



VIRGINIA

REGISTER OF REGULATIONS

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THE VIRGINIA REGISTER INFORMATION PAGE

THE VIRGINIA REGISTER OF REGULATIONS is an official state publication issued every other week throughout the year. Indexes are published quarterly, and are cumulative for the year. The *Virginia Register* has several functions. The new and amended sections of regulations, both as proposed and as finally adopted, are required by law to be published in the *Virginia Register*. In addition, the *Virginia Register* is a source of other information about state government, including petitions for rulemaking, emergency regulations, executive orders issued by the Governor, and notices of public hearings on regulations.

ADOPTION, AMENDMENT, AND REPEAL OF REGULATIONS

Unless exempted by law, an agency wishing to adopt, amend, or repeal regulations must follow the procedures in the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia). Typically, this includes first publishing in the *Virginia Register* a notice of intended regulatory action; a basis, purpose, substance and issues statement; an economic impact analysis prepared by the Department of Planning and Budget; the agency's response to the economic impact analysis; a summary; a notice giving the public an opportunity to comment on the proposal; and the text of the proposed regulation.

Following publication of the proposed regulation in the *Virginia Register*, the promulgating agency receives public comments for a minimum of 60 days. The Governor reviews the proposed regulation to determine if it is necessary to protect the public health, safety, and welfare, and if it is clearly written and easily understandable. If the Governor chooses to comment on the proposed regulation, his comments must be transmitted to the agency and the Registrar of Regulations no later than 15 days following the completion of the 60-day public comment period. The Governor's comments, if any, will be published in the *Virginia Register*. Not less than 15 days following the completion of the 60-day public comment period, the agency may adopt the proposed regulation.

The Joint Commission on Administrative Rules or the appropriate standing committee of each house of the General Assembly may meet during the promulgation or final adoption process and file an objection with the Registrar and the promulgating agency. The objection will be published in the *Virginia Register*. Within 21 days after receipt by the agency of a legislative objection, the agency shall file a response with the Registrar, the objecting legislative body, and the Governor.

When final action is taken, the agency again publishes the text of the regulation as adopted, highlighting all changes made to the proposed regulation and explaining any substantial changes made since publication of the proposal. A 30-day final adoption period begins upon final publication in the *Virginia Register*.

The Governor may review the final regulation during this time and, if he objects, forward his objection to the Registrar and the agency. In addition to or in lieu of filing a formal objection, the Governor may suspend the effective date of a portion or all of a regulation until the end of the next regular General Assembly session by issuing a directive signed by a majority of the members of the appropriate legislative body and the Governor. The Governor's objection or suspension of the regulation, or both, will be published in the *Virginia Register*.

If the Governor finds that the final regulation contains changes made after publication of the proposed regulation that have substantial impact, he may require the agency to provide an additional 30-day public comment period on the changes. Notice of the additional public comment period required by the Governor will be published in the *Virginia Register*. Pursuant to § 2.2-4007.06 of the Code of Virginia, any person may request that the agency solicit additional public comment on certain changes made after publication of the proposed regulation. The agency shall suspend the regulatory process for 30 days upon such request from 25 or more individuals, unless the agency determines that the changes have minor or inconsequential impact.

A regulation becomes effective at the conclusion of the 30-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 21-day objection period; (ii) the Governor exercises his

authority to require the agency to provide for additional public comment, in which event the regulation, unless withdrawn, becomes effective on the date specified, which shall be after the expiration of the period for which the Governor has provided for additional public comment; (iii) the Governor and the General Assembly exercise their authority to suspend the effective date of a regulation until the end of the next regular legislative session; or (iv) the agency suspends the regulatory process, in which event the regulation, unless withdrawn, becomes effective on the date specified, which shall be after the expiration of the 30-day public comment period and no earlier than 15 days from publication of the readopted action.

A regulatory action may be withdrawn by the promulgating agency at any time before the regulation becomes final.

FAST-TRACK RULEMAKING PROCESS

Section 2.2-4012.1 of the Code of Virginia provides an alternative to the standard process set forth in the Administrative Process Act for regulations deemed by the Governor to be noncontroversial. To use this process, the Governor's concurrence is required and advance notice must be provided to certain legislative committees. Fast-track regulations become effective on the date noted in the regulatory action if fewer than 10 persons object to using the process in accordance with § 2.2-4012.1.

