines that prosecution is warranted, the CSHO and Technical Support staff, at the direction of the Attorney General's Office and the Commissioner, shall provide the Commonwealth's Attorney with all requested support.

General Notices/Errata

IV. Revisions.

None.

V. Impact.

This *policy statement* is not a regulation which requires requiring action on the part of any individual party or entity other than agency employees. This is rather *It is* an internal procedural outline not intended to create any rights or disabilities in third parties.

VI. Reference.

"Criminal/Willful Violations," VOSH F.O.M. Field Operations Manual, Chapter IV, pp. 26-28.

Correction to the Emergency Regulation:

Page 3145, Definitions - "Disclosure," the comma should be removed between time frames to read: "...dollar amounts, time frames, down payments..."

Page 3145, Definitions - "New motor vehicle," the last line of subsection B should read: "...or its distributor to its franchised motor vehicle dealer;..."

Page 3147, § 2.1 L 1, "Bait Advertising," line 7 should read: "...by stock number or vehicle identification..."

NOTICES TO STATE AGENCIES

RE: Forms for filing material on dates for publication in the Virginia Register of Regulations.

All agencies are required to use the appropriate forms when furnishing material and dates for publication in the Virginia Register of Regulations. The forms are supplied by the office of the Registrar of Regulations. If you do not have any forms or you need additional forms, please contact: Jane Chaffin, Virginia Code Commission, P.O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591.

FORMS:

NOTICE OF INTENDED REGULATORY ACTION - RR01
NOTICE OF COMMENT PERIOD - RR02
PROPOSED (Transmittal Sheet) - RR03
FINAL (Transmittal Sheet) - RR04
EMERGENCY (Transmittal Sheet) - RR05
NOTICE OF MEETING - RR06
AGENCY RESPONSE TO LEGISLATIVE OR GUBERNATORIAL OBJECTIONS - RR08
DEPARTMENT OF PLANNING AND BUDGET (Transmittal Sheet) - DPBRR09

Copies of the Virginia Register Form, Style and Procedure Manual may also be obtained from Jane Chaffin at the above address.

ERRATA

DEPARTMENT OF MOTOR VEHICLES

Title of Regulation: VR 485-60-8901. Motor Vehicle Dealer Advertising Practices and Enforcement Regulations.

Publication: 5:21 VA.R. 3144-3148 July 17, 1989

CALENDAR OF EVENTS

Symbols Key

- † Indicates entries since last publication of the Virginia Register
- ☒ Location accessible to handicapped
- ☎ Telecommunications Device for Deaf (TDD)/Voice Designation

NOTICE

Only those meetings which are filed with the Registrar of Regulations by the filing deadline noted at the beginning of this publication are listed. Since some meetings are called on short notice, please be aware that this listing of meetings may be incomplete. Also, all meetings are subject to cancellation and the Virginia Register deadline may preclude a notice of such cancellation.

For additional information on open meetings and public hearings held by the Standing Committees of the Legislature during the interim, please call Legislative Information at (804) 786-6530.

VIRGINIA CODE COMMISSION

EXECUTIVE

BOARD OF AGRICULTURE AND CONSUMER SERVICES

† September 27, 1989 - 9 a.m. - Open Meeting
Washington Building, 1100 Bank Street, Room 204,
Richmond, Virginia. ☒

The board will meet to conduct its regular quarterly meeting and to hold a public hearing at 10 a.m. on a proposal to amend VR 115-02-12 to establish a program in Virginia for the eradication of pseudorabies in swine and to improve the existing regulation's clarity and effectiveness.

Contact: Roy E. Seward, Secretary of the Board, Department of Agriculture and Consumer Services, Washington Bldg., 1100 Bank St., Suite 210, Richmond, VA 23219, telephone (804) 786-3501 or SCATS 786-3501

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES (BOARD OF)

September 27, 1989 - 10 a.m. - Public Hearing
Washington Building, 1100 Bank Street, Board Room, 2nd Floor, Richmond, Virginia. ☒

Notice is hereby given in accordance § 9-6.14:7.1 of the Code of Virginia that the Board of Agriculture and Consumer Services intends to amend regulations entitled: **VR 115-02-12. Health Requirements Governing the Admission of Livestock, Poultry, Companion Animals, and other Animals or Birds into Virginia.** The amendment to the regulation is

necessary to establish a program in Virginia for the eradication of pseudorabies in swine and to improve the regulation's clarity and effectiveness.

Statutory Authority: §§ 3.1-724, 3.1-726 and 3.1-730 of the Code of Virginia.

Written comments may be submitted until August 28, 1989, to William D. Miller, D.V.M., State Veterinarian, Division of Animal Health, Department of Agriculture and Consumer Services, Washington Building, 1100 Bank Street, Suite 600, Richmond, Virginia 23219.

Contact: Paul J. Friedman, D.V.M., Chief, Bureau of Veterinary Services, Division of Animal Health, Department of Agriculture and Consumer Services, Washington Bldg., 1100 Bank St., Suite 600, Richmond, VA 23219, telephone (804) 786-2483 or SCATS 786-2483

* * * * *

September 27, 1989 - 10 a.m. - Public Hearing
Washington Building, 1100 Bank Street, Board Room, 2nd Floor, Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Agriculture and Consumer Services intends to adopt regulations entitled: **VR 115-02-16. Rules and Regulations Governing Pseudorabies in Virginia.** The regulation is necessary to establish a program in Virginia for the eradication of pseudorabies in swine.

Statutory Authority: §§ 3.1-724, 3.1-726 and 3.1-730 of the Code of Virginia.

Written comments may be submitted until August 28, 1989, to William D. Miller, D.V.M., State Veterinarian, Division of Animal Health, Department of Agriculture and Consumer Services, Washington Building, 1100 Bank Street, Suite 600, Richmond, Virginia 23219.

Contact: Paul J. Friedman, D.V.M., Chief, Bureau of Veterinary Services, Division of Animal Health, Department of Agriculture and Consumer Services, Washington Bldg., 1100 Bank St., Suite 600, Richmond, VA 23219, telephone (804) 786-2483 or SCATS 786-2483

DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

September 20, 1989 - 10 a.m. - Public Hearing
2901 Hermitage Road, First Floor Hearing Room,
Richmond, Virginia

Calendar of Events

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Alcoholic Beverage Control Board intends to amend numerous regulations which relate to (i) corporations not being required to be represented by attorneys at initial or appeal hearings with respect to matters involving legal conclusions, examination of witnesses, preparation of briefs or pleadings, (ii) statutory reference changes to the Wine Franchise Act, (iii) permitting more alcoholic beverage advertising inside retail licensee establishments through the use of printed paper and cardboard materials which are not obtained from manufacturers, bottlers or wholesalers, (iv) regulation subsection and subdivision changes, (v) the sale of ice and the cleaning and servicing of equipment, (vi) changing licensee record keeping requirements for beer and 3.2 beverages to two years, and (vii) permitting the 45% food sales ratio requirement for special mixed beverage licensees located in food courts to be determined by reference to the combined sales of all places primarily engaged in the sale of meals or light lunches in a food court.

Statutory Authority: §§ 4-7(1), 4-11, 4-36, 4-69, 4-69.2, 4-72.1, 4-98.14, 4-103(b) and 9-6.14:1 et seq. of the Code of Virginia.

Written comments may be submitted until 10 a.m., September 20, 1989.

Contact: Robert N. Swinson, Secretary to the Board, Alcoholic Beverage Control Board, P.O. Box 27491, Richmond, VA 23261, telephone (804) 367-0616 or SCATS 367-0616

BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS AND LANDSCAPE ARCHITECTS

September 29, 1989 - 9 a.m. - Open Meeting
Department of Commerce, 3600 West Broad Street, Richmond, Virginia. ☐

A meeting to (i) approve minutes of July 27, 1989 meeting; (ii) review and discuss enforcement files; and (iii) review correspondence.

Board for Architects

September 12, 1989 - 9 a.m. - Open Meeting
Department of Commerce, 3600 West Broad Street, Richmond, Virginia. ☐

A meeting to (i) approve minutes from June 2, 1989 meeting; (ii) review correspondence; (iii) review applications; and (iv) review enforcement files.

Contact: Bonnie S. Salzman, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, toll-free 1-800-552-3016 or SCATS

367-8514

BOARD OF AUDIOLOGY AND SPEECH PATHOLOGY

NOTE: CHANGE IN TIME OF MEETING

October 4, 1989 - 8:30 a.m. - Open Meeting
Department of Health Professions, 1601 Rolling Hills Drive, Richmond, Virginia. ☐

A board meeting.

Contact: Meredyth P. Partridge, Executive Director, 1601 Rolling Hills Dr., Richmond, VA 23229-5005, telephone (804) 662-9111

VIRGINIA BOATING ADVISORY BOARD

September 14, 1989 - 10:30 a.m. - Open Meeting
State Capitol, House Room 1, Capitol Square, Richmond, Virginia. ☐

Discussion of and action on issues, legislation and regulations affecting Virginia's recreational boating public.

Contact: Wayland W. Rennie, Chairman, 8411 Patterson Ave., Richmond, VA 23229, telephone (804) 740-7206

BOARD FOR BRANCH PILOTS

NOTE: CHANGE OF HEARING DATE

September 12, 1989 - 9 a.m. - Public Hearing
Virginia Port Authority, World Trade Center, Suite 600, Norfolk, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board for Branch Pilots intends to adopt, amend and repeal regulations entitled: **VR 535-01-01. Branch Pilot Regulations**. The purpose of the proposed amendments is to continue and revise the standards for Branch Pilot licensure, continued licensure and conduct in piloting vessels in Virginia's waters.

Statutory Authority: § 54.1-902 of the Code of Virginia.

Written comments may be submitted until September 5, 1989.

Contact: David E. Dick, Deputy Director, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8500, toll-free 1-800-552-3016 or SCATS 367-8500

† **September 22, 1989 - 10 a.m. - Open Meeting**
Virginia Port Authority, World Trade Center, Suite 600,

Calendar of Events

Norfolk, Virginia. ☒

A meeting to conduct routine business at its regular quarterly business meeting and consider the adoption of final regulations governing branch pilots.

Contact: David E. Dick, Deputy Director, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8500, toll-free 1-800-552-3016 or SCATS 367-8500

STATE BUILDING CODE TECHNICAL REVIEW BOARD

† **September 22, 1989 - 10 a.m.** – Open Meeting
Fourth Street Office Building, 205 North Fourth Street, 2nd Floor Conference Room, Richmond, Virginia. ☒
(Interpreter for deaf provided if requested)

A meeting to (i) consider requests for interpretation of the Virginia Uniform Statewide Building Code; (ii) consider appeals from the rulings of local appeal boards regarding application of the Virginia Uniform Statewide Building Code; and (iii) approve minutes of previous meeting.

Contact: Jack A. Proctor, 205 N. 4th St., Richmond, VA 23219, telephone (804) 786-2319

CHESAPEAKE BAY LOCAL ASSISTANCE BOARD

October 13, 1989 – Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Chesapeake Bay Local Assistance Board intends to adopt regulations entitled: **VR 173-01-00. Public Participation Procedures for the Formulation and Promulgation of Regulations.** These regulations establish public participation procedures for the development or revision of regulations by the Chesapeake Bay Local Assistance Board, in accordance with Administrative Process Act.

Statutory Authority: § 10.1-2103 of the Code of Virginia.

Written comments may be submitted until 5 p.m., October 13, 1989.

Contact: Scott Crafton, Regulatory Assistance Coordinator, Chesapeake Bay Local Assistance Department, 701 Eighth Street Office Bldg., Richmond, VA 23219, telephone (804) 225-3440, toll-free 1-800-243-7229 or SCATS 225-3440

CHILD DAY-CARE COUNCIL

September 14, 1989 - 9 a.m. – Open Meeting
Koger Executive Center, West End, Blair Building, Conference Rooms A & B, 8007 Discovery Drive,

Richmond, Virginia. ☒

The Child Day-Care Council will meet to discuss issues, concerns, and programs that impact licensed child care centers.

Contact: Peggy Friedenber, Legislative Analyst, Office of Governmental Affairs, Department of Social Services, 8007 Discovery Dr., Richmond, VA 23229-8699, telephone (804) 662-9217 or SCATS 662-9217

COUNCIL ON CHILD DAY CARE AND EARLY CHILDHOOD PROGRAMS

† **September 28, 1989 - 10 a.m.** – Open Meeting
Location to be announced. ☒

A regular business meeting.

Biennial Plan Subcommittee

† **September 20, 1989 - 10 a.m.** – Open Meeting
Washington Building, 1100 Bank Street, Suite 1116, Richmond, Virginia. ☒

A regular business meeting.

Contact: Linda Sawyers, Director, Council on Child Day Care and Early Childhood Programs, Washington Bldg., 1100 Bank St., Suite 1116, Richmond, VA 23219, telephone (804) 371-8603 or SCATS 371-8603

CONSORTIUM ON CHILD MENTAL HEALTH

October 4, 1989 - 9 a.m. – Open Meeting
November 1, 1989 - 9 a.m. – Open Meeting
December 6, 1989 - 9 a.m. – Open Meeting
Eighth Street Office Building, 805 East Broad Street, 11th Floor Conference Room, Richmond, Virginia. ☒

A regular business meeting open to the public, followed by an executive session for purposes of confidentiality; and to review applications for funding of services to individuals.

Contact: Wenda Singer, Chair, Virginia Department for Children, 805 E. Broad St., Richmond, VA 23219, telephone (804) 786-2208 or SCATS 786-2208

DEPARTMENT FOR CHILDREN

Child Abuse Fatalities Study Committee

September 28, 1989 - 3 p.m. – Open Meeting
State Capitol, Capitol Square, Senate Room 4, Richmond, Virginia. ☒

A meeting of the legislative study committee reviewing

Calendar of Events

criminal sanctions in child abuse fatality cases.

Contact: Gerardine Luongo, Planner, Virginia Department for Children, 805 E. Broad St., 11th Floor, Eighth Street Office Bldg., Richmond, VA 23219, telephone (804) 786-5399 or SCATS 786-5399

COORDINATING COMMITTEE FOR INTERDEPARTMENTAL LICENSURE AND CERTIFICATION OF RESIDENTIAL FACILITIES FOR CHILDREN

† **October 13, 1989 - 8:30 a.m.** – Open Meeting
† **November 9, 1989 - 8:30 a.m.** – Open Meeting
† **December 8, 1989 - 8:30 a.m.** – Open Meeting
Interdepartmental Licensure and Certification, Office of the Coordinator, Tyler Building, 1603 Santa Rosa Drive, Suite 210, Richmond, Virginia. ☒

Regularly scheduled meetings to consider such administrative and policy issues as may be presented to the committee.

Contact: John Allen, Coordinator, Interdepartmental Licensure and Certification, Office of the Coordinator, 8007 Discovery Dr., Richmond, VA 23229-8699, telephone (804) 662-7124 or SCATS 662-7124

BOARD OF COMMERCE

September 21, 1989 - 11 a.m. – Open Meeting
Department of Commerce, Conference Room 1, 3600 West Broad Street, Richmond, Virginia. ☒

A quarterly meeting of the board to (i) consider the final report of the subcommittee on the study of Estheticians; (ii) consider federal requirements for the regulation of real estate appraisers; and (iii) consider such other matters as may come before the board.

Contact: Alvin Whitley, Policy Analyst, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8564 or toll-free 1-800-552-3016 (VA only) or SCATS 367-8519

DEPARTMENT OF COMMERCE

† **September 15, 1989 - 10:30 a.m.** – Open Meeting
Sheraton-Fredericksburg, I-95 and Virginia Route 3, Lee Room, Fredericksburg, Virginia

The department will conduct a formal hearing File Number 88-00334, Department of Commerce v. Robert A. Perkins.

Contact: Gayle Eubank, Hearings Coordinator, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8500

September 28, 1989 - 11 a.m. – Public Hearing
Department of Commerce, Conference Room 1, 3600 West Broad Street, Richmond, Virginia. ☒

In response to House Joint Resolution 322, the Department of Commerce, the Department of Health, and the Department of Health Professions will conduct a public hearing on issues related to the current utilization practices of employment agencies specializing in the provision of certified and licensed temporary nursing personnel to health care facilities and the impact of such utilization practices on the cost and quality of services provided in such facilities within the Commonwealth of Virginia.

Contact: Alvin Whitley, Policy Analyst, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8519 or toll-free 1-800-552-3016 (VA only) or SCATS 367-8519

STATE BOARD FOR COMMUNITY COLLEGES

† **September 13, 1989 - 2 p.m.** – Open Meeting
James Monroe Building, 101 North 14th Street, Board Room, 15th Floor, Richmond, Virginia. ☒

The board will meet at 2 p.m. for a working session. The board committees will meet at 3 p.m. following the working session.

† **September 14, 1989 - 9 a.m.** – Open Meeting
James Monroe Building, 101 North 14th Street, Board Room, 15th Floor, Richmond, Virginia. ☒

A board meeting. The agenda is unavailable.

Contact: Joy Graham, State Board for Community Colleges, James Monroe Bldg., 101 N. 14th St., Richmond, VA 23219, telephone (804) 225-2126

BOARD ON CONSERVATION AND DEVELOPMENT OF PUBLIC BEACHES

September 13, 1989 - 10:30 a.m. – Open Meeting
Fisherman's Wharf Restaurant, Willoughby Spit, Norfolk, Virginia. ☒

A meeting to discuss proposals from localities requesting matching grant funds from the board.