EMERGENCY REGULATIONS

Pursuant to § 2.2-4011 of the Code of Virginia, an agency may adopt emergency regulations if necessitated by an emergency situation or when Virginia statutory law or the appropriation act or federal law or federal regulation requires that a regulation be effective in 280 days or fewer from its enactment. In either situation, approval of the Governor is required. The emergency regulation is effective upon its filing with the Registrar of Regulations, unless a later date is specified per § 2.2-4012 of the Code of Virginia. Emergency regulations are limited to no more than 18 months in duration; however, may be extended for six months under the circumstances noted in § 2.2-4011 D. Emergency regulations are published as soon as possible in the *Virginia Register* and are on the Register of Regulations website at register.dls.virginia.gov.

During the time the emergency regulation is in effect, the agency may proceed with the adoption of permanent regulations in accordance with the Administrative Process Act. If the agency chooses not 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 (§ 2.2-4006 et seq.) of Chapter 40 of Title 2.2 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. **34:8 VA.R. 763-832 December 11, 2017**, refers to Volume 34, Issue 8, pages 763 through 832 of the *Virginia Register* issued on December 11, 2017.

The Virginia Register of Regulations is published pursuant to Article 6 (§ 2.2-4031 et seq.) of Chapter 40 of Title 2.2 of the Code of Virginia.

Members of the Virginia Code Commission: **John S. Edwards, Chair; James A. Leftwich, Jr., Vice-Chair; Ward L. Armstrong; Nicole Cheuk; Richard E. Gardiner; Ryan T. McDougle; Christopher R. Nolen; Steven Popp; Charles S. Sharp; Malfourd W. Trumbo; Amigo R. Wade; Wren M. Williams.**

Staff of the Virginia Register: **Holly Trice, Registrar of Regulations; Anne Bloomsburg, Assistant Registrar; Nikki Clemons, Senior Regulations Analyst.**

PUBLICATION SCHEDULE AND DEADLINES

This schedule is available on the Virginia Register of Regulations website (<http://register.dls.virginia.gov>).

February 2024 through February 2025

<u>Volume: Issue</u>	<u>Material Submitted By Noon*</u>	<u>Will Be Published On</u>
40:13	January 24, 2024	February 12, 2024
40:14	February 7, 2024	February 26, 2024
40:15	February 21, 2024	March 11, 2024
40:16	March 6, 2024	March 25, 2024
40:17	March 20, 2024	April 8, 2024
40:18	April 3, 2024	April 22, 2024
40:19	April 17, 2024	May 6, 2024
40:20	May 1, 2024	May 20, 2024
40:21	May 15, 2024	June 3, 2024
40:22	May 29, 2024	June 17, 2024
40:23	June 12, 2024	July 1, 2024
40:24	June 26, 2024	July 15, 2024
40:25	July 10, 2024	July 29, 2024
40:26	July 24, 2024	August 12, 2024
41:1	August 7, 2024	August 26, 2024
41:2	August 21, 2024	September 9, 2024
41:3	September 4, 2024	September 23, 2024
41:4	September 18, 2024	October 7, 2024
41:5	October 2, 2024	October 21, 2024
41:6	October 16, 2024	November 4, 2024
41:7	October 30, 2024	November 18, 2024
41:8	November 13, 2024	December 2, 2024
41:9	November 26, 2024 (Tuesday)	December 16, 2024
41:10	December 11, 2024	December 30, 2024
41:11	December 23, 2024 (Monday)	January 13, 2025
41:12	January 8, 2025	January 27, 2025
41:13	January 22, 2025	February 10, 2025
41:14	February 5, 2025	February 24, 2025

*Filing deadlines are Wednesdays unless otherwise specified.

PERIODIC REVIEWS AND SMALL BUSINESS IMPACT REVIEWS

TITLE 4. CONSERVATION AND NATURAL RESOURCES

VIRGINIA SOIL AND WATER CONSERVATION BOARD

Report of Findings

Pursuant to §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, the Virginia Soil and Water Conservation Board conducted a periodic review and a small business impact review of **4VAC50-70, Resource Management Plans**, and determined that this regulation should be retained as is. The board is publishing its report of findings dated December 6, 2023, to support this decision.