Contact: Jack E. Frye, Shoreline Programs Manager, Shoreline Programs Bureau, P.O. Box 1024, Gloucester Point, VA 23062, telephone (804) 642-7121 or SCATS 842-7121

BOARD FOR CONTRACTORS

† **September 13, 1989 - 9 a.m.** – Open Meeting
Department of Commerce, 3600 West Broad Street,

Calendar of Events

Richmond, Virginia. ☒

A meeting to (i) review and discuss proposed revisions to the regulations of the board; (ii) discuss possible legislative proposals; (iii) review license applications; and (iv) discuss other routine business of the board.

† **October 18, 1989 - 9 a.m. - Open Meeting**
Department of Commerce, 3600 West Broad Street,
Richmond, Virginia. ☒

A quarterly meeting of the board to (i) address policy and procedural issues, (ii) review and render decisions on applications for contractors' licenses, (iii) review staff recommendations for revisions to its rules and regulations, and (iv) review and render case decisions on matured complaints against licensees. The meeting is open to the public; however, a large portion of the board's business will be discussed in executive session.

Contact: Kelly G. Ragsdale, Assistant Director, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8557 or toll-free 1-800-552-3016

BOARD OF CORRECTIONS

September 20, 1989 - 10 a.m. - Open Meeting
October 11, 1989 - 10 a.m. - Open Meeting
6900 Atmore Drive, Board of Corrections Board Room,
Richmond, Virginia. ☒

A regular monthly meeting to consider such matters as may be presented to the Board of Corrections.

Contact: Vivian Toler, Secretary of the Board, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3235

DEPARTMENT OF CORRECTIONS (STATE BOARD OF)

† **November 10, 1989 -** Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Corrections intends to repeal regulations entitled: **VR 230-01-002, Rules and Regulations for the Purchase of Services for Clients.** The regulation discusses the requirements for purchasing services for clients when such services are not available within the Department of Corrections.

STATEMENT

Purpose: The purpose of this regulation is to delineate requirements and procedures for purchasing services for clients when these services were not available within the Department of Corrections.

Basis: The legal basis for this regulation is 53.1-5, which

empowers the Board of Corrections to make, adopt, and promulgate rules and regulations.

Impact: The impact of this regulation is upon any and all vendors with whom contracts would be made to provide services to the clients of the Department of Corrections.

Issues: The issues surrounding this regulation concern whether or not it is needed, considering the fact that it merely duplicates the requirements for contracting with vendors as set forth in the Agency Procurement and Surplus Property Manual and other publications.

Substance: The substance of the regulation is that it permits client services, which are documented as needed, to be purchased from public or private vendors only when these services are not available within the department.

Statutory Authority: § 53.1-5 of the Code of Virginia.

Written comments may be submitted until November 10, 1989.

Contact: Ben Hawkins, Agency Regulatory Coordinator, Department of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3262 or SCATS 674-3262

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November 14, 1989 - 1 p.m. - Public Hearing
Department of Corrections, 6900 Atmore Drive, Richmond,
Virginia

Notice is hereby given in accordance § 9-6.14:7.1 of the Code of Virginia that the Board of Corrections intends to adopt regulations entitled: **VR 230-01-003, Regulations Governing the Certification Process.** These regulations establish the procedures utilized to conduct compliance audits.

Statutory Authority: § 53.1-5 of the Code of Virginia.

Written comments may be submitted until October 16, 1989.

Contact: John T. Britton, Certification Unit Manager, Department of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3237 or SCATS 674-3237

BOARD FOR COSMETOLOGY

† **September 18, 1989 - 9 a.m. - Open Meeting**
Department of Commerce, 3600 West Broad Street, 5th
Floor, Richmond, Virginia. ☒

A meeting to (i) review enforcement cases; (ii) review correspondence; (iii) review applications; and (iv) conduct routine board business.

Contact: Roberta L. Banning, Assistant Director, 3600 W.

Calendar of Events

Broad St., Richmond, VA 23230-4917, telephone (804) 367-8590 or toll-free 1-800-552-3016 (VA only)

DEPARTMENT OF CRIMINAL JUSTICE SERVICES (BOARD OF)

NOTE: CHANGE OF HEARING DATE

September 15, 1989 - 10 a.m. - Public Hearing
State Capitol, Capitol Square, House Room 2, Richmond, Virginia. ☐

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Criminal Justice Services intends to amend regulations entitled: **VR 240-02-1. Regulations Relating to Criminal History Record Information Use and Security.** Regulations to ensure the completeness, accuracy, privacy and security of criminal history record information. Amendments expand present language to provide further clarification of procedures.

Statutory Authority: §§ 9-170 and 9-184 through 9-196 of the Code of Virginia.

Written comments may be submitted until August 30, 1989.

Contact: Paula Scott, Executive Assistant, Department of Criminal Justice Services, 805 E. Broad St., Richmond, VA 23219, telephone (804) 786-4000 or SCATS 786-4000

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October 4, 1989 - 9:30 a.m. - Public Hearing
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. ☐

Notice is hereby given in accordance § 9-6.14:7.1 of the Code of Virginia that the Criminal Justice Services Board intends to amend regulations entitled: **VR 240-03-01. Rules Relating to Compulsory Minimum Training Standards for Private Security Services Business Personnel.** The amended regulations will revise and update training standards and requirements of Private Security Services Business Personnel.

Statutory Authority: § 9-182 of the Code of Virginia.

Written comments may be submitted until September 29, 1989, to L.T. Eckenrode, Department of Criminal Justice Services, 805 East Broad Street, Richmond, Virginia 23219.

Contact: Paula Scott, Executive Assistant, Department of Criminal Justice Services, 805 E. Broad St., Richmond, VA 23219, telephone (804) 786-4000 or SCATS 786-4000

BOARD OF DENTISTRY

September 21, 1989 - 2 p.m. - Public Hearing
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. ☐

An informational public hearing for the purpose of receiving comments on current regulations and proposals for new regulations.

September 20, 1989 - 1 p.m. - Open Meeting
September 21, 1989 - 8:30 a.m. - Open Meeting
September 22, 1989 - 1:45 p.m. - Open Meeting
September 23, 1989 - 10 a.m. - Open Meeting
Richmond-Marriott Hotel, 500 East Broad Street, Richmond, Virginia. ☐

A business meeting, formal hearings, committee meetings, disciplinary actions, and committee reports.

Contact: Nancy Taylor Feldman, Executive Director, 1601 Rolling Hills Dr., Richmond, VA 23229, telephone (804) 662-9906

STATE EDUCATION ASSISTANCE AUTHORITY

Board of Directors

September 26, 1989 - 2 p.m. - Open Meeting
November 21, 1989 - 10 a.m. - Open Meeting
State Education Assistance Authority, 6 North 6th Street, Suite 300, Richmond, Virginia

A general business meeting.

Contact: Lyn Hammond, Secretary to the Board, State Education Assistance Authority, 6 N. 6th St., Suite 300, Richmond, VA 23219, telephone (804) 786-2035, toll-free 1-800-792-5626 or SCATS 786-2035

BOARD OF EDUCATION

September 27, 1989 - 9 a.m. - Open Meeting
September 28, 1989 - 9 a.m. - Open Meeting
James Monroe Building, Conference Rooms D and E, 101 North 14th Street, Richmond, Virginia. ☐ (Interpreter for deaf provided upon request)

October 24, 1989 - 9 a.m. - Open Meeting
October 25, 1989 - 9 a.m. - Open Meeting
Longwood College, Farmville, Virginia

The Board of Education and the Board of Vocational Education will hold regularly scheduled meetings. Business will be conducted according to items listed on the agenda. The agenda is available upon request.

Contact: Margaret Roberts, James Monroe Bldg., 101 N. 14th St., 25th Floor, Richmond, VA 23219, telephone (804)

225-2540

LOCAL EMERGENCY PLANNING COMMITTEE OF CHESTERFIELD COUNTY

October 5, 1989 - 5:30 p.m. - Open Meeting
Chesterfield County Administration Building, 10001
Ironbridge Road, Room 502, Chesterfield, Virginia. ☒

To meet requirements of Superfund Amendment and
Reauthorization Act of 1986.

Contact: Lynda G. Furr, Assistant Emergency Services
Coordinator, Chesterfield Fire Department, P.O. Box 40,
Chesterfield, VA 23832, telephone (804) 748-1236

LOCAL EMERGENCY PLANNING COMMITTEE OF THE COUNTY OF MONTGOMERY/TOWN OF BLACKSBURG

September 12, 1989 - 3 p.m. - Open Meeting
Montgomery County Courthouse, 3rd Floor, Board of
Supervisors Room, Christiansburg, Virginia. ☒

A meeting to consider the development of a Hazardous
Materials Emergency Response Plan for Montgomery
County and the Town of Blacksburg.

Contact: Steve Via, New River Valley Planning District
Commission, P.O. Box 3726, Radford, VA 24143, telephone
(703) 639-9313 or SCATS 676-4012

LOCAL EMERGENCY PLANNING COMMITTEE FOR FAIRFAX COUNTY, THE CITY OF FAIRFAX, AND THE TOWNS OF HERNDON AND VIENNA

† September 15, 1989 - 2 p.m. - Open Meeting
John C. Wood Municipal Center, 3730 Old Lee Highway,
Fairfax, Virginia. ☒

Public comments will be accepted regarding the draft
revised Hazardous Material Emergency Response Plan.

Contact: Eileen McGovern, 4031 University Drive, Fairfax,
VA 22030, telephone (703) 246-2331

VIRGINIA FARMERS' MARKET BOARD

† September 28, 1989 - 1 p.m. - Open Meeting
State Capitol, Capitol Square, House Room 1, Richmond,
Virginia. ☒

A board meeting.

Contact: Nancy L. Israel, Farmers' Market Network
Program Director, Washington Bldg., 1100 Bank St., Room
801, Richmond, VA 23219, telephone (804) 786-3951

BOARD OF FUNERAL DIRECTORS AND EMBALMERS

† September 19, 1989 - 9 a.m. - Open Meeting
Embassy Suite Hotel, Commerce Center, 2925 Emerywood
Parkway, Richmond, Virginia

Examination session will be conducted.

† September 19, 1989 - 2 p.m. - Open Meeting
Department of Health Professions, 1601 Rolling Hills Drive,
Conference Room 1, Richmond, Virginia. ☒

A general board meeting which may include a
discussion on proposed regulations and emergency
regulations.

October 30, 1989 - 9 a.m. - Open Meeting
Omni Hotel, 235 West Main Street, Charlottesville, Virginia

A general board meeting to include certifying
candidates for the November examination session.
Proposed regulations may be discussed.

Contact: Meredyth P. Partridge, Executive Director, 1601
Rolling Hills Dr., Richmond, VA 23229-5005, telephone
(804) 662-9907

BOARD FOR GEOLOGY

September 15, 1989 - 9 a.m. - Open Meeting
Department of Commerce, 3600 West Broad Street,
Richmond, Virginia. ☒

A meeting to (i) approve minutes from May 2, 1989
meeting; (ii) review applications; and (iii) review
correspondence.

Contact: Bonnie S. Salzman, Assistant Director, Department
of Commerce, 3600 W. Broad St., Richmond, VA 23230,
telephone (804) 367-8514 or toll-free 1-800-552-3016 or
SCATS 367-8514

DEPARTMENT OF HEALTH (STATE BOARD OF)

† September 21, 1989 - 2 p.m. - Public Hearing
James Madison Building, 109 Governor Street, Auditorium,
Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1
of the Code of Virginia that the Board of Health
intends to amend regulations entitled: VR 355-28-01.02.
**Board of Health Regulations Governing Vital
Records.** The regulations will specify which items are
to be included on official records of birth, death, fetal
death, induced abortion, marriage, and divorce.

STATEMENT

Each state adopts items to be placed on its vital records

Calendar of Events

for completion. These items conform with federal requirements; however, states may add or modify items within certain parameters. The vital records must remain standard from one state to another in order that they may be accepted from one state to another in an individual's routine conduct of business. Such matters include proof of birth for school entrance, marriage for benefit and entitlement programs, death for insurance purposes, etc.

Statutory Authority: §§ 32.1-250 and 32.1-252 of the Code of Virginia.

Written comments may be submitted until November 12, 1989.

Contact: Russell E. Booker, Jr., State Registrar, Division of Vital Records, Department of Health, P.O. Box 1000, Richmond, VA 23208-1000, telephone (804) 786-6221 or SCATS 786-6221

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† **September 20, 1989 - 1 p.m.** – Public Hearing
College of William and Mary, Ballroom A, Williamsburg, Virginia

† **September 26, 1989 - 1 p.m.** – Public Hearing
Dumfries Triangle Rescue Squad, Bingo Hall, Dumfries, Virginia

† **October 5, 1989 - 7 p.m.** – Public Hearing
Virginia Military Institute, Lejeune Hall, 400 Level, Lexington, Virginia

† **October 10, 1989 - 7 p.m.** – Public Hearing
Virginia Highlands Community College, Auditorium, Room 200, Abingdon, Virginia

Notice is hereby given in accordance § 9-6.14:7.1 of the Code of Virginia that the Board of Health intends to amend regulations entitled: **VR 355-32-01.01. Regulations Governing Emergency Medical Services.** The purpose of the proposed amendments is to (i) update and clarify minimum standards for provision of emergency medical services and (ii) revise and update Procedures and Guidelines for Basic Life Support Training Programs.

STATEMENT

Substance: These regulations specify minimum standards for Emergency Medical Services agencies, vehicles, and personnel and procedures for licensure, certification, and enforcement of the regulations. The regulations incorporate by reference Procedures and Guidelines for Basic Life Support Training Programs and Guidelines and Procedures for Emergency Medical Services Agency and Vehicle Licensure.

Issues: These regulations add requirements for medical control of basic life support agencies, licensure of fixed

wing emergency medical services transport programs, and change the training requirement for ambulance operators from Defensive Driving certification to Emergency Vehicle Operator Course certification.

Basis: Sections 32.1-151 through 32.1-153 of the Code of Virginia.

Purpose: To update minimum standards for emergency medical services so they will be more consistent with current state of the art and to clarify and make technical corrections to portions of the regulations.

Statutory Authority: § 32.1-12 of the Code of Virginia.

Written comments may be submitted until November 11, 1989.

Contact: Susan D. McHenry, Director, Department of Health, Division of Emergency Medical Services, 1538 E. Parham Rd., Richmond, VA 23228, telephone (804) 371-3500 or toll-free 1-800-523-6019

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† **September 20, 1989 - 1 p.m.** – Public Hearing
College of William and Mary, Ballroom A, Williamsburg, Virginia

† **September 26, 1989 - 1 p.m.** – Public Hearing
Dumfries Triangle Rescue Squad, Bingo Hall, Dumfries, Virginia

† **October 5, 1989 - 7 p.m.** – Public Hearing
Virginia Military Institute, Lejeune Hall, 400 Level, Lexington, Virginia

† **October 10, 1989 - 7 p.m.** – Public Hearing
Virginia Highlands Community College, Auditorium, Room 220, Abingdon, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Health intends to amend regulations entitled: **VR 355-32-02. Regulations Governing Financial Assistance for Emergency Medical Services.** The purpose of the proposed amendments is to update and clarify mechanisms for administration of the Virginia Rescue Squad Assistance Fund.

STATEMENT

Substance: These regulations govern a competitive, matching grant program referred to as the Rescue Squad Assistance Fund. The regulations specify the requirements and conditions for use and award of grant moneys. The regulations specify the application process, review process, and eligibility for applying for grant moneys. The regulations incorporate by reference Procedures and Guidelines for Hardship Criteria and Emergency Purposes, and an Agreement Form which must be signed by all

grant recipients.

Issues: The major changes include: expanding the criteria for funding to include programs and services; clarifying the deadline for submission of applications; expanding the compliance for applicants to include all plans, policies, and procedures adopted by the State EMS Advisory Board; creation of an Emergency Fund; and clarification of the award and administrative processes.

Basis: §§ 32.1-112 through 32.1-116 of the Code of Virginia.

Purpose: To update and clarify the eligibility, review criteria, and award process to make it more consistent with current state of the art and reflect changes identified over the past 10 years of experience with the rescue squad assistance fund program.

Statutory Authority: §§ 32.1-12 and 32.1-115 through 32.1-116 of the Code of Virginia.

Written comments may be submitted until November 11, 1989.

Contact: Susan D. McHenry, Director, Department of Health, Division of Emergency Medical Services, 1538 E. Parham Rd., Richmond, VA 23228, telephone (804) 371-3500, toll-free 1-800-523-6019 or SCATS 371-3500

Perinatal Services Advisory Board

September 14, 1989 - 12:30 p.m. – Open Meeting
James Madison Building, 10th Floor Conference Room,
Richmond, Virginia

A meeting of the board.

Contact: Alice S. Linyear, M.D., M.P.H., Director, Division of Maternal and Child Health, 109 Governor St., Richmond, VA 23219, telephone (804) 786-7367

BOARD OF HEALTH PROFESSIONS

Public Information Committee

† **September 18, 1989 - 10 a.m. – Open Meeting**
Department of Health Professions, 1601 Rolling Hills Drive,
Room 2, Richmond, Virginia. ☐

The Annual Conference Subcommittee will meet to finalize plans for the 1989 Annual Conference on Health Professions Regulation.

Regulatory Evaluation and Research Committee

† **September 15, 1989 - 9 a.m. – Open Meeting**
General Assembly Building, Capitol Square, 4th Floor
Conference Room, Richmond, Virginia. ☐

The committee will continue consideration of issues

related to the regulation of health professions: (i) direct access to the services of physical therapists; (ii) criteria for evaluation of the need to regulate occupations and professions; and (iii) regulation of health personnel and pharmacies in walk-in medical centers.

Contact: Richard D. Morrison, Executive Director, 1601 Rolling Hills Dr., Richmond, VA 23229, telephone (804) 662-9904

DEPARTMENT OF HEALTH AND BOARD OF HEALTH PROFESSIONS

† **September 15, 1989 - 1 p.m. – Open Meeting**
General Assembly Building, Capitol Square, House Room
D, Richmond, Virginia. ☐

As requested by HJR 303 of the 1989 General Assembly, the Department of Health and Board of Health Professions are reviewing problems associated with the operation of walk-in medical clinics in the Commonwealth. Persons wishing to speak at this hearing should contact the coordinators listed below. Written comments will be considered if received by September 29, 1989.

Contact: Richard D. Morrison, Executive Director, Board of Health Professions, 1601 Rolling Hills Dr., Richmond, VA, telephone (804) 662-9918 or Marilyn West, Director of Resources Development, Department of Health, 109 Governor St., Richmond, VA 23219, telephone (804) 786-7463

HEALTH SERVICES COST REVIEW COUNCIL

† **September 26, 1989 - 9:30 a.m. – Open Meeting**
Department of Rehabilitative Services, 4901 Fitzhugh
Avenue, Richmond, Virginia. ☐

A monthly meeting to address financial, policy or technical matters which may have arisen since the last meeting.

Contact: Ann Y. McGee, Executive Director, 805 E. Broad St., 6th Floor, Richmond, VA 23219, telephone (804) 786-6371/TDD ☎ or SCATS 786-6371

BOARD FOR HEARING AID SPECIALISTS

September 11, 1989 - 9 a.m. – Public Hearing
Department of Commerce, 3600 West Broad Street, 5th
Floor, Board Room 1, Richmond, Virginia. ☐

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board for Hearing Aid Specialists intends to amend regulation entitled: **VR 375-01-02. Board for Hearing Aid Specialists**

Calendar of Events

Regulations.

Statutory Authority: § 54.1-201 of the Code of Virginia.

Written comments may be submitted until August 30, 1989.

Contact: Gerald W. Morgan, Administrator, Department of Commerce, 3600 W. Broad St., 5th Floor, Richmond, VA 23230-4917, telephone (804) 367-8534

† September 11, 1989 - 10:30 a.m. - Open Meeting
Department of Commerce, 3600 West Broad Street, 5th Floor, Richmond, Virginia. ☒

An open board meeting to (i) administer examinations; (ii) review enforcement cases; (iii) review and discuss comments from the public hearing; and (iv) consider matters which require board action.

Contact: Gerald W. Morgan, Administrator, Department of Commerce, 3600 W. Broad St., 5th Floor, Richmond, VA 23230-4917, telephone (804) 367-8534

HOPEWELL INDUSTRIAL SAFETY COUNCIL

October 3, 1989 - 9 a.m. - Open Meeting
Hopewell Community Center, Second and City Point Road, Hopewell, Virginia. ☒ (Interpreter for deaf provided upon request)

A Local Emergency Preparedness Committee meeting on emergency preparedness as required by SARA Title III.

Contact: Robert Brown, Emergency Service Coordinator, 300 N. Main St., Hopewell, VA 23860, telephone (804) 541-2298

BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

Amusement Device Technical Advisory Committee

September 14, 1989 - 9 a.m. - Open Meeting
Department of Housing and Community Development, 7th Floor Conference Room, 205 North Fourth Street, Richmond, Virginia ☒

A meeting to review and discuss regulations pertaining to the construction, maintenance, operation and inspection of amusement devices.

Contact: Jack A. Proctor, CPCA, Deputy Director, Division of Building Regulatory Services, Department of Housing and Community Development, 205 N. 4th St., Richmond, VA 23219-1747, telephone (804) 786-4752

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

September 12, 1989 - 9 a.m. - Open Meeting
Omni International Hotel, 777 Waterside Drive, Norfolk, Virginia ☒

A regular meeting of the Board of Commissioners to (i) review and, if appropriate, approve the minutes from the prior monthly meeting; (ii) consider for approval and ratification mortgage loan commitments under its various programs; (iii) review the Authority's operations for the prior month; (iv) consider and, if appropriate, approve proposed amendments to the rules and regulations; and (v) consider such other matters and take such other actions as they may deem appropriate. Various committees of the Board of Commissioners may also meet before or after the regular meeting and consider matters within their purview. The planned agenda of the meeting will be available at the offices of the authority one week prior to the date of the meeting.

Contact: J. Judson McKellar, Jr., General Counsel, 601 S. Belvidere St., Richmond, VA 23220, telephone (804) 782-1986

COUNCIL ON HUMAN RIGHTS

† September 13, 1989 - 10 a.m. - Open Meeting
General Assembly Building, Capitol Square, Fourth Floor Conference Room West, Richmond, Virginia. ☒

A regularly scheduled meeting.

Contact: Sandra Norman, Staff Administrative Specialist, P.O. Box 717, Richmond, VA 23206, telephone (804) 225-2292, SCATS 225-2292 or toll-free 1-800-633-5510/TDD ☐

COUNCIL ON INDIANS

September 18, 1989 - 2 p.m. - Open Meeting
† November 15, 1989 - 2 p.m. - Open Meeting
Old City Hall, 1001 East Broad Street, AT&T Communications Conference Room, 1st Floor, Richmond, Virginia

A regular meeting of the Council on Indians to conduct general business and to receive reports from the council standing committees.

Contact: Mary Zoller, Information Director, Virginia Council on Indians, 8007 Discovery Dr., Richmond, VA 23229-8699, telephone (804) 662-9285 or SCATS 662-9285

COUNCIL ON INFORMATION MANAGEMENT

† September 17, 1989 - 2 p.m. - Open Meeting
Cascades Meeting Center, Council Room, Williamsburg,

Calendar of Events

Virginia. ☒

A regular meeting of the council. Agencies information technology budget requests for 1990-92 will be discussed.

Contact: Linda Hening, Administrative Assistant, Washington Bldg., 1100 Bank St., Suite 1100, Richmond, VA 23219, telephone (804) 225-3622, SCATS 225-3622 or (804) 225-3624/TDD ☎

DEPARTMENT OF LABOR AND INDUSTRY

November 15, 1989 - 10 a.m. - Public Hearing
General Assembly Building, House Room D, Richmond, Virginia ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Labor and Industry intends to adopt regulations entitled: **VR 425-01-64. Standard for Boiler and Pressure Vessel Operator Certification.** The proposed regulation provides a uniform standard to be used by the governing bodies of counties, cities, and towns which have adopted ordinances requiring the certification of boiler and pressure vessel operators.

Statutory Authority: § 15.1-11.6 of the Code of Virginia.

Written comments may be submitted until October 30, 1989 to John J. Crisanti, Policy Analyst, Department of Labor and Industry, P.O. Box 12064, Richmond, Virginia 23241.

Contact: John J. Crisanti, Policy Analyst, Department of Labor and Industry, P.O. Box 12064, Richmond, VA 23241, telephone (804) 786-2385 or SCATS 786-2385

COMMISSION ON LOCAL GOVERNMENT

September 18, 1989 - 10 a.m. - Open Meeting
State Capitol, Capitol Square, House Room 1, Richmond, Virginia. ☒

A regular meeting of the commission to consider such matters as may be presented.

Contact: Barbara W. Bingham, Administrative Assistant, 702 Eighth Street Office Bldg., Richmond, VA 23219, telephone (804) 786-6508

VIRGINIA LONG-TERM CARE COUNCIL

September 28, 1989 - 9:30 a.m. - Open Meeting
Cabinet Conference Room, 622 Ninth Street Office Building, Richmond, Virginia. ☒

Business pertains to developing increased long-term care services for disabled or chronically ill people of

all ages.

November 2, 1989 - 9:30 a.m. - Open Meeting
November 3, 1989 - 9 a.m. - Open Meeting
Omni Richmond Hotel, 100 South 12th Street, Richmond, Virginia

Statewide conference on long-term care issues of interest to professionals in the field, providers of services and consumers.

Contact: Thelma E. Bland, Deputy Commissioner, 700 E. Franklin St., 10th Floor, Richmond, VA 23219-2327, telephone (804) 225-2271/TDD ☎, toll-free 1-800-552-4464 or SCATS 225-2271

STATE LOTTERY BOARD

September 27, 1989 - 10 a.m. - Open Meeting
State Lottery Department, 2201 West Broad Street, Conference Room, Richmond, Virginia. ☒

A regularly scheduled monthly meeting of the board. Business will be conducted according to items listed on the agenda which has not yet been determined.

Contact: Barbara L. Robertson, Lottery Staff Officer, State Lottery Department, 2201 W. Broad St., Richmond, VA 23220, telephone (804) 367-9433 or SCATS 367-9433

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† **November 21, 1989 - 10 a.m. - Public Hearing**
State Lottery Department, 2201 West Broad Street, Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Lottery Board intends to amend regulations entitled: **VR 447-01-2. Administration Regulations.** The purpose of the proposed action is to amend certain portions of the Administration Regulations which deal with ineligible players, Operations Special Reserve Fund, procedures for small purchases and vendor background checks.

STATEMENT

Basis: Section 58.1-4007 of the Code of Virginia.

Purpose: Following is a summary of the proposed revisions.

Section 1.5 adds to those persons ineligible to play the lottery any board member, officer or employee of certain vendors working directly on a lottery contract.

Section 1.7 changes the effective date for establishment of the Operation Special Reserve Fund to June 30, 1989, and specifies the amount to be held in the account.

Calendar of Events

Section 4.8 revises the maximum amount of a small purchase.

Section 4.19 specifies certain lottery vendors who are subject to a background check.

All changes, deletions and additions to the regulations not discussed above are not substantive in nature but are made for the purpose of clarification and consistency.

Impact: We do not anticipate any negative response to these regulatory changes.

Statutory Authority: § 58.1-4007 of the Code of Virginia.

Written comments may be submitted until November 21, 1989.

Contact: Barbara L. Robertson, Lottery Staff Officer, State Lottery Department, 2201 W. Broad St., Richmond, VA 23220, telephone (804) 367-9433 or SCATS 367-9433

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† **November 21, 1989 - 10 a.m.** – Public Hearing
State Lottery Department, 2201 West Broad Street,
Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Lottery Board intends to amend regulations entitled: **VR 447-02-1. Instant Game Regulations.** The purpose of the proposed action is to amend certain portions of the Instant Game Regulations in order to conform to the State Lottery Law and to refine sections which deal with general operational parameters.

STATEMENT

Basis: Section 58.1-4007 of the Code of Virginia.

Purpose: Following is a summary of the proposed revisions.

Section 1.3 provides penalty for misrepresentation on a license application.

Section 2.3 removes restriction on lottery tickets purchased by nonlottery retailers.

Section 2.8 refers to retailer compensation.

Section 2.11 clarifies retailer age restrictions.

Sections 2.13, 2.14 and 2.15 relating to end of game account reconciliation were deleted.

Section 3.1 clarifies procedures for adopting specific game rules.

Section 3.11 authorizes the director to refrain from

making payment under certain conditions.

Section 3.16 provides a criminal penalty for forging a lottery ticket.

Section 3.30 provides for the elimination of claim forms under certain circumstances.

Section 3.32 provides for withholding state and federal taxes from prizes of more than \$5,000.

All changes, deletions and additions to the regulations not discussed above are not substantive in nature but are made for the purpose of clarification and consistency.

Impact: We do not anticipate any negative response to these regulatory changes.

Statutory Authority: § 58.1-4007 of the Code of Virginia.

Written comments may be submitted until November 21, 1989.

Contact: Barbara L. Robertson, Lottery Staff Officer, State Lottery Department, 2201 W. Broad St., Richmond, VA 23220, telephone (804) 367-9433 or SCATS 367-9433

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† **November 21, 1989 - 10 a.m.** – Public Hearing
State Lottery Department, 2201 West Broad Street,
Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Lottery Board intends to adopt regulations entitled: **VR 447-02-2. On-Line Game Regulations.** The purpose of the proposed regulation is to set out general parameters for the on-line game. This includes setting standards and requirements for licensing of on-line lottery retailers, ticket validation, setting the framework for the operations of on-line lottery games and the payment of prizes.

STATEMENT

Basis: Section 58.1-4007 of the Code of Virginia.

Purpose: This regulation sets out general operational parameters for the on-line game.

Impact: We do not anticipate any negative response to these regulatory changes.

Statutory Authority: § 58.1-4007 of the Code of Virginia.

Written comments may be submitted until November 21, 1989.

Contact: Barbara L. Robertson, Lottery Staff Officer, State Lottery Department, 2201 W. Broad St., Richmond, VA

23220, telephone (804) 367-9433 or SCATS 367-9433

MARINE PRODUCTS BOARD

† September 19, 1989 - 3 p.m. - Open Meeting
Virginia Museum of Fine Arts, Boulevard and Grove
Avenue, Richmond, Virginia

The board will meet to receive reports from the Executive Director of the Virginia Marine Products Board on: financing, marketing, past and future program planning, publicity/public relations, old/new business.

Contact: Shirley Estes Berg, 97 Main St., Room 103,
Newport News, VA 23601, telephone (804) 594-7261

MARINE RESOURCES COMMISSION

September 12, 1989 - 9:30 a.m. - Open Meeting
Marine Resources Commission, 2600 Washington Avenue,
4th Floor, Room 403, Newport News, Virginia ☐

The Virginia Marine Resources Commission will meet on the first Tuesday of each month, except September, at which time the meeting will be held on Tuesday, September 12, 1989. It hears and decides cases on fishing licensing, oyster ground leasing, environmental permits in wetlands, bottomlands, coastal sand dunes and beaches. It hears and decides appeals made on local wetlands board decisions.

Fishery management and conservation measures are discussed by the commission. The commission is empowered to exercise general regulatory power within 15 days and is empowered to take specialized marine life harvesting and conservation measures within five days.

Contact: Sandra S. Schmidt, Secretary to the Commission,
2600 Washington Ave., Room 303, Newport News, VA
23607-0756, telephone (804) 247-2208

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES (BOARD OF)

September 15, 1989 - Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Medical Assistance Services intends to adopt regulations entitled: **VR 460-03-3.1100; VR 460-05-2000.0000; VR 460-05-2000.1000. New Drug Review Program.** The proposed regulations will regulate Medicaid's coverage of new drugs as a cost savings measure.

Statutory Authority: § 32.1-325 of the Code of Virginia.

Written comments may be submitted until September 15, 1989, to Stephen B. Riggs, D.D.S., Director, Division of Health Services Review, 600 E. Broad Street, Suite 1300, Richmond, Virginia 23219.

Contact: Victoria P. Simmons, Regulatory Coordinator,
Department of Medical Assistance Services, 600 E. Broad
St., Suite 1300, Richmond, VA 23219, telephone (804)
786-7933

BOARD OF MEDICINE

September 20, 1989 - Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Medicine intends to adopt and amend regulations entitled: **VR 465-02-01. Practice of Medicine, Osteopathy, Podiatry, Chiropractic, Clinical Psychology, and Acupuncture.** The purpose is to amend regulations to clarify advertising free services/examination of practitioners of the healing arts and establish fees for special purpose examinations, out-of-state candidates to sit for FLEX, and withdrawing an application for licensure.

Statutory Authority: § 54.1-2400 of the Code of Virginia.

Written comments may be submitted until September 20, 1989, to Hilary H. Conner, M.D., Executive Director, Virginia Board of Medicine, Department of Health Professions, 1601 Rolling Hills Drive, Surry Building, Richmond, VA 23229-5005, telephone (804) 662-9908.

Contact: Eugenia K. Dorson, Board Administrator, Board of Medicine, 1601 Rolling Hills Dr., Richmond, VA 23229-5005, telephone (804) 662-9925 or SCATS 662-9925

† October 16, 1989 - 9 a.m. - Public Hearing
Department of Health Professions, 1601 Rollings Hills
Drive, Board Room 1, Richmond, Virginia. ☐

A public hearing on a Petition for Rulemaking - Recognition of Straight Chiropractic Academic Standards Association, Inc. (SCASA) for recognition as an accrediting agency for schools of chiropractic. Persons wishing to speak at this hearing shall sign in the morning of the hearing. Written comments will be considered if received by October 20, 1989.

Contact: Eugenia K. Dorson, Board Administrator, Board of Medicine, 1601 Rolling Hills Dr., Richmond, VA 23229-5005, telephone (804) 662-9925 or SCATS 662-9925

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† November 10, 1989 - Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1

Calendar of Events

of the Code of Virginia that the Board of Medicine intends to amend regulations entitled: **VR 465-02-01. Practice of Medicine, Osteopathy, Podiatry, Chiropractic, Clinical Psychology, and Acupuncture.** The purpose of the proposed action is to amend regulations to clarify the requirements for licensure by endorsement for the practice of medicine and osteopathy.

STATEMENT

Basis: Chapter 29 (§ 54.1-2900 et seq.) of Title 54.1 and § 54.1-2400 of the Code of Virginia.

Statement of purpose: The proposed regulations establish the requirements for licensure by endorsement for medicine and osteopathy; the environment for supervised clinical pregraduate training in the United States; the periods of postgraduate training required; other approved postgraduate training that may be substituted, if approved by the board, for two years of the required three years of training in this country if substantially equivalent; and additional training required of a candidate who has failed the licensure examination after three unsuccessful attempts.