The regulation is necessary for the protection of public health, safety, and welfare of the citizens and visitors to the Commonwealth.

The board will retain the regulation without amendment. There is a continued need for the regulation as the regulation is mandated by law. The regulation does not have an adverse impact on small businesses and may provide opportunities for small businesses in the environmental services industries. The regulation does not overlap, duplicate, or conflict with any known federal or state law or regulation.

Contact Information: Lisa McGee, Policy and Planning Director, Department of Conservation and Recreation, 600 East Main Street, 24th Floor, Richmond, VA 23219, telephone (804) 786-4378, FAX (804) 786-6141, or email lisa.mcgee@dcr.virginia.gov.



TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

REAL ESTATE APPRAISER BOARD

Report of Findings

Pursuant to §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, the Real Estate Appraiser Board conducted a periodic review and a small business impact review of **18VAC130-11, Public Participation Guidelines**, and determined that this regulation should be retained as is. The board is publishing its report of findings dated January 4, 2024, to support this decision.

The board's public participation guidelines mirror the Department of Planning and Budget (DPB) model public participation guidelines. The guidelines having the status of a regulation is necessary to promote public involvement in the

development, amendment, or repeal of regulations. Further, the regulation is clearly written and understandable.

On October 17, 2023, the board voted to retain this regulation without amendment. The regulation continues to mirror the model public participation guidelines from DPB.

A continued need for this regulation exists because the regulation promotes public involvement in the development, amendment, or repeal of the regulations of the board. The board did not receive any comments or complaints during the public comment period. The regulation is not complex. The regulation does not overlap, duplicate, or conflict with any other federal or state laws or regulations. The regulation was last evaluated in 2019 and does not rely on technology, economic conditions, or any other factors due to the nature of public participation. This regulation outlines the Virginia Regulatory Town Hall as the mechanism for notification, registration, and meeting procedures for public participation. The board determined the regulation has no economic impact on small businesses.

Contact Information: Stephen Kirschner, Deputy Director for Licensing and Regulation, Department of Professional and Occupational Regulation, 9960 Mayland Drive, Suite 400, Richmond, VA 23233, telephone (804) 367-8552, FAX (866) 826-8863, or email reappraisers@dpor.virginia.gov.

Report of Findings

Pursuant to §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, the Real Estate Appraiser Board conducted a periodic review and a small business impact review of **18VAC130-20, Real Estate Appraiser Board Rules and Regulations**, and determined that this regulation should be retained as is. The board is publishing its report of findings dated January 3, 2024, to support this decision.

The regulation contains the requirements for (i) obtaining a license as an appraiser or appraiser trainee; a certification as an instructor; and a registration of business entities, renewal and reinstatement of licenses, certifications, and registrations; (ii) standards of professional conduct to ensure competence and integrity of all regulants; and (iii) administering the regulatory program in accordance with Chapter 20.1 (§ 54.1-2009 et seq.) of Title 54.1 of the Code of Virginia. The regulation is necessary for the protection of public health, safety, and welfare and is clearly written and understandable.

On October 17, 2023, the board voted to retain the regulation without amendment. In accordance with the Governor's Executive Directive Number One (2022), the board is currently undertaking a separate action to perform a comprehensive line-by-line review of this regulation.

Sections 54.1-201 and 54.1-2013 of the Code of Virginia mandate the board promulgate regulations. The continued need for the regulation is established in statute. Repeal of the regulation would remove the current public protections

Periodic Reviews and Small Business Impact Reviews

provided by the regulation. The board provides protection to the safety and welfare of the citizens of the Commonwealth by ensuring that only those individuals who or firms that meet specific criteria set forth in the statutes and regulations are eligible to receive a real estate appraiser license, instructor certification, and business registration. The board is also tasked with ensuring that the board's regulants meet standards of practice that are set forth in the regulation.