Estimated entities and impact:

A. **Regulated entities:** There are 20,993 Doctors of Medicine and Osteopathy licensed to practice in the Commonwealth of Virginia.

B. **Projected costs to regulated entities:** The impact to licensees and new applicants of these regulations that may increase the regulatory burden are assessed below:

1. § 4.1. Licensure by endorsement.

a. **Subsection B.** Establishes the requirements for licensure as further defined in §§ 1 through 4. The proposed amendment has no impact on the current licensees or new applicant.

b. **§ 4.1 B 1.** Defines those programs recognized for postgraduate training in the United States or Canada. The proposed amendment will not impact the currently licensed practitioner; however, five new applicants may not be eligible for licensure until completion of the required one year of approved training. These applicants will not be substantially affected financially during that period as residents are paid a stipend while in training.

c. **§ 4.1 B 2.** Requires supervised clinical training (clerkships) necessary for a degree in medicine to be served in a setting which offers a residency in the specialty area of the clerkship. The proposed amendment may impact five candidates for license each year who are unable to provide evidence of clerkships served in the appropriate setting.

d. **§ 4.1 B 3.** Establishes a mechanism or alternative for new applicants to substitute two of the three years of required postgraduate training in an approved program in the United States or Canada for graduates of schools of medicine not recognized by the Board of Medicine. There is very limited impact on not more than two candidates for licensure each year.

e. **§ 4.1 B 4.** Establishes requirements for applicants applying for licensure by endorsement that have been unsuccessful in three or more attempts to pass the Federal Licensing Examination (FLEX) to submit evidence of one additional year of postgraduate training to be eligible for licensure by endorsement of the FLEX examination. This amendment may impact two candidates per year; however, upon evidence of the additional training they will be considered for licensure.

f. **§ 4.1 C 1.** Defines those programs recognized for postgraduate training in the United States or Canada. The proposed amendment will not impact the currently licensed practitioner; however, about one new applicant may not be eligible for licensure until completion of the required one year of approved training. The very small number affected by this requirement will normally receive a stipend while in training.

g. **§ 4.1 C 2.** Requires supervised clinical training (clerkships) necessary for a degree in osteopathy to be served in a setting which offers a residency in the specialty area of the clerkship. The proposed amendment may impact one candidate for licensure each year who is unable to provide evidence of clerkships.

h. **§ 4.1 C 3.** Establishes a mechanism or alternative for new applicants to substitute two of the three years of required postgraduate training in an approved program in the United States or Canada for graduates of schools of osteopathy not recognized by the Board of Medicine. There is very limited impact on no more than one candidate for licensure each year.

i. **§ 4.1 C 4.** Establishes requirements for applicants applying for licensure by endorsement that have been unsuccessful in three or more attempts to pass the Federal Licensing Examination (FLEX) to submit evidence of one additional year of postgraduate training to be eligible for licensure by endorsement of the FLEX examination. This amendment may impact one applicant each year; however, upon evidence of the additional training the candidate will be considered for licensure.

C. **Expected costs to the agency:** The board anticipates a minimal increase (\$2,500 per year) for reviewing credentials and personal interviews for applicants who

seek a waiver of the postgraduate training and eligibility for licensure by waiver of the additional postgraduate training following the three unsuccessful attempts to pass the licensure examination.

Statutory Authority: § 54.1-2400 of the Code of Virginia.

Written comments may be submitted until November 10, 1989.

Contact: Hilary H. Connor, M.D., Executive Director, or Eugenia K. Dorson, Deputy Executive Director, Board of Medicine, 1601 Rolling Hills Dr., Surry Bldg., Richmond, VA 23229-5005, telephone (804) 662-9925 or SCATS 662-9925

Advisory Committee on Acupuncture

September 27, 1989 - 1 p.m. - Open Meeting
Department of Health Professions, Board Room 1, 1601 Rolling Hills Drive, Richmond, Virginia ☐

A meeting to (i) conduct general business, (ii) review educational programs, regulations, and other state laws; and (iii) discuss such other items which may come before this committee.

Chiropractic Examination Committee

September 14, 1989 - 2 p.m. - Open Meeting
Department of Health Professions, Board Room 1, 1601 Rolling Hills Drive, Richmond, Virginia ☐

A meeting for orientation in the methodology of construction and development of test items for the licensure examination for chiropractic.

Credentials Committee

October 7, 1989 - 8:15 a.m. - Open Meeting
Department of Health Professions, Board Room 1, 1601 Rolling Hills Drive, Richmond, Virginia ☐

A meeting to (i) conduct general business; (ii) interview, and review medical credentials of applicants applying for licensure in Virginia in open and executive session; and (iv) discuss any other items which may come before this committee

Executive Committee

October 6, 1989 - 9 a.m. - Open Meeting
Department of Health Professions, Board Room 1, 1601 Rolling Hills Drive, Richmond, Virginia ☐

A meeting in open session to review closed cases, cases/files requiring administrative actions and consider any other items which may come before the committee.

Contact: Eugenia K. Dorson, Deputy Executive Director, 1601 Rolling Hills Dr., Surry Bldg., 2nd Floor, Richmond,

VA 23229-5005, telephone (804) 662-9925

Informal Conference Committee

† **September 13, 1989 - 9:30 a.m. - Open Meeting**
Sheraton-Fredericksburg Resort and Conference Center, I-95 and Route 3, Fredericksburg, Virginia. ☐

† **September 19, 1989 - 10:30 a.m. - Open Meeting**
Courtyard by Marriott-Richmond West, 6400 West Broad Street, Richmond, Virginia

A meeting to inquire into allegations that certain practitioners may have violated laws and regulations governing the practice of medicine in Virginia. The committee will meet in open and closed sessions pursuant to § 2.1-344(a)(6) of the Code of Virginia.

Contact: Karen D. Waldron, Deputy Executive Director, 1601 Rolling Hills Dr., Surry Bldg., 2nd Floor, Richmond, VA 23229-5005, telephone (804) 662-7006

Ad Hoc Committee on Optometry

October 6, 1989 - 2 p.m. - Open Meeting
Surry Building, 2nd Floor, 1601 Rolling Hills Drive, Richmond, Virginia ☐

The committee will review and discuss the post graduate training programs and the development of an examination for certification of optometrists to treat certain diseases of the human eye with certain therapeutic pharmaceutical agents, and other items which may come before the committee.

Advisory Board on Physical Therapy

September 22, 1989 - 9 a.m. - Open Meeting
Embassy Suites Hotel, 2925 Emerywood Parkway, Richmond, Virginia ☐

The advisory board will review and discuss regulations, bylaws, procedural manuals, receive reports, and other items which may come before the advisory board.

Contact: Eugenia K. Dorson, Deputy Executive Director, 1601 Rolling Hills Dr., Surry Bldg., 2nd Floor, Richmond, VA 23229-5005, telephone (804) 662-9925

STATE MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES BOARD

September 13, 1989 - 10 a.m. - Open Meeting
Southwestern Virginia Mental Health Institute, Auditorium, Marion, Virginia ☐

A regular monthly meeting. The agenda will be published on September 6, 1989, and may be obtained by calling Jane Helfrich.

Calendar of Events

Contact: Jane Helfrich, Administrative Staff, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23214, telephone (804) 786-3921 or SCATS 786-3921

DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES

September 27, 1989 - 10 a.m. – Open Meeting
James Madison Building, Main Floor Conference Room,
109 Governor Street, Richmond, Virginia ☒

A meeting to hear public comments on the proposed revision of the Rules and Regulations to Assure the Rights of Residents published August 14, 1989 in the Virginia Register.

Contact: Elsie D. Little, State Human Rights Director, Office of Human Rights, P.O. Box 1797, Richmond, VA 23214, telephone (804) 786-3988 or SCATS 786-3988

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October 13, 1989 – Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Mental Health, Mental Retardation and Substance Abuse Services intends to adopt new regulations and repeal existing regulations entitled: **VR 470-03-02. Regulations to Ensure the Rights of Residents.** The purpose is to delineate the rights of residents in state operated facilities by the Department of Mental Health, Mental Retardation and Substance Abuse Services. These regulations apply to all facilities operated by the DMHMRSAS.

Statutory Authority: § 37.1-84.1 of the Code of Virginia.

Written comments may be submitted until October 13, 1989.

Contact: Elsie D. Little, State Human Rights Director, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23214, telephone (804) 786-3988 or SCATS 786-3988

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† **October 23, 1989 - 7 p.m. – Public Hearing**
Tidewater Community College, Chesapeake Campus,
Auditorium, Chesapeake, Virginia

† **October 24, 1989 - 7 p.m. – Public Hearing**
Western State Hospital, Staff Development Building,
Auditorium, Staunton, Virginia

† **October 25, 1989 - 7 p.m. – Public Hearing**
Wytheville Community College, 1000 East Main Street,

Bland Hall Auditorium, Wytheville, Virginia

† **October 26, 1989 - 7 p.m. – Public Hearing**
J. Sargeant Reynolds Community College, Downtown
Campus, Auditorium, 7th and Jackson Streets, Richmond,
Virginia

† **October 30, 1989 - 7 p.m. – Public Hearing**
McCoart Building, 1 County Complex Court, Board
Chambers, Prince William, Virginia

The department is seeking input and comments on its Draft Plan of the Mental Retardation Support System. This plan is the product of a year-long effort focused on identification of the philosophy and direction of services to mentally retarded persons in the community and it specifies how services need to be provided between now and the end of the century.

Contact: Stanley Butkus, Ph.D., Director, Mental Retardation Services, P.O. Box 1797, Richmond, VA, telephone (804) 786-1746 or SCATS 786-1746

Alzheimer's Disease and Related Disorders Commission

† **October 11, 1989 - 1 p.m. – Public Hearing**
Roanoke County Community Center, 3738 Brambleton
Avenue, Conference Room, Roanoke, Virginia

† **October 12, 1989 - 10 a.m. – Public Hearing**
Virginia Highlands Community College, Abingdon, Virginia

† **October 18, 1989 - 10 a.m. – Public Hearing**
McCoart Building, 1 Complex Court, Board Chambers for
Prince William, Davis and Ford Roads, Prince William,
Virginia

† **October 18, 1989 - 3 p.m. – Public Hearing**
James Monroe Building, 101 North 14th Street, Conference
Room C, Richmond, Virginia. ☒

† **October 19, 1989 - 10 a.m. – Public Hearing**
Royster Memorial Presbyterian Church, 6900 Newport
Avenue, Norfolk, Virginia

Public hearings to provide an opportunity for families/caregivers, service providers and members of the general public to share their concerns regarding the provision of services or lack of services for persons with Alzheimer's Disease and related disorders.

Contact: Sandra Rollins, Director, Office of Geriatric Services, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23214, telephone (804) 786-4837 or SCATS 786-4837

Emergency Services Advisory Committee

† **September 13, 1989 - 10 a.m. – Open Meeting**
James Madison Building, 109 Governor Street, Richmond,

Virginia. ☒

A meeting to develop recommendations on improvements in mental health emergency services.

Contact: James Martinez, Assistant Director of Mental Health, James Madison Bldg., 109 Governor St., 12th Floor, Richmond, VA 23219, telephone (804) 786-2991

Virginia Interagency Coordinating Council

September 20, 1989 - 9 a.m. - Open Meeting
Richmond Airport Hilton, Richmond, Virginia. ☒
(Interpreter for deaf provided if requested)

† **October 11, 1989 - 9 a.m. - Open Meeting**
Lynchburg Hilton, 2900 Candler's Mountain Road, Lynchburg, Virginia. (Interpreter for deaf provided if requested)

A meeting of Virginia's Early Intervention Coordinating Council for Part H, P.L. 99-457 (VICC). The council is an advisory body assisting the Department of Mental Health, Mental Retardation and Substance Abuse Services, the lead agency, in the development and implementation of a statewide interagency multidisciplinary system of early intervention services for infants and toddlers with disabilities, ages birth through two.

Contact: Michael Fehl, Ed.D., Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23214, telephone (804) 786-3710

Mental Health Advisory Council

† **October 27, 1989 - 10 a.m. - Open Meeting**
James Madison Building, 109 Governor Street, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

A meeting to provide input on mental health issues to the State Mental Health, Mental Retardation and Substance Abuse Services Board.

Contact: Leslie Tremaine, Director of Mental Health, James Madison Bldg., 12th Floor, Richmond, VA, telephone (804) 786-2991 or SCATS 786-2991

VIRGINIA MILITARY INSTITUTE

Board of Visitors

October 7, 1989 - 8 a.m. - Open Meeting
Virginia Military Institute, Smith Hall Board Room, Smith Hall, Lexington, Virginia ☒

A regular Fall meeting of the VMI Board of Visitors Committee reports.

Contact: Colonel Edwin L. Dooley, Jr., Secretary, Virginia Military Institute, Lexington, VA 24450, telephone (703) 464-7206

DEPARTMENT OF MINES, MINERALS AND ENERGY

Division of Mined Land Reclamation

September 11, 1989 - 2 p.m. - Open Meeting
Division's AML Conference Room, 622 Powell Avenue, Big Stone Gap, Virginia ☒

An open meeting will be held to give interested persons an opportunity to comment on a proposed amendment to the FY89 Abandoned Mined Land Construction Grant. This proposed amendment would add the Woodard Landslide Project to this grant and will be submitted to the Federal Office of Surface Mining. This project is located near St. Charles in Lee County, Virginia.

Contact: Roger L. Williams, Abandoned Mine Land Manager, P.O. Drawer U, 622 Powell Ave., Big Stone Gap, VA 24219, telephone (703) 523-2925

DEPARTMENT OF MOTOR VEHICLES

September 11, 1989 - 10:30 a.m. - Public Hearing
Department of Motor Vehicles, 2300 West Broad Street, Cafeteria, Richmond, Virginia

September 12, 1989 - 1 p.m. - Public Hearing
Ramada Renaissance, Herndon, Virginia. ☒

September 14, 1989 - 10:30 a.m. - Public Hearing
Sheraton Inn, Military Circle, Norfolk, Virginia

September 15, 1989 - 10:30 a.m. - Public Hearing
Holiday Inn, Route 58 & I-85, South Hill, Virginia. ☒

September 19, 1989 - 10:30 a.m. - Public Hearing
Virginia Highlands Community College Auditorium, Bristol, Virginia. ☒

September 20, 1989 - 10:30 a.m. - Public Hearing
Roanoke Airport Marriott, Roanoke, Virginia. ☒

September 21, 1989 - 10:30 a.m. - Public Hearing
Red Carpet Inn, Waynesboro, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Motor Vehicles intends to adopt regulations entitled: **VR 485-50-8901. Virginia Commercial Driver's License Regulations.** These regulations establish certain standards and requirements for licensing drivers of commercial motor vehicles in Virginia. These requirements and standards relate to (i) the licensing of new residents and nonresidents, (ii) the satisfaction

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of vision requirements, and (iii) the administration of skills tests by persons other than DMV employees. The Virginia Commercial Driver's License Act (House Bill 1675, enacted by the 1989 General Assembly); the federal Commercial Motor Vehicle Safety Act of 1986 (Title XII of Public Law 99-750), and §§ 46.1-26 and 46.1-370.2 of the Code of Virginia.

Statutory Authority: §§ 46.1-26 and 46.1-370.2 of the Code of Virginia.

Written comments may be submitted until September 1, 1989.

Contact: Dan W. Byers, DSA Assistant Administrator or Rudy C. McCollum, CDL Program Manager, Department of Motor Vehicles, P.O. Box 27412, Richmond, VA 23269, telephone (804) 367-1836 (Dan Byers) or 367-6633 (Rudy McCollum)

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September 26, 1989 - 10 a.m. - Public Hearing
Holiday Inn Airport, 6626 Thirlane Road, Roanoke, Virginia. ☒ (Interpreter for deaf provided if requested)

September 27, 1989 - 1 p.m. - Public Hearing
Best Western Springfield Inn, 6550 Loisdale Court, Springfield, Virginia. ☒ (Interpreter for deaf provided if requested)

October 2, 1989 - 10 a.m. - Public Hearing
Omni, 100 Batten Bay Boulevard, Newport News, Virginia. ☒ (Interpreter for deaf provided if requested)

October 3, 1989 - 1 p.m. - Public Hearing
Department of Motor Vehicles, 2300 West Broad Street, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

The Department of Motor Vehicles, in conjunction with the Commission on Virginia Alcohol Safety Action program and the Transportation Safety Board, will conduct a public hearing for the purpose of discussing issues regarding SJR 172, administrative revocation of the driver's licenses of persons who operate motor vehicles while under the influence of alcohol or drugs, or both, or who refuse to submit to chemical testing after having been arrested for driving under the influence.

Contact: Vince M. Burgess, Administrator, Traffic Safety Administrator, P.O. Box 27412, Richmond, VA 23269, telephone (804) 367-8150 or SCATS 367-8150

BOARD OF NURSING

October 14, 1989 - Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Nursing intends to adopt and amend regulations entitled: **VR 495-01-1. Board of Nursing Regulations.** The purpose of the proposed action is to establish a registry for clinical nurse specialists, minimum standards for education of clinical nurse specialists and requirements for the practice of clinical nurse specialists.

Statutory Authority: §§ 54.1-2400 and 54.1-3005 of the Code of Virginia.

Written comments may be submitted until October 14, 1989.

Contact: Corinne F. Dorsey, R.N., Executive Director, Board of Nursing, 1601 Rolling Hills Dr., Richmond, VA 23229, telephone (804) 662-9909 or SCATS 662-9909

PESTICIDE CONTROL BOARD

† **September 15, 1989 - 2 p.m. - Open Meeting**
† **September 16, 1989 - 8:30 a.m. - Open Meeting**
† **September 17, 1989 - 8:30 a.m. - Open Meeting**
Sheraton Park South, Eppington Room, 9901 Midlothian Turnpike, Richmond, Virginia. ☒

A meeting to discuss priorities and receive reports from staff. Interested persons should first call the contact person to confirm meeting times and places.

Contact: C. Kermit Spruill, Jr., Director, Division of Product and Industry Regulation, Department of Agriculture and Consumer Services, P.O. Box 1163, Room 403, Richmond, VA 23209, telephone (804) 786-3523 or SCATS 786-3523

BOARD OF PHARMACY

† **November 29, 1989 - 9:30 a.m. - Public Hearing**
Holiday Inn-West End, 6532 West Broad Street, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Pharmacy intends to adopt regulations entitled: **VR 530-01-02. Regulations for Practitioners of the Healing Arts to Sell Controlled Substances.** The proposed regulation provides licensing and regulatory standards for practitioners of the healing arts to sell controlled substances.

STATEMENT

Statement of purpose: To establish licensing standards, security and record keeping requirements for practitioners licensed by the Board of Pharmacy to sell controlled substances. The proposed regulations implement the

authority of the board to establish these standards pursuant to 1989 Virginia Acts of Assembly, Chapter 904, (Senate Bill 425).

Estimated impact:

A. Regulated entities: Approximately 200 practitioners will be affected.

B. Projected costs to regulated entity: The proposed regulations will result in costs as follows:

1. Section 2.1 C imposes an examination requirement to test drug knowledge and laws and will directly cost each applicant \$300 for the examination.
2. Section 2.2 will cost each practitioner \$50 annually to renew the license.
3. Section 2.4 A requires a licensee to notify the board if he ceases to sell controlled substances and will have no significant impact on the practitioner.
4. Section 2.4 B requires a licensee discontinuing business to perform an inventory of Schedule II through V controlled substances. The cost of the required inventory will depend on the number and quantity of drugs maintained. Further, the cost will vary depending on whether the practitioner or office personnel perform the inventory. An inventory of a minimal stock of 15 drugs may take one and one-half hours to list and count the drugs. At \$125 an hour, the cost to the practitioner would be approximately \$187.
5. Section 2.4 C requires notification to the board as to whom a drug stock is transferred and will have no significant impact.
6. Section 2.5 provides for the activation of an inactive license and will require the practitioner to pay the renewal fee for the year, \$50.
7. Section 3.1 provides for single drug stock and records if a group of practitioners elect to exercise the option. The selection of the option will represent a cost saving to group practitioners.
8. Section 3.2 requires an inspection of the dispensing area and provides a notice of the items that must comply with the regulatory standards described elsewhere. There is no significant impact on the licensee beyond fees paid for licensure and renewal which support costs of the inspection program.
9. Section 3.3 provides physical standards for the drug selling and storage area identical with or analogous to those that are imposed on a pharmacy. Except for subsection F which requires a sink with hot and cold water within the area, the regulation does not create a significant impact. The estimated cost of the sink and water supply is approximately \$500 when connected to

existing facilities.

10. Section 3.5 provides for minimum equipment. The impact is as follows:

Subdivision 1 - An annual copy of the required reference book is \$150.

Subdivision 2 - If controlled substances requiring refrigeration are maintained, the cost of an appropriate refrigerator is estimated at \$400.

Subdivision 5 - If sterile products are to be prepared, a laminar flow hood cost is approximately \$2,000.

Subdivision 6 - If extemporaneous compounding is to be done, prescription balances and weights cost approximately \$850.

11. Section 3.6 requires an alarm device to detect violation of the security of the selling and storage area. It is estimated to cost approximately \$2,000 if no existing system is present. If the device is added to an existing system, the cost is estimated to be approximately \$500.

12. Section 3.7 parallels that for a pharmacy and requires a designated area and an enclosure for the area. The area may be an existing room not needing any additional enclosure. If a new area is to be prepared, the cost of the enclosure will depend on the size of the area determined by the licensee. The cost per square foot is estimated at approximately \$25.

13. Section 3.8 requires security for all controlled substances intended for stock replenishing and has no significant impact.

14. Section 3.9 requires security for prescriptions prepared for the patient and has no significant impact.

15. Section 3.10 requires the separation of drugs from the controlled substance stock. The cost will vary directly with the amount of stock; the estimated cost is \$40 if done on a monthly basis consuming 15 minutes.

16. Section 3.11 provides for destruction of unwanted controlled substances; if the method is used, the cost to the licensee would require approximately one hour at an approximate cost of \$125 annually.

17. Section 4.1 requires that a prescription be given to the patient. At the present time, the practitioner provides a written prescription to the patient and therefore the requirement does not represent an added cost.

18. Section 4.1 subdivision 2 requires the posting of a sign advising the public of a choice of drug supplier.

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A printed sign will cost approximately \$15.

19. Section 4.1 subdivision 3 provides that after delivery of the written prescription, the patient shall be informed of his right of choice of the drug supplier. The requirement does not represent a significant impact.

20. Section 4.2 A 1 is identical to that required in pharmacies and provides that inventories and records for Schedule II controlled substances be maintained separately. The requirement does not represent a significant impact.

21. Section 4.2 A 2 provides that inventories and records of Schedule III through V controlled substances may not be maintained with other records of the licensee. The regulation does not represent a significant impact.

22. Section 4.2 A 3 requires that drug records be maintained at the same location as the stock of drugs and does not represent a significant impact.

23. Section 4.2 A 4 provides that if an inventory is made subsequent to a drug loss, the inventory shall be the opening inventory in the biennial period. The requirement has no significant impact.

24. Section 4.2 B 1 a provides that records of selling for Schedule II drugs shall be separate from other records and imposes no significant impact.

25. Section 4.2 B 1 b sets forth Virginia Code requirements for identifying the patient and the drug sold and represents no significant impact imposed by the board.

26. Section 4.2 B 2 b identifies information to be recorded in the selling of Schedule II through VI drugs and requires the addition of a red "C" to identify Schedule III through V drugs if the record contains other drugs. The requirement does not represent a significant impact.

27. Section 4.3 is an optional method of computerized record keeping for the sale of Schedule II through V drugs and therefore represents no significant impact.

28. Section 5.1 identifies requirements for records and labeling for drugs which may be repackaged prior to the actual dispensing. The cost will not be significant.

29. Section 5.2 requires appropriate information to appear on the prescription label to identify the practitioner, the patient, drug and directions for use. The placing of the information on the label is estimated to take one minute. At an hourly rate of \$125, the practitioner's cost for the preparation of a label using a blank label is estimated to be \$2.08.

30. Section 5.3 provides that drugs shall be sold only in packaging approved by the current USP-NF. The requirement imposes little impact on the practitioner; no containers for drugs are marketed which do not meet the standard.

31. Section 5.4 provides that drugs be sold in safety containers unless the purchaser directs otherwise. The requirement has an impact in the average cost of such containers is approximately 0.15 each; however, the Federal Poison Prevention Packaging Act requires such containers.

32. Section 6.1 forbids the licensee to interfere with the patient's right to choose his supplier of medication. The regulation does not represent an impact.

33. Section 6.2 prohibits the acceptance or returning of drugs or devices for resale after the drug or device has been removed from the premises. The regulation does not represent an impact.

C. Projected cost the agency: The regulations may produce some cost in the initial inspection of the controlled substances selling and storage area in § 3.2; however, if a large number of applications are received, the board may use the option to accept a certification as to compliance with the physical standard and have the inspection performed subsequent to the beginning of business. In any event, the agency cost for initial licensing should be approximately \$3,000 for 100 applicants.

The proposal will require the development of a valid examination on pharmacology and an examination on federal and state drug laws. It is estimated that the development costs will be approximately \$50,000.

D. Source of funds: The source of all funds for the regulated activities will be from the fees imposed.

Statutory Authority: §§ 54.1-2400(6), 54.1-2914 and 54.1-3302 of the Code of Virginia.

Written comments may be submitted until November 29, 1989.

Contact: Jack B. Carson, Executive Director, Board of Pharmacy, 1601 Rolling Hills Dr., Richmond, VA 23229-5005, telephone (804) 662-9911

PIEDMONT COURT SERVICES EXECUTIVE BOARD

† September 13, 1989 - 7 p.m. - Open Meeting
115 East Second Street, Conference Room, Farmville, Virginia

Business to be discussed will include policy-making, administrative decisions, general supervisory directives to the Executive Director.

Contact: Janie Peterson, Executive Director, P.O. Drawer 588, Farmville, VA 23901, telephone (804) 392-8161

COMMISSION ON PRISON AND JAIL OVERCROWDING

September 20, 1989 - 10 a.m. - Open Meeting
General Assembly Building, Capitol Square, House Room D, Richmond, Virginia. ☒

Full commission meeting. Committees final reports will be given to members.

Contact: Lin Corbin-Howerton, Staff Director, Ninth Street Office Bldg., 3rd Floor, Richmond, VA 23219, telephone (804) 786-1657

PRIVATE SECURITY SERVICES ADVISORY COMMITTEE

† September 26, 1989 - 10 a.m. - Open Meeting
Radisson Hotel, Lynchburg, Virginia

A meeting to discuss business of the committee.

Contact: Paula J. Scott, Staff Executive, 805 E. Broad St., 10th Floor, Richmond, VA 23219, telephone (804) 786-4000 or SCATS 786-4000

BOARD OF PROFESSIONAL COUNSELORS

† September 29, 1989 - 9 a.m. - Open Meeting
Department of Health Professions, 1601 Rolling Hills Drive, Conference Room 2, Richmond, Virginia. ☒

Informal conferences.

Contact: Joyce D. Williams, Administrative Assistant, 1601 Rolling Hills Dr., Richmond, VA 23229, telephone (804) 662-9912 or SCATS 662-9912

VIRGINIA RACING COMMISSION

† September 13, 1989 - 9:30 a.m. - Open Meeting
VSRS Building, 1204 East Main Street, Richmond, Virginia. ☒

A regular commission meeting.

Contact: Pat Green, Officer Manager, P.O. Box 1123, Richmond, VA 23208, telephone (804) 371-7363 or SCATS 371-7363

REAL ESTATE BOARD

September 13, 1989 - 10 a.m. - Open Meeting
Council Chambers, Town Hall Building, 16 North Royal

Avenue, Front Royal, Virginia

The Real Estate Board will meet to conduct a formal hearing on File No. 87-00781 The Real Estate Board v. Gary K. Olsen.

Contact: Gayle Eubank, Hearings Coordinator, Department of Commerce, 3600 W. Broad St., 5th Floor, Richmond, VA 23230, telephone (804) 367-8524

† September 14, 1989 - 8:30 a.m. - Open Meeting
† September 15, 1989 - 8:30 a.m. - Open Meeting
Department of Commerce, 3600 West Broad Street, 5th Floor, Richmond, Virginia. ☒

A regular business meeting of the board. Agenda will consist of investigative cases (files) to be considered, files to be reconsidered, matters relating to Fair Housing, Property Registration and Licensing issues (e.g., reinstatement, eligibility requests).

Contact: Joan L. White, Assistant Director, Real Estate Board, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552, toll-free 1-800-552-3016 or SCATS 367-8552

October 3, 1989 - 10 a.m. - Open Meeting
Department of Commerce, 3600 West Broad Street, Conference Room 1, Richmond, Virginia. ☒

The board will meet to conduct a formal hearing:

The Real Estate Board v. Clyde Wayne London.

Contact: Gayle Eubank, Hearings Coordinator, Department of Commerce, 3600 W. Broad St., 5th Floor, Richmond, VA 23230, telephone (804) 367-8524

BOARD OF REHABILITATIVE SERVICES

† September 28, 1989 - 9:30 a.m. - Open Meeting
4901 Fitzhugh Avenue, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

The board will receive department reports, consider regulatory matters and conduct the regular business of the board.

Finance Committee

† September 27, 1989 - 2 p.m. - Open Meeting
4901 Fitzhugh Avenue, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

The committee will review monthly financial reports and budgetary projections.

Legislation and Evaluation Committee

† September 27, 1989 - 4 p.m. - Open Meeting
4901 Fitzhugh Avenue, Richmond, Virginia. ☒ (Interpreter

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for deaf provided if requested)

The committee will review pending federal and state legislation and develop criteria for evaluation of department programs.

Program Committee

† **September 27, 1989 - 3 p.m.** – Open Meeting
4901 Fitzhugh Avenue, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

The committee will review vocational rehabilitation regulation proposals and explore options for developing amendments to current regulations.

Contact: James L. Hunter, Board Administrator, 4901 Fitzhugh Avenue, Richmond, VA 23230, telephone (804) 367-6446, SCATS 367-6446, toll-free 1-800-552-5019/TDD ☎ or (804) 367-0280/TDD ☎

RICHMOND EMERGENCY PLANNING COMMITTEE

† **September 19, 1989 - 7 p.m.** – Open Meeting
Richmond Centre, 400 East Marshall Street, Salon AB, Richmond, Virginia

A meeting to discuss planning, nominations and other recent developments pertaining to the committee.

Contact: Thomas E. Price, Captain, Richmond Fire Bureau, 501 N. 9th St., Room 134, Richmond, VA 23219, telephone (804) 780-6660

BOARD FOR RIGHTS OF THE DISABLED

September 20, 1989 - 4 p.m. – Open Meeting
General Assembly Building, Senate Room A, Capitol Square, Richmond, Virginia ☒ (Interpreter for deaf provided upon request)

September 22, 1989 - 4 p.m. – Open Meeting
Wytheville Community College, Wytheville, Virginia ☒ (Interpreter for deaf provided upon request)

- Description of "Eligibility for, Extent, Scope, and Effectiveness" of services provided to persons with developmental disabilities by relevant federally-assisted and state-funded programs.
- Findings from a "Consumer Satisfaction Survey," which minimally must include a representative sample of clients of relevant federally-assisted programs.
- Recommendations for how the state will serve unserved/underserved developmentally disabled constituencies, including designation of responsible agency/agencies.
- Plans for how the "State Planning Council" will incorporate the 1990 report findings into its ongoing systems advocacy role to promote public policy and

model service demonstrations to benefit persons with developmental disabilities.

Contact: Sarah A. Liddle, Board Administrator, 101 N. 14th St., James Monroe Bldg., 17th Floor, Richmond, VA 23219, telephone (804) 225-2042, toll-free 1-800-552-3962/TDD ☎ or SCATS 225-2042

DEPARTMENT FOR RIGHTS OF THE DISABLED (BOARD FOR)

† **November 13, 1989 - 10 a.m.** – Public Hearing
† **November 13, 1989 - 4 p.m.** – Public Hearing
James Monroe Building, 101 North 14th Street, Conference Room B, Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board for Rights of the Disabled intends to adopt regulations entitled: **VR 602-01-2. Nondiscrimination Under State Grants and Programs.** These regulations prohibit discrimination on the basis of disability by programs or activities receiving state funds.

STATEMENT

Statement of purpose: This regulation, "Nondiscrimination Under State Grants and Programs," is required to implement § 51.5-40 of the Code of Virginia which mandates that the Board for Rights of the Disabled promulgate regulations concerning nondiscrimination by state grants and programs on the basis of disability. The statute requires that these regulations be as consistent as possible with the federal § 504 regulations.

Estimated impact:

Number and types of regulated entities or persons affected: The nature and scope of the proposed regulations are so broad that it is not possible to ascertain the number of entities covered. All state programs and all recipients of state funds will be subject to these regulations. It should be noted that many of these entities, as recipients of federal funds, are already covered by the federal regulations on which these proposed regulations were modeled.

Projected costs to regulate entities of compliance: Again, the nature and scope of the proposed regulations is so broad that it is not possible to ascertain the cost to the Commonwealth. Affected entities will need to conduct a self-study for compliance and will need to provide reasonable accommodation for qualified persons with disabilities.

Projected costs to agency implementation and enforcement: Since the Board for Rights of the Disabled has no authority to implement these regulations, there will be no increased costs to the board. It is conceivable that the Department for Rights of the Disabled may experience

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some increased costs if a large number of persons with disabilities complain about noncompliance.

Statement of need for regulation: This regulation is mandated by § 51.5-40 of the Code of Virginia. For the board not to promulgate these regulations would put it out of compliance with that section as well as § 51.5-33(A)(7).

Clarity and simplicity: An attempt was made to make these regulations as clear as possible, while keeping in mind the highly individualized nature of the needs of persons with disabilities. It should also be noted that these regulations address nondiscrimination in all state grants and programs. Much of the language in these regulations is based upon the federal § 504 regulations promulgated by the Departments of Education, Health and Human Services, Housing and Urban Development, and Transportation.

Effect on small businesses: It is impossible to determine what the impact of these regulations will be on "small business" as defined in § 9-199 of the Code of Virginia. Those small businesses which receive both state and federal funds should see no impact from these regulations because they will already be complying with the applicable § 504 regulations. In addition, those small businesses with fewer than 50 employees will have to spend no more than \$500 on reasonable accommodations for an employee with a disability.

Statutory Authority: §§ 51.5-33 and 51.5-40 of the Code of Virginia.

Written comments may be submitted until November 13, 1989.