No comments or complaints were received during the public comment period. The regulation is clearly written and easily understandable and does not overlap, duplicate, or conflict with federal or state law or regulation. The most recent periodic review of the regulation occurred in 2019. Currently, the board is conducting a comprehensive review of the regulation.

Contact Information: Stephen Kirschner, Deputy Director for Licensing and Regulation, Department of Professional and Occupational Regulation, 9960 Mayland Drive, Suite 400, Richmond, VA 23233, telephone (804) 367-8552, FAX (866) 826-8863, or email reappraisers@dpor.virginia.gov.

Report of Findings

Pursuant to §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, the Real Estate Appraiser Board conducted a periodic review and a small business impact review of **18VAC130-30, Appraisal Management Company Regulations**, and determined that this regulation should be retained as is. The board is publishing its report of findings dated January 3, 2024, to support this decision.

The regulation contains the requirements for (i) obtaining a license, (ii) renewal and reinstatement of licenses and registrations, (iii) standards of professional conduct to ensure competence and integrity of all regulants, and (iv) the regulatory program in accordance with Chapters 2 (§ 54.1-200 et seq.) and 20.2 (§ 54.1-2209 et seq.) of Title 54.1 of the Code of Virginia. The regulation is necessary for the protection of public health, safety, and welfare and is clearly written and understandable.

On October 17, 2023, the board voted to retain the regulation without amendment. In accordance with the Governor's Executive Directive Number One (2022), the board is currently undertaking a separate action to perform a comprehensive line-by-line review of this regulation.

Sections 54.1-201 and 54.1-2013 of the Code of Virginia mandate the board promulgate regulations. The continued need for the regulation is established in statute. Repeal of the regulation would remove the current public protections provided by the regulation. The board provides protection to the safety and welfare of the citizens of the Commonwealth by ensuring that only those firms that meet specific criteria set forth in the statutes and regulations are eligible to receive an appraisal management company license. The board is also

tasked with ensuring that the board's regulants meet standards of practice that are set forth in the regulation.

No comments or complaints were received during the public comment period. The regulation is clearly written and easily understandable and does not overlap, duplicate, or conflict with federal or state law or regulation. The most recent periodic review of the regulation occurred in 2019. Currently, the board is conducting a comprehensive review of the regulation.

Contact Information: Stephen Kirschner, Deputy Director for Licensing and Regulation, Department of Professional and Occupational Regulation, 9960 Mayland Drive, Suite 400, Richmond, VA 23233, telephone (804) 367-8552, FAX (866) 826-8863, or email reappraisers@dpor.virginia.gov.

REGULATIONS

For information concerning the different types of regulations, see the Information Page.

Symbol Key

Roman type indicates existing text of regulations. Underscored language indicates proposed new text. Language that has been stricken indicates proposed text for deletion. Brackets are used in final regulations to indicate changes from the proposed regulation.

TITLE 3. ALCOHOLIC BEVERAGE AND CANNABIS CONTROL

VIRGINIA CANNABIS CONTROL AUTHORITY

Final Regulation

REGISTRAR'S NOTICE: The Virginia Cannabis Control Authority is claiming an exemption from the Administrative Process Act in accordance with the fifth enactment of Chapters 740 and 773 of the 2023 Acts of Assembly, which exempts the actions of the authority relating to the adoption of regulations necessary to implement the provisions of the act.

Title of Regulation: **3VAC10-20. Medical Cannabis Program Fees (adding 3VAC10-20-10 through 3VAC10-20-50).**

Statutory Authority: §§ 4.1-601, 4.1-604, and 4.1-606 of the Code of Virginia.

Effective Date: January 17, 2024.

Agency Contact: Jake Shuford, Legislative and Regulatory Manager, Virginia Cannabis Control Authority, 333 East Franklin Street, Richmond, VA 23219, telephone (804) 873-9038, or email jake.shuford@cca.virginia.gov.

Background: Chapters 740 and 773 of the 2023 Acts of Assembly transferred regulatory authority for the Medical Cannabis Program from the Board of Pharmacy to the independent agency, the Cannabis Control Authority.