Contact: Bryan K. Lacy, Systems Advocacy Attorney, Department for Rights of the Disabled, James Monroe Bldg., 101 N. 14th St., 17th Floor, Richmond, VA 23219, telephone (804) 225-2042 or toll-free 1-800-552-3962

SAFETY AND HEALTH CODES BOARD

† **October 3, 1989 - 10 a.m. – Open Meeting**
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. ☐

A meeting to consider (i) amendment concerning powered platforms for building maintenance; (ii) Underground Construction Standard; (iii) amendment to the Asbestos Standard, Extension of Partial Stay; and (iv) amendment to Formaldehyde Standard.

Contact: Jay W. Withrow, Director, Office of Federal Liaison and Technical Support, Department of Labor and Industry, P.O. Box 12064, Richmond, VA 23241, telephone (804) 786-9873 or SCATS 786-9873

BOARD OF SOCIAL SERVICES

September 20, 1989 - 2 p.m. – Open Meeting
September 21, 1989 - 9 a.m. – Open Meeting (If necessary)
Mountain Lake Lodge, Route 700, Mountain Lake, Virginia. ☐

A work session and formal business meeting of the board.

Contact: Phyllis Sisk, Administrative Staff Specialist, Department of Social Services, 8007 Discovery Dr., Richmond, VA 23229-8699, telephone (804) 662-9236 or SCATS 662-9236

DEPARTMENT OF SOCIAL SERVICES (BOARD OF)

September 18, 1989 - 10 a.m. – Public Hearing
Department of Social Services, 8007 Discovery Drive, Conference Rooms A and B, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Social Services intends to adopt regulations entitled: **VR 615-43-3. Nonagency Placements for Adoption-Consent.** The regulations will enable local departments of social services and licensed child placing agencies to implement new legislation governing parental placements for adoption.

Statutory Authority: § 63.1-220.3 of the Code of Virginia.

Written comments may be submitted until October 13, 1989.

Contact: Margaret J. Friedenber, Legislative Analyst, Department of Social Services, 8007 Discovery Dr., Richmond, VA 23229, telephone (804) 662-9217 or SCATS 662-9217

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September 18, 1989 - 10 a.m. – Public Hearing
Department of Social Services, 8007 Discovery Drive, Blair Building, Conference Rooms A and B, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Social Services intends to adopt regulations entitled: **VR 615-43-10. Nonagency Placements for Adoption-Adoptive Home Study.** The regulations provide guidelines to child-placing agencies in conducting an adoptive home study when children are placed for adoption by their birth parents or legal guardian.

Statutory Authority: § 63.1-25 of the Code of Virginia.

Written comments may be submitted until October 13,

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1989.

Contact: Margaret J. Friedenberg, Legislative Analyst, Department of Social Services, 8007 Discovery Dr., Richmond, VA 23229, telephone (804) 662-9217 or SCATS 662-9217

VIRGINIA SOIL AND WATER CONSERVATION BOARD

September 21, 1989 - 9 a.m. – Open Meeting
203 Governor Street, Suite 200, Richmond, Virginia

A regular bi-monthly business meeting.

Contact: Donald L. Wells, Department of Conservation and Recreation, Division of Soil and Water Conservation, 203 Governor St., Suite 206, Richmond, VA 23219, telephone (804) 786-4356

STATE CORPORATION COMMISSION

† **September 13, 1989 - 10 a.m. – Public Hearing**
State Corporation Commission, Jefferson Building, Bank and Governor Streets, 13th Floor Courtroom, Richmond, Virginia. ☐

A hearing to determine whether competition is an effective regulator of rates for certain lines of commercial liability insurance. This hearing is scheduled according to § 38.2-1905.1 E of the Code of Virginia.

Contact: Lisa Hill O'Shea, Information Resources Specialist, State Corporation Commission, 1220 Bank Street, Room 1304, Richmond, VA 23219, telephone (804) 786-7141, toll-free 1-800-552-7945 (VA only), SCATS 786-7141 or (804) 225-3806/TDD ☎

DEPARTMENT OF TAXATION

October 27, 1989 - 10 a.m. – Public Hearing
General Assembly Building, House Room C, Richmond, Virginia ☐

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Taxation intends to adopt regulations entitled: **VR 630-3-400.1. Corporation Income Tax: Telecommunications Companies.**

Statutory Authority: § 58.1-203 of the Code of Virginia

Written comments may be submitted until October 27, 1989.

Contact: Janie E. Bowen, Director, Tax Policy, Department of Taxation, P.O. Box 6-L, Richmond, VA 23282, telephone (804) 367-8010 or SCATS 367-8010

TEEN PREGNANCY PREVENTION TASK FORCE

October 6, 1989 - 10 a.m. – Open Meeting
Monroe Building, Room 4, Mezzanine Level, 101 North 14th Street, Richmond, Virginia ☐

A regular meeting open to the public.

Contact: Martha J. Frickert, Human Resources Developer, Virginia Department for Children, 805 E. Broad St., 11th Floor, Richmond, VA 23219, telephone (804) 786-5994 or SCATS 786-5994

COMMONWEALTH TRANSPORTATION BOARD

September 20, 1989 - 10 a.m. – Open Meeting
Martha Washington Inn, 150 West Main Street, Abingdon, Virginia ☐ (Interpreter for deaf provided if requested)

A work session of the Commonwealth Transportation Board and the Department of Transportation staff.

September 21, 1989 - 10 a.m. – Open Meeting
Martha Washington Inn, 150 West Main Street, Abingdon, Virginia ☐ (Interpreter for deaf provided if requested)

A monthly meeting of the board to vote on proposals presented regarding bids, permits, additions and deletions to the highway system, and any other matters requiring board approval.

Contact: Albert W. Coates, Jr., Assistant Commissioner, Department of Transportation, 1401 E. Broad St., Richmond, VA, telephone (804) 786-9950

TREASURY BOARD

† **September 20, 1989 - 9 a.m. – Open Meeting**
† **October 18, 1989 - 9 a.m. – Open Meeting**
† **November 15, 1989 - 9 a.m. – Open Meeting**
James Monroe Building, 101 North 14th Street, Treasury Board Conference Room, 3rd Floor, Richmond, Virginia. ☐

A monthly meeting.

Contact: Betty A. Ball, Department of Treasury, 101 N. 14th St., James Monroe Bldg., 3rd Floor, Richmond, VA 23219, telephone (804) 225-2142

VIRGINIA RESOURCES AUTHORITY

† **September 12, 1989 - 9 a.m. – Open Meeting**
Mutual Building, 909 East Main Street, Suite 707, Conference Room A, Richmond, Virginia

The board will meet to (i) approve minutes of the meeting of August 8, 1989; (ii) review the authority's operations for the prior months; and (iii) consider

other matters and take other actions as they may deem appropriate. The planned agenda of the meeting will be available at the offices of the authority one week prior to the date of the meeting.

Contact: Shockley D. Gardner, Jr., P.O. Box 1300, Richmond, VA 23210, telephone (804) 644-3100

BOARD FOR THE VISUALLY HANDICAPPED

October 14, 1989 - 11 a.m. - Open Meeting
Administrative Headquarters, 397 Azalea Avenue, Richmond, Virginia ☐ (Interpreter for deaf provided upon request)

The board meets quarterly to review policy and procedures of the Virginia Department for the Visually Handicapped. The board also reviews and approves the department's budget.

Contact: Diane E. Allen, Administrative Assistant, 397 Azalea Ave., Richmond, VA 23227, telephone (804) 371-3145, toll-free 1-800-622-2155, SCATS 371-3145 or 371-3140/TDD ☐

**DEPARTMENT FOR THE VISUALLY HANDICAPPED
(BOARD FOR THE)**

September 28, 1989 - 7 p.m. - Public Hearing
The Virginia Department for the Visually Handicapped is holding public hearings to receive public comment on the following proposed regulations governing the major programs administered by the department. The public hearing will be broadcast from the Department of Information Technology to the following satellite sites:

Alexandria Regional Office
Northern Virginia Community College
8333 Little River Turnpike
Annandale, Virginia ☐

Northern Virginia 4-H Educational Center
Front Royal, Virginia ☐

Shenandoah College and Conservatory
Winchester, Virginia ☐

Bristol Regional Office
Virginia Highlands Community College
Abingdon, Virginia ☐

Southwest Virginia Community College
Richlands, Virginia ☐

Norfolk Regional Office
(waiting for one more site)

Eastern Shore Agricultural Experimental Station
Virginia Cooperative Extension Service

Painter, Virginia ☐

Richmond Regional Office
Department of Information Technology
4th Floor Auditorium
110 South 7th Street
Richmond, Virginia ☐

Southside Virginia Community College
Keysville, Virginia ☐

Roanoke Valley Graduate Center
117 West Church Avenue
Roanoke, Virginia ☐

Waynesboro Regional Office
Blue Ridge Community College
Weyers Cave, Virginia ☐

Staunton Virginia Cooperative Extension Service
6 East Johnson Street, County Office Building
Room 357
Staunton, Virginia ☐

Interpreter services are available upon request. Please call 1-800-622-2155/TDD ☐

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board for the Visually Handicapped intends to adopt regulations entitled: **VR 670-02-1. Regulations to Govern the Operation of Vending Facilities Established in Public Buildings and Other Property.** These regulations set forth the department's policies under which the Business Enterprises for the Blind is operated.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board for the Visually Handicapped intends to amend the regulation entitled: **VR 670-03-1. Regulations Governing Provision of Services in Vocational Rehabilitation.**

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board for the Visually Handicapped intends to amend regulations entitled: **VR 670-03-2. Regulations Governing Provision of Services for the Infants, Children and Youth Program.**

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board for the Visually Handicapped intends to amend regulations entitled: **VR 670-03-3. Provision of Services in Rehabilitation Teaching.**

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Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department for the Visually Handicapped intends to amend regulations entitled: **VR 670-03-4. Provision of Independent Living Rehabilitation Services.**

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Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board for the Visually Handicapped intends to amend regulations entitled: **VR 670-03-5. Supervision of Administrative Regulations Governing Intake and Social Services.**

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Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board for the Visually Handicapped intends to amend regulations entitled: **VR 670-03-6. Regulations Governing Deaf-Blind Services.**

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Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board for the Visually Handicapped intends to amend regulations entitled: **VR 670-03-7. Regulations Governing Low Vision Services.**

Statutory Authority: § 63.1-78 of the Code of Virginia.

Written comments may be submitted until October 16, 1989.

Contact: Judy P. Divers, Director of Legislation and Media Services, 397 Azalea Ave., Richmond, VA 23227, telephone (804) 371-3140 or toll-free 1-800-622-2155

Advisory Committee on Services

October 14, 1989 - 11 a.m. – Open Meeting
Administrative Headquarters, 397 Azalea Avenue, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

Committee meets quarterly to advise the Virginia Board for the Visually Handicapped on matters related to services for blind and visually handicapped citizens of the Commonwealth.

Contact: Barbara G. Tyson, Executive Secretary, 397 Azalea Ave., Richmond, VA 23227, telephone (804) 371-3055, toll-free 1-800-622-2155, SCATS 371-3055 or 371-3140/TDD ☎

Interagency Coordinating Council on Delivery of Related Services to Handicapped Children

† **September 26, 1989 - 1:30 p.m. – Open Meeting**
Department for the Visually Handicapped, 397 Azalea Avenue, Richmond, Virginia. ☒

A regular monthly meeting.

Contact: Glen R. Slonneger, Jr., Department for the Visually Handicapped, 397 Azalea Ave., Richmond, VA 23227, telephone (804) 371-3140

VIRGINIA WASTE MANAGEMENT BOARD

September 21, 1989 - 10 a.m. – Public Hearing
James Monroe Building, 101 North 14th Street, Conference Room C, Richmond, Virginia. ☒

A public hearing and work session on proposed infectious waste management regulations.

Contact: Cheryl Cashman, Legislative Liaison, James Monroe Bldg., 101 N. 14th St., 11th Floor, Richmond, VA 23219, telephone (804) 225-2667, toll-free 1-800-552-2075 or SCATS 225-2667

DEPARTMENT OF WASTE MANAGEMENT

September 18, 1989 - 7 p.m. – Open Meeting
Richmond City Council Chambers, 900 East Broad Street, Richmond, Virginia

September 18, 1989 - 7 p.m. – Open Meeting
Hampton Public Library, 4207 Victoria Boulevard, Hampton, Virginia

September 19, 1989 - 7 p.m. – Open Meeting
Manassas City Hall, 9027 Center Street, Manassas, Virginia

September 19, 1989 - 7 p.m. – Open Meeting
South Boston City Council Chambers, Yancy Street (behind library), South Boston, Virginia

September 19, 1989 - 7 p.m. – Open Meeting
Virginia Highlands Community College, Highway 372 off of Highway 140, Abingdon, Virginia

September 20, 1989 - 7 p.m. – Open Meeting
Roanoke City Council Chambers, 215 Church Avenue S.W., Roanoke, Virginia

September 20, 1989 - 7 p.m. – Open Meeting
Charlottesville City Hall Chambers, 7th and Market Streets, Charlottesville, Virginia

Informational meetings on the preliminary draft of the regulations governing the preparation of local solid waste management plans and recycling goals as

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mandated by the 1989 General Assembly.

Contact: Cheryl Cashman, Legislative Liaison, 11th Floor, Monroe Building, 101 N. 14th St., Richmond, VA 23219, telephone (804) 225-2667 or toll-free 1-800-552-2075

October 2, 1989 - 10 a.m. - Public Hearing
James Monroe Building, Conference Room B, 101 North 14th Street, Richmond, Virginia

A public hearing will be held for Amendment 10 to the Virginia Hazardous Waste Management Regulations (VR 672-10-1) to discuss the proposed changes in U.S. Environmental Protection regulations for solid and hazardous waste management.

Persons wishing to speak should contact: Vladimir Gulevich, Ph.D., Director, Division of Technical Services, Department of Waste Management, 101 N. 14th St., 11th Floor Monroe Bldg., Richmond, VA 23219, telephone (804) 225-2667.

Additional information may be obtained from: Stuart T. Ashton IV, Staff Specialist, Department of Waste Management, 101 N. 14th St., 11th Floor Monroe Bldg., Richmond, VA 23219, telephone (804) 225-2667

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† **October 16, 1989 - 10 a.m. - Public Hearing**
James Monroe Building, 101 North 14th Street, Conference Room B, Richmond, Virginia. ☐

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Waste Management Board intends to amend regulations entitled: **VR 672-10-1. Virginia Hazardous Waste Management Regulations.** Amendment 10 updates the Virginia Hazardous Waste Management Regulations to retain the equivalency of the Virginia and federal programs.

STATEMENT

Reduction of the regulatory burdens.

Virginia Hazardous Waste Management Regulations, as presently constituted, are not very specific on the procedures associated with the permit modifications requested voluntarily by the permittee. Amendment 10 will restructure drastically the department's procedures to simplify them and bring them in line with the federal changes promulgated on December 1, 1987, and September 28, 1988.

At the present time, laboratories and consulting firms offering their services for studying treatability of hazardous waste in conjunction with the land disposal restrictions must have a hazardous waste management facility permit or possess interim status to be able to receive manifested shipments of large quantities of wastes

needed for such studies. Amendment 10 removes this requirement.

The availability of financial assurance has been a problem and a substantial cost item for the regulated community since the inception of the program. Following the federal lead, Amendment 10 expands the choices of acceptable mechanisms.

On October 11, 1988, EPA removed the requirement that the results of the groundwater monitoring be statistically analyzed by using the t-test and allowed a variety of statistical tests provided they meet certain performance standards. Amendment 10 follows the federal regulations.

Adoption of more stringent federal regulations.

In response to the requirements under the Hazardous and Solid Waste Amendments of 1984, EPA promulgated on August 17, 1988, regulations addressing the land disposal restrictions for the first third of the hazardous waste listed. As the result of these regulations, certain hazardous wastes will require extensive treatment prior to the land disposal in hazardous waste sites. Amendment 10 mirror the federal land disposal restrictions.

On September 13, 1988, EPA listed as hazardous wastes certain primary metal production wastes previously exempted under the mining exclusion. To retain the equivalency with the federal program, Amendment 10 contains these newly listed wastes. It is not expected that these listings will affect any existing businesses in Virginia.

Other changes.

Numerous corrections are required to eliminate typographical and editorial errors found in the previous editions of the regulations. Amendment 10 lists these changes along with other minor technical clarifications and corrections.

Statutory Authority: § 10.1-1402 of the Code of Virginia.

Written comments may be submitted until November 20, 1989.

Contact: W. Gulevich, Director, Division of Technical Services, Department of Waste Management, 101 N. 14th St., Richmond, VA 23219, telephone (804) 225-2975 or SCATS 225-2975

STATE WATER CONTROL BOARD

September 11, 1989 - 7 p.m. - Open Meeting
Harrisonburg City Council Chambers, 345 South Main Street, Harrisonburg, Virginia ☐

September 11, 1989 - 1:30 p.m. - Open Meeting
Board of Supervisors Room, Warren Green Building, 10 Hotel Street, Warrenton, Virginia ☐

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September 12, 1989 - 7 p.m. – Open Meeting
Municipal Office Building Multi-Purpose Room, 150 East Monroe Street, Wytheville, Virginia ☐

September 12, 1989 - 1:30 p.m. – Open Meeting
Roanoke City Council's Chamber, 215 Church Street S.W., Roanoke, Virginia ☐

September 14, 1989 - 10 a.m. – Open Meeting
City Council's Chambers, 207 West Second Street, Franklin, Virginia ☐

The purpose of these meetings is to receive comments regarding SJR 161 which requests the State Water Control Board, in cooperation with the Department of Health, to study the problems associated with small package treatment systems and other alternatives for onsite sewage disposal.

September 20, 1989 - 7 p.m. – Public Hearing
Brookneal Elementary School Auditorium, 133 Charlotte Street, Brookneal, Virginia ☐

The State Water Control Board will hold a public hearing to receive comments on the proposed issuance of 401 Certification 89-0230 for Multitrade, Incorporated, to withdraw 2.0 mgd from the Roanoke River with a return flow of 0.336 mgd, the issuance or denial of the certificate, and the effect the withdrawal will have on water quality or beneficial uses of state waters.

Contact: Lori A. Freeman, Hearings Reporter, State Water Control Board, Office of Policy Analysis, 2111 N. Hamilton St., P.O. Box 11143, Richmond, VA 23230-1143, telephone (804) 367-6815

September 25, 1989 - 9 a.m. – Open Meeting
September 26, 1989 - 9 a.m. – Open Meeting
General Assembly Building, Senate Room B, Capitol Square, Richmond, Virginia ☐

A regular quarterly meeting.

† **September 26, 1989 - 9 a.m. – Public Hearing**
General Assembly Building, Capitol Square, Senate Room B, Richmond, Virginia. ☐

A public hearing to receive comments on the modification of Virginia Pollutant Discharge Elimination System (VPDES) Permit No. VA0063177 for the City of Richmond, Department of Utilities, 600 E. Broad St., Richmond, VA. The purpose of the hearing is to receive comments on the issuance or denial of the permit, and the effect of the proposed discharge on water quality or beneficial uses of state waters.

Contact: Doneva A. Dalton, State Water Control Board, Office of Policy Analysis, P.O. Box 11143, 2111 N. Hamilton St., Richmond, VA 23230, telephone (804)

367-6829

† **September 28, 1989 - 7 p.m. – Open Meeting**
W.W. Robinson Elementary School, 1231 Susan Avenue, Gymnasium, Woodstock, Virginia. ☐

The purpose of this meeting is receive comments regarding SJR 161 which requests the State Water Control Board, in cooperation with the Department of Health, to study the problems associated with small package treatment systems and other alternatives for onsite sewage disposal.

Contact: Lori A. Freeman, Hearings Reporter, State Water Control Board, 2111 N. Hamilton St., P.O. Box 11143, Richmond, VA 23230-1143, telephone (804) 367-6815

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October 17, 1989 - 2 p.m. – Public Hearing
Virginia War Memorial Auditorium, 621 South Belvidere Street, Richmond, Virginia ☐

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Water Control Board intends to amend regulations entitled: **VR 680-14-03. Toxics Management Regulation.** The proposed amendments would allow permittees an opportunity to conduct instream evaluations of the impact of the effluent on the receiving waters prior to entering into toxicity reduction evaluations and remove references to water quality criteria.

Statutory Authority: § 62.1-44.15(10) of the Code of Virginia.

Written comments may be submitted until October 31, 1989.

Contact: Doneva Dalton, Hearing Reporter, Office of Water Resources Management, State Water Control Board, P.O. Box 11143, Richmond, VA 23230, telephone (804) 367-0384 or SCATS 367-0384

BOARD FOR WATERWORKS AND WASTEWATER WORKS OPERATORS

† **September 19, 1989 - 8:30 a.m. – Open Meeting**
Department of Commerce, 3600 West Broad Street, 5th Floor, Richmond, Virginia. ☐

An open board meeting to (i) review examination applications; (ii) review enforcement cases; and (iii) consider matters which require board action.

Contact: Geralde W. Morgan, Administrator, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8534, toll-free 1-800-552-3016 or SCATS 367-8534

VIRGINIA WINEGROWERS ADVISORY BOARD

† **October 20, 1989 - 10 a.m.** – Open Meeting
Virginia Polytechnic Institute and State University,
Donaldson Brown Center, Blacksburg, Virginia

The board will review events since the July 10, 1989, meeting held in Richmond. The board will hear project status reports and conduct regular discussion of sponsored activities and events.

Contact: Annette C. Ringwood, Secretary to Virginia Winegrowers Advisory Board, 1100 Bank St., Room 802B, Richmond, VA 23219, telephone (804) 786-0481 or SCATS 786-0481

COUNCIL ON THE STATUS OF WOMEN

September 11, 1989 – CANCELLED

September 12, 1989 CANCELLED

The Embassy Suites Hotel, 2925 Emerywood Parkway, Richmond, Virginia

These meetings have been cancelled.

September 14, 1989 - 7:30 p.m. – Open Meeting
Springfield Inn-Best Western, 6550 Loisdale Road (I-95 Exit 57), Springfield, Virginia

A regular meeting of the council to conduct general business and to receive reports from the council standing committees.

† **November 13, 1989 - 8 p.m.** – Open Meeting
Embassy Suites Hotel, 2925 Emerywood Parkway, Richmond, Virginia

Meetings of the standing committees of the council.

† **November 14, 1989 - 9 a.m.** – Open Meeting
Embassy Suites Hotel, 2925 Emerywood Parkway, Richmond, Virginia

A regular meeting of the council to conduct general business and to receive reports from the council standing committees.

Contact: Bonnie H. Robinson, Executive Director, 8007 Discovery Dr., Richmond, VA 23229-8699, telephone (804) 662-9200 or SCATS 662-9200

LEGISLATIVE

SPECIAL HOUSE GENERAL LAWS SUBCOMMITTEE STUDYING ALCOHOLIC BEVERAGE CONTROL SYSTEM

† **October 17, 1989 - 2 p.m.** – Public Hearing
General Assembly Building, Capitol Square, House Room D, Richmond, Virginia ☐

Public hearing regarding possible privatization of ABC retail sales. HB 1979

Contact: Angela Bowser, Staff Attorney, Division of Legislative Services, General Assembly Bldg., Capitol Square, Richmond, VA 23219, telephone (804) 786-3591

SENATE COMMITTEE ON AGRICULTURE, CONSERVATION AND NATURAL RESOURCES AND HOUSE COMMITTEE ON AGRICULTURE

Joint Meeting

September 28, 1989 - 1 p.m. – Open Meeting
General Assembly Building, House Room D, Capitol Square, Richmond, Virginia ☐

The purpose of this meeting is to discuss status of Farmers' Market Network, plans of the new Pesticide Board, marketing Virginia products internationally, "Virginia's Finest" program, agricultural diversification, aquaculture initiative, and 1990 legislation.

Contact: John McE. Garrett, Deputy Clerk, Senate of Virginia, P.O. Box 396, Richmond, VA 23203, telephone (804) 786-4639 or Martin Farber, Research Associate, Division of Legislative Services, P.O. Box 3-AG, Richmond, VA 23208, telephone (804) 786-3591

JOINT SUBCOMMITTEE STUDYING AIDS

September 14, 1989 - 10 a.m. – Open Meeting
General Assembly Building, House Room C, Capitol Square, Richmond, Virginia ☐

Subcommittee will meet to continue examination of the issues relative to its study. HJR 431

Contact: Norma Szakal, Staff Attorney, Division of Legislative Services, P.O. Box 3-AG, Richmond, VA 23208, telephone (804) 786-3591

JOINT SUBCOMMITTEE STUDYING THE COMMONWEALTH'S SYSTEM OF APPELLATE REVIEW OF CIVIL CASES

September 28, 1989 - 10 a.m. – Public Hearing
General Assembly Building, House Room C, Capitol Square, Richmond, Virginia ☐

October 10, 1989 - 10 a.m. – Working Session
General Assembly Building, Sixth Floor Conference Room, Capitol Square, Richmond, Virginia ☐

November 13, 1989 - 10 a.m. – Working Session
General Assembly Building, Sixth Floor Conference Room, Capitol Square, Richmond, Virginia ☐

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A public hearing and working sessions relating to HJR 329.

Contact: Oscar Brinson, Staff Attorney or Mary K. Geisen, Research Associate, Division of Legislative Services, P.O. Box 3-AG, Richmond, VA 23208, telephone (804) 786-3591

VIRGINIA STATE CRIME COMMISSION

Corrections Subcommittee

† **September 19, 1989 - 10 a.m.** – Open Meeting
General Assembly Building, Capitol Square, 9th Floor West Conference Room, Richmond, Virginia. ☒

A meeting to review matters concerning the study of Shock Incarceration (HJR 321) and the Youthful Offender Act, and discussion of any other concerns pertaining to ongoing correctional issues.

Drug Task Force

† **September 19, 1989 - 2 p.m.** – Public Hearing
General Assembly Building, Capitol Square, House Room D, Richmond, Virginia. ☒

† **September 29, 1989 - 2 p.m.** – Public Hearing
Roanoke, Virginia

A public hearing to offer an opportunity for the general public to address the drug task force on issues of drug awareness education, abuse prevention, corrections and substance abuse treatment programs and law-enforcement efforts in combating drug crimes. SJR 144

Drug Task Force (Corrections Subcommittee)

† **September 29, 1989 - 10 a.m.** – Open Meeting
Roanoke, Virginia

Purpose of the meeting will be for the drug task force to examine drug-related treatment efforts and assess the effectiveness of correctional programs pursuant to SJR 144.

Drug Task Force (Education Subcommittee)

† **September 29, 1989 - 10 a.m.** – Open Meeting
Roanoke, Virginia

Purpose of the meeting will be for the drug task force to examine drug-awareness education efforts in the Commonwealth pursuant to SJR 144.

Law Enforcement Subcommittee

† **September 18, 1989 - 3 p.m.** – Open Meeting
General Assembly Building, Capitol Square, 3rd Floor West Conference Room, Richmond, Virginia. ☒

Purpose of the meeting will be for the subcommittee to review matters concerning Court Security and Plastic Firearms (HJR 367) and discussion of any other concerns pertaining to law-enforcement issues.

Treatment Subcommittee

† **September 18, 1989 - 1 p.m.** – Open Meeting
General Assembly Building, Capitol Square, 3rd Floor West Conference Room, Richmond, Virginia. ☒

Purpose of the meeting will be for the subcommittee to review matters concerning the education of handicapped inmates which was authorized by HJR 283 and to discuss matters related to juvenile transportation.

Victims and Witnesses Subcommittee

† **September 19, 1989 - 8:30 a.m.** – Open Meeting
General Assembly Building, Capitol Square, 9th Floor West Conference Room, Richmond, Virginia. ☒

Purpose of the meeting will be for the subcommittee to review matters concerning the continued study as authorized by HJR 48. Reports from the Division of Crime Victims Compensation will be reviewed and any other concerns of members will be discussed.

Contact: Robert E. Colvin, Executive Director, General Assembly Bldg., 9th Floor, Room 915, P.O. Box 3-AG, Richmond, VA 23208, telephone (804) 225-4534

JOINT SUBCOMMITTEE STUDYING DNA TEST DATA EXCHANGE

September 26, 1989 - 2 p.m. – Working Session
State Capitol, Senate Room 4, Capitol Square, Richmond, Virginia ☒

A working session. SJR 127

Contact: Amy Wachter, Committee Clerk, Senate of Virginia, P.O. Box 396, Richmond, VA 23203, telephone (804) 786-3838, or Mary Devine, Staff Attorney, Division of Legislative Services, P.O. Box 3-AG, Richmond, VA 23208, telephone (804) 786-3591

JOINT SUBCOMMITTEE STUDYING TRAINING AND CERTIFICATION OF EMERGENCY MEDICAL SERVICES PERSONNEL

September 11, 1989 - 9 a.m. – Open Meeting
General Assembly Building, Senate Room B, Capitol Square, Richmond, Virginia ☒

A regular meeting. SJR 209, 1989 (continued).

November 13, 1989 - 9 a.m. – Open Meeting

General Assembly Building, Senate Room B, Capitol Square, Richmond, Virginia ☐

A regular meeting. SJR 209, 1989 (continued).

Contact: Amy Wachter, Committee Clerk, Senate of Virginia, P.O. Box 396, Richmond, VA 23203, telephone (804) 786-3838, or Norma Szakal, Staff Attorney, Division of Legislative Services, P.O. Box 3-AG, Richmond, VA 23208, telephone (804) 786-3591

JOINT SUBCOMMITTEE STUDYING THE REGULATION OF ENGINEERS, ARCHITECTS, AND LAND SURVEYORS AND THE EXEMPTION FROM LICENSURE OF EMPLOYEES OF THE COMMONWEALTH AND ITS LOCALITIES

September 18, 1989 - 1:30 p.m. - Open Meeting
October 19, 1989 - 10 a.m. - Open Meeting
November 21, 1989 - 10 a.m. - Open Meeting
State Capitol, House Room 4, Capitol Square, Richmond, Virginia ☐

Regular meetings. HJR 408

Contact: Angela P. Bowser, Staff Attorney, Division of Legislative Services, P.O. Box 3-AG, Richmond, VA 23208, telephone (804) 786-3591

COMMISSION TO STUDY ALTERNATIVE METHODS OF FINANCING CERTAIN FACILITIES AT STATE-SUPPORTED COLLEGES AND UNIVERSITIES

September 11, 1989 - 2 p.m. - Open Meeting
General Assembly Building, Capitol Square, House Room D, Richmond, Virginia. ☐

This commission is meeting to study alternative methods of financing certain facilities at state-supported colleges and universities. HJR 373

Contact: Kathleen G. Harris, Staff Attorney, Division of Legislative Services, General Assembly Bldg., Capitol Square, Richmond, VA 23219, telephone (804) 786-3591

JOINT SUBCOMMITTEE STUDYING ACTIVITIES OF FINANCIAL INSTITUTIONS AND REAL ESTATE BROKERS AND AGENTS

September 21, 1989 - 10 a.m. - Open Meeting
General Assembly Building, Senate Room B, Capitol Square, Richmond, Virginia ☐

A regular meeting. SJR 218

Contact: Thomas C. Gilman, Chief Committee Clerk, Senate of Virginia, P.O. Box 396, Richmond, VA 23203, telephone (804) 786-7869, or Arlen Bolstad, Staff Attorney, Division of

Legislative Services, P.O. Box 3-AG, Richmond, VA 23208, telephone (804) 786-3591

JOINT SUBCOMMITTEE STUDYING THE FEASIBILITY OF CREATING AN ADMINISTRATIVE LAW JUDGE PANEL

† **September 20, 1989 - 2 p.m. - Open Meeting**
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. ☐

This joint subcommittee will meet to consider the feasibility of creating an administrative law judge panel and the establishment of uniform rules of procedure for administrative hearings. HJR 333

Contact: Jessica F. Bolecek, Staff Attorney, Division of Legislative Services, P.O. Box 3-AG, Richmond, VA 23208

JOINT SUBCOMMITTEE STUDYING THE FREEDOM OF INFORMATION ACT

November 20, 1989 - 10 a.m. - Public Hearing
General Assembly Building, House Room D, Capitol Square, Richmond, Virginia ☐

A public hearing to receive comments relating to legislation proposed by the subcommittee and other matters pertaining to the Freedom of Information Act.

Contact: Angela Bowser, Staff Attorney, Division of Legislative Services, P.O. Box 3-AG, Richmond, VA 23208, telephone (804) 786-3591

NEEDS OF HEAD AND SPINAL CORD INJURED CITIZENS

September 12, 1989 - 10 a.m. - Open Meeting
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. ☐

This meeting is one of several scheduled to be held during the interim to discuss needs of head and spinal cord injured citizens. HJR 287

Contact: Brenda Edwards, Research Associate, Division of Legislative Services, P.O. Box 3-AG, Richmond, VA 23208, telephone (804) 786-3591

INDIGENT DEFENSE SYSTEMS

September 15, 1989 - 10 a.m. - Open Meeting
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. ☐

The joint subcommittee is studying indigent defense systems. HJR 279

Calendar of Events

Contact: Mary P. Devine, Staff Attorney, Division of Legislative Services, P.O. Box 3-AG, Richmond, VA 23208, telephone (804) 786-3591

COMMISSION ON LOCAL GOVERNMENT STRUCTURES AND RELATIONSHIPS

† September 18, 1989 - 7:30 p.m. - Public Hearing
Halifax County Courthouse, Halifax, Virginia

A public hearing to consider HJR 286.

Contact: Persons wishing to speak or for additional information contact: C.M. Conner, Jr., Staff Attorney, Division of Legislative Services, P.O. Box 3-AG, Richmond, VA 23208, telephone (804) 786-3591

LONG-TERM CARE SUBCOMMITTEE OF THE JOINT SUBCOMMITTEE STUDYING HEALTH CARE FOR ALL VIRGINIANS

September 11, 1989 - 1 p.m. - Open Meeting
General Assembly Building, House Appropriations Room, 9th Floor, Capitol Square, Richmond, Virginia ☐

A regular meeting. SJR 214

Contact: Jane Kusiak, House Appropriations Office, 9th Floor, General Assembly Bldg., Richmond, VA 23219, telephone (804) 786-1837 or John McE. Garrett, Deputy Clerk, Senate of Virginia, P.O. Box 396, Richmond, VA 23203, telephone (804) 786-4639

UNINSURED SUBCOMMITTEE OF THE JOINT SUBCOMMITTEE STUDYING HEALTH CARE FOR ALL VIRGINIANS

September 18, 1989 - 1:30 p.m. - Open Meeting
General Assembly Building, Capitol Square, 10th Floor Conference Room, Richmond, Virginia. ☐

A regular meeting. SJR 214

Contact: John McE. Garrett, Deputy Clerk, Senate of Virginia, P.O. Box 396, Richmond, VA 23203, telephone (804) 786-4639 or Dick Hickman, Senate Finance Office, 10th Floor, General Assembly Bldg., Richmond, VA 23219, telephone (804) 786-4400

JOINT SUBCOMMITTEE STUDYING LIABILITY FOR ILLEGAL DUMPING OF HAZARDOUS MATERIALS ON PROPERTY

† September 29, 1989 - 10 a.m. - Public Hearing
McCoart Building, 1 County Complex Court, David Ford Road, Board of Supervisors Room, Prince William, Virginia

A public hearing. SJR 202

Contact: For additional information contact: Thomas C. Gilman, Chief Committee Clerk, Senate of Virginia, P.O. Box 396, Richmond, VA 23203, telephone (804) 786-7869. Persons wishing to speak contact: John T. Heard, Staff Attorney, Division of Legislative Services, P.O. Box 3-AG, Richmond, VA 23208, telephone (804) 786-3591

LOCAL AND STATE GOVERNMENT INFRASTRUCTURE AND REVENUE RESOURCES COMMISSION

† September 26, 1989 - 10 a.m. - Public Hearing
Gas Building, 6801 Industrial Road, Springfield, Virginia

† October 4, 1989 - 10 a.m. - Public Hearing
Norfolk City Council Chambers, 810 Union Street, Norfolk, Virginia

The commission will meet to receive testimony concerning infrastructure needs in areas of high growth. HJR 432

Contact: John Garka, Economist, Division of Legislative Services, P.O. Box 3-AG, Richmond, VA 23208, telephone (804) 786-3591

JOINT SUBCOMMITTEE STUDYING THE CREATION, MEMBERSHIP AND STANDARDS OF CONDUCT OF A NONPARTISAN FAIR CAMPAIGN PRACTICES COMMISSION

September 11, 1989 - 10 a.m. - Public Hearing
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. ☐

A public hearing to receive testimony with regard to the need for a Fair Campaign Practices Commission. HJR 416

Contact: Mary Spain, Staff Attorney, or Dr. R. J. Austin, Research Associate, Division of Legislative Services, P.O. Box 3-AG, Richmond, VA 23208, telephone (804) 786-3591. Persons wishing to speak contact: Anne R. Howard, House Committee Operations Office, P.O. Box 406, Richmond, VA 23203, telephone (804) 786-7681

COMMISSION ON POPULATION GROWTH AND DEVELOPMENT

September 28, 1989 - 10 a.m. - Open Meeting
October 26, 1989 - 10 a.m. - Open Meeting
November 30, 1989 - 10 a.m. - Open Meeting
General Assembly Building, Capitol Square, Sixth Floor Conference Room, Richmond, Virginia. ☐

Meetings to address matters relevant to the mission of the commission.

Contact: Jeffrey A. Finch, House of Delegates, P.O. Box 406, Richmond, VA 23203, telephone (804) 786-2227

SPECIAL FINANCE SUBCOMMITTEE STUDYING REAL ESTATE TAX ASSESSMENTS

September 14, 1989 - 2 p.m. - Public Hearing
Supervisors Chambers of the McCoart Building, 1 County Complex Court, Manassas, Virginia

September 14, 1989 - 7:30 p.m. - Public Hearing
Edison High School, 5801 Franconia Road, Alexandria, Virginia

The subcommittee will meet to hear from interested citizens and government officials on alternatives to alleviate escalating assessments in the area.

Contact: John Garka, Economist, Division of Legislative Services, P.O. Box 3-AG, Richmond, VA 23208, telephone (804) 786-3591

JOINT SUBCOMMITTEE STUDYING REINSURANCE, INSURANCE ANTITRUST LAWS AND LIABILITY INSURANCE COVERAGE

September 22, 1989 - 10 a.m. - Open Meeting
General Assembly Building, House Room C, Capitol Square, Richmond, Virginia ☐

The focus of this meeting will be devoted to either Reinsurance, Anti-trust laws or Liability Insurance Coverage. HJR 382

Contact: C. William Cramme', Deputy Director, or Arlen Bolstad, Staff Attorney, Division of Legislative Services, P.O. Box 3-AG, Richmond, VA 23208, telephone (804) 786-3591, or Jeffrey A. Finch, House of Delegates, P.O. Box 406, Richmond, VA 23203, telephone (804) 786-2227

JOINT SUBCOMMITTEE STUDYING EXEMPTION OF RETIREMENT BENEFITS FROM CLAIMS OF CREDITORS

September 18, 1989 - 10 a.m. - Open Meeting
General Assembly Building, House Room C, Capitol Square, Richmond, Virginia ☐

The subcommittee will look at current exemptions available under Virginia law and possible expansion of Virginia law to include exemption of retirement benefits.

Contact: Mary Geisen, Research Associate, Division of Legislative Services, P.O. Box 3-AG, Richmond, VA 23208, telephone (804) 786-3591

JOINT SUBCOMMITTEE STUDYING SURROGATE MOTHERHOOD

† October 10, 1989 - 2 p.m. - Open Meeting
State Capitol, Capitol Square, Senate Room 4, Richmond, Virginia. ☐

A regular meeting. SJR 178 (continued)

Contact: Norma Szakal, Staff Attorney, Division of Legislative Services, P.O. Box 3-AG, Richmond, VA 23208, telephone (804) 786-3591 or Amy Wachter, Committee Clerk, Senate of Virginia, P.O. Box 396, Richmond, VA 23203, telephone (804) 786-3838

JOINT LEGISLATIVE SUBCOMMITTEE ON UNEMPLOYMENT COMPENSATION

September 28, 1989 - 2 p.m. - Open Meeting
General Assembly Building, Senate Room A, Capitol Square, Richmond, Virginia ☐

The purpose of meeting is to receive an update on the status of Virginia's Unemployment Insurance Trust Fund from staff of the Virginia Employment Commission.

Contact: John McE. Garrett, Deputy Clerk, Senate of Virginia, P.O. Box 396, Richmond, VA 23203, telephone (804) 786-4639, or C. William Cramme', Staff Attorney, Division of Legislative Services, P.O. Box 3-AG, Richmond, VA 23208, telephone (804) 786-3591

CHRONOLOGICAL LIST

OPEN MEETINGS

September 11

Alternative Methods of Financing Certain Facilities at State-Supported Colleges and Universities, Commission to Study

Emergency Medical Services Personnel, Joint Subcommittee Studying Training and Certification of

† Hearing Aid Specialists, Board for

Long-Term Care Subcommittee of the Joint Subcommittee Studying Health Care for All Virginians

Mines, Minerals and Energy, Department of

- Division of Mined Land Reclamation

Water Control Board, State

September 12

Architects, Professional Engineers, Land Surveyors and Landscape Architects, Board for

- Board for Architects

Emergency Planning Committee, County of Montgomery/Town of Blacksburg, Local

Calendar of Events

Head and Spinal Cord Injured Citizens, Needs of
Housing Development Authority, Virginia
Marine Resources Commission
† Virginia Resources Authority
Water Control Board, State

September 13

† Community Colleges, State Board for
Conservation and Development of Public Beaches,
Board on
† Contractors, Board for
† Human Rights, Council on
† Medicine, Board of
- Informal Conference Committee
Mental Health, Mental Retardation and Substance
Abuse Services Board, State
† Mental Health, Mental Retardation and Substance
Abuse Services, Department of
- Emergency Services Advisory Committee
† Piedmont Court Services Executive Board
† Racing Commission, Virginia
Real Estate Board

September 14

AIDS, Joint Subcommittee Studying
Boating Advisory Board, Virginia
Child Day-Care Council
† Community Colleges, State Board for
Health, Department of
- Perinatal Services Advisory Board
Housing and Community Development, Board of
- Amusement Device Technical Advisory Committee
Medicine, Board of
- Chiropractic Examination Committee
† Real Estate Board
Water Control Board, State
Women, Virginia Council on the Status of

September 15

† Commerce, Department of
† Fairfax County, the City of Fairfax, and the Towns
of Herndon and Vienna, Local Emergency Planning
Committee for
Geology, Board for
† Health Professions, Board of
- Regulatory Evaluation and Research Committee
† Health Professions, Board of and Department of
Health
Indigent Defense Systems
† Pesticide Control Board
† Real Estate Board

September 16

† Pesticide Control Board

September 17

† Information Management, Council on
† Pesticide Control Board

September 18

† Cosmetology, Board for

† Crime Commission, Virginia State
- Law Enforcement Subcommittee
- Treatment Subcommittee
Engineers, Architects, and Land Surveyors and the
Exemption from Licensure of Employees of the
Commonwealth and Its Localities, Joint Subcommittee
Studying the Regulation of
Health Care for All Virginians, Uninsured
Subcommittee of the Joint Subcommittee Studying
† Health Professions, Board of
- Public Information Committee
Indians, Council on
Local Government, Commission on
Retirement Benefits, Joint Subcommittee Studying
Exemption of
Waste Management, Department of

September 19

† Crime Commission, Virginia State
- Corrections Subcommittee
- Victims and Witnesses Subcommittee
† Funeral Directors and Embalmers, Board of
† Marine Products Board
† Medicine, Board of
- Informal Conference Committee
† Richmond Emergency Planning Committee
Waste Management, Department of
† Waterworks and Wastewater Works Operators, Board
for

September 20

† Child Day Care and Early Childhood Programs,
Council on
- Biennial Plan Subcommittee
Corrections, Board of
Dentistry, Board of
Mental Health, Mental Retardation and Substance
Abuse Services, Department of
- Virginia Interagency Coordinating Council
Prison and Jail Overcrowding, Commission on
Rights of the Disabled, Board for
Social Services, Board of
Transportation Board, Commonwealth
† Treasury Board
Waste Management, Department of
Water Control Board, State

September 21

Commerce, Board of
Dentistry, Board of
Financial Institutions and Real Estate Brokers and
Agents, Joint Subcommittee Studying Activities of
Social Services, Board of
Soil and Water Conservation Board, Virginia
Transportation Board, Commonwealth

September 22

† Branch Pilots, Board for
† Building Code Technical Review Board, State
Dentistry, Board of
Medicine, Board of

Calendar of Events

- Advisory Board on Physical Therapy
Reinsurance, Insurance Antitrust Laws and Liability
Insurance Coverage, Joint Subcommittee Studying
Rights of the Disabled, Board for

September 23
Dentistry, Board of

September 25
Water Control Board, State

September 26
Agriculture, Conservation and Natural Resources
Senate Committee on, and House Committee on
Agriculture, Joint Meeting
DNA Test Data Exchange, Joint Subcommittee
Studying
Education Assistance Authority, State
- Board of Directors
† Health Services Cost Review Council
† Private Security Services Advisory Committee
† Visually Handicapped, Department for the
- Interagency Coordinating Council on Delivery of
Related Services to Handicapped Children
Water Control Board, State

September 27
† Agriculture and Consumer Services, Board of
Education, Board of
Lottery, State Board
Medicine, Board of
- Advisory Committee on Acupuncture
Mental Health, Mental Retardation and Substance
Abuse Services, Department of
† Rehabilitative Services, Board of
- Finance Committee
- Legislation and Evaluation Committee
- Program Committee

September 28
† Child Day Care and Early Childhood Programs,
Council on
Children, Department for
- Child Abuse Fatalities Study Committee
Education, Board of
† Farmers' Market Board, Virginia
Long-Term Care Council, Virginia
Population Growth and Development, Commission on
† Rehabilitative Services, Board of
Unemployment Compensation, Joint Legislative
Subcommittee on
† Water Control Board, State

September 29
Architects, Professional Engineers, Land Surveyors and
Landscape Architects, Board for
† Crime Commission, State
- Drug Task Force (Corrections Subcommittee)
- Drug Task Force (Education Subcommittee)
† Professional Counselors, Board of

October 3
Hopewell Industrial Safety Council
† Safety and Health Codes Board
Real Estate Board

October 4
Audiology and Speech Pathology, Board of
Child Mental Health, Consortium on

October 5
Chesterfield County, Local Emergency Planning
Committee of

October 6
Medicine, Board of
- Executive Committee
- Ad Hoc Committee on Optometry
Teen Pregnancy Prevention Task Force

October 7
Medicine, Board of
- Credentials Committee
Military Institute, Virginia
- Board of Visitors

October 10
Appellate Review of Civil Cases, Joint Subcommittee
Studying Commonwealth's System of
† Surrogate Motherhood, Joint Subcommittee Studying

October 11
Corrections, Board of
† Mental Health, Mental Retardation and Substance
Abuse Services, Department of

October 13
† Children, Coordinating Committee for
Interdepartmental Licensure and Certification of
Residential Facilities for

October 14
Visually Handicapped, Board for the
Visually Handicapped, Department for the
- Advisory Committee on Services

October 18
† Contractors, Board for
† Treasury Board

October 19
Engineers, Architects, and Land Surveyors and the
Exemption from Licensure of Employees of the
Commonwealth and Its Localities, Joint Subcommittee
Studying the Regulation of

October 20
† Winegrowers Advisory Board, Virginia

October 24
Education, Board of

Calendar of Events

October 25
Education, Board of

October 26
DNA Test Data Exchange, Joint Subcommittee
Studying
Population Growth and Development, Commission on

October 27
† Mental Health, Mental Retardation and Substance
Abuse Services, Department of
- Mental Health Advisory Council

October 30
Funeral Directors and Embalmers, Board of

November 1
Child Mental Health, Consortium on

November 2
Long-Term Care Council, Virginia

November 3
Long-Term Care Council, Virginia

November 9
† Children, Coordinating Committee for
Interdepartmental Licensure and Certification of
Residential Facilities for

November 13
Appellate Review of Civil Cases, Joing Subcommittee
Studying Commonwealth's System of
Emergency Medical Services Personnel, Joint
Subcommittee Studying Training and Certification of
† Women, Council on the Status of

November 14
† Women, Council on the Status of

November 15
† Indians, Council on
† Treasury Board

November 21
Education Assistance Authority, State
- Board of Directors
Engineers, Architects, and Land Surveyors and the
Exemption from Licensure of Employees of the
Commonwealth and Its Localities, Joint Subcommittee
Studying the Regulations of

November 30
Funeral Directors and Embalmers, Board of
Population Growth and Development, Commission on

December 6
Child Mental Health, Consortium

December 7
Emergency Planning Committee of Chesterfield County,

Local

December 8
† Children, Coordinating Committee for
Interdepartmental Licensure and Certification of
Residential Facilities for

PUBLIC HEARINGS

September 11
Hearing Aid Specialists, Board for
Motor Vehicles, Department of
Nonpartisan Fair Campaign Practices Commission,
Joint Subcommittee Studying the Creation, Membership
and Standards of Conduct of a

September 12
Branch Pilots, Board for
Motor Vehicles, Department of

September 13
† State Corporation Commission

September 14
Motor Vehicles, Department of
Real Estate Tax Assessments, Special Finance
Subcommittee Studying

September 15
Motor Vehicles, Department of

September 18
Social Services, Department of

September 19
† Crime Commission, Virginia State
- Drug Task Force
Criminal Justice Services, Department of
Motor Vehicles, Department of

September 20
Alcoholic Beverage Control, Department of
Health, Department of
Motor Vehicles, Department of
Water Control Board, State

September 21
† Health, Department of
Motor Vehicles, Department of
Waste Management Board, Virginia

September 26
† Health, Department of
† Local and State Government Infrastructure and
Revenue Resources Commission
Motor Vehicles, Department of
† Water Control Board, State

Calendar of Events

- September 27**
Agriculture and Consumer Services, Department of
Motor Vehicles, Department of
- September 28**
Appellate Review of Civil Cases, Joint Subcommittee
Studying the Commonwealth's System of
Commerce, Department of
Visually Handicapped, Department for the
- September 29**
† Crime Commission, Virginia State
- Drug Task Force
† Illegal Dumping of Hazardous Materials on Property,
Joint Subcommittee Studying Liability for
- October 2**
Motor Vehicles, Department of
Waste Management, Department of
- October 3**
Motor Vehicles, Department of
- October 4**
Criminal Justice Services Board
- October 5**
† Health, Department of
- October 10**
† Health, Department of
- October 11**
† Mental Health, Mental Retardation and Substance
Abuse Services, Department of
- Alzheimer's Disease and Related Disorders
Commission
- October 12**
† Mental Health, Mental Retardation and Substance
Abuse Services, Department of
- Alzheimer's Disease and Related Disorders
Commission
- October 16**
† Medicine, Board of
† Waste Management, Department of
- October 17**
† Alcoholic Beverage Control System, Special House
General Laws Subcommittee Studying
Water Control Board, State
- October 18**
† Mental Health, Mental Retardation and Substance
Abuse Services, Department of
- Alzheimer's Disease and Related Disorders
Commission
- October 19**
† Mental Health, Mental Retardation and Substance
Abuse Services, Department of
- Alzheimer's Disease and Related Disorders
Commission
- October 23**
† Mental Health, Mental Retardation and Substance
Abuse Services, Department of
- October 24**
† Mental Health, Mental Retardation and Substance
Abuse Services, Department of
- October 25**
† Mental Health, Mental Retardation and Substance
Abuse Services, Department of
- October 26**
† Mental Health, Mental Retardation and Substance
Abuse Services, Department of
- October 27**
Taxation, Department of
- October 30**
† Mental Health, Mental Retardation and Substance
Abuse Services, Department of
- November 13**
† Rights of the Disabled, Department for
- November 14**
Corrections, Department of
- November 15**
Labor and Industry, Department of
- November 20**
Freedom of Information Act, Joint Subcommittee
Studying the
- November 21**
† Lottery Department, State
- November 29**
† Pharmacy, Board of

Calendar of Events