Summary:

Pursuant to Chapters 740 and 773, this action establishes Virginia Medical Cannabis Program Fees (3VAC10-20), which provides registration fees for the Medical Cannabis Program required for (i) a qualifying patient, parent, legal guardian, or registered agent; (ii) a pharmaceutical processor permit; (iii) a cannabis dispensing permit; or (iv) a cannabis cultivation facility permit.

Chapter 20

Medical Cannabis Program Fees

3VAC10-20-10. Definitions.

In addition to words and terms defined in § 4.1-600 of the Code of Virginia, the following words and terms when used in this chapter shall have the following meanings, unless the context clearly indicates otherwise:

"Board" means the Board of Directors of the Virginia Cannabis Control Authority.

"Cannabis cultivation facility" means a location at which the board has authorized a pharmaceutical processor to cultivate cannabis plants pursuant to § 4.1-1602 of the Code of Virginia and the requirements of 3VAC10-30-160.

"Certification" means a written statement, consistent with requirements of § 4.1-1601 of the Code of Virginia, issued by a practitioner for the use of cannabis products for treatment of or to alleviate the symptoms of any diagnosed condition or disease determined by the practitioner to benefit from such use.

"Medical cannabis facility" means a pharmaceutical processor, cannabis dispensing facility, or cannabis cultivation facility.

"PIC" means the pharmacist-in-charge whose name is on the pharmaceutical processor or cannabis dispensing facility application for a permit that has been issued and who shall have oversight of the processor's dispensing area or cannabis dispensing facility.

"Production" or "produce" means the manufacture, planting, preparation, cultivation, growing, harvesting, propagation, conversion, or processing of marijuana for the creation of usable cannabis, botanical cannabis, or a cannabis product derived thereof. (i) directly or indirectly by extraction from substances of natural origin, (ii) independently by means of chemical synthesis, or (iii) by a combination of extraction and chemical synthesis. "Production" or "produce" includes any packaging or repackaging of the substance or labeling or relabeling of its container.

"Qualifying patient" means a Virginia resident who has received from a practitioner, as defined in § 4.1-1600 of the Code of Virginia, a written certification for the use of cannabis products for treatment of or to alleviate the symptoms of any diagnosed condition or disease.

"Registration" means an identification card or other document issued by the board that identifies a person as a qualifying patient, parent, legal guardian, or registered agent that has voluntarily registered with the board.

"Resident" means a person whose principal place of residence is within the Commonwealth as evidenced by a federal or state income tax return or a current Virginia driver's license. If a person is a minor, residency may be established by evidence of Virginia residency by a parent or legal guardian.

"Responsible party" means the person designated on the pharmaceutical processor application who shall have oversight of the cultivation and production areas of the pharmaceutical processor.

3VAC10-20-20. Qualifying patient, parent, legal guardian, or registered agent registration fee.

A. Registration under this section is voluntary.

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B. Qualifying patient, parent, legal guardian, or registered agent registration fees are required by the board as specified in this section. Unless otherwise provided, fees listed in this section shall not be refundable.

C. Registration by a qualifying patient, parent, legal guardian, or registered agent.

<u>1. Initial registration of a patient.</u>	<u>\$50</u>
<u>2. Annual renewal of registration of a patient.</u>	<u>\$50</u>
<u>3. Initial registration of a parent or legal guardian.</u>	<u>\$25</u>
<u>4. Annual renewal of registration of a parent or guardian.</u>	<u>\$25</u>
<u>5. Initial registration or annual renewal of a registered agent</u>	<u>\$25</u>
<u>6. Replacement of registration for a qualifying patient, parent, legal guardian, or registered agent whose original registration certificate has been lost, stolen, or destroyed.</u>	<u>\$25</u>

D. The handling fee for returned check or dishonored credit card or debit card shall be \$50.

3VAC10-20-30. Pharmaceutical processor permit fee.

A. Pharmaceutical processor permit fees are required by the board as specified in this section. Unless otherwise provided, fees listed in this section shall not be refundable.

B. Pharmaceutical processor permit.

<u>1. Application.</u>	<u>\$18,000</u>
<u>2. Initial permit.</u>	<u>\$165,000</u>
<u>3. Annual renewal of permit.</u>	<u>\$132,000</u>
<u>4. Change of name of processor.</u>	<u>\$200</u>
<u>5. Change of PIC or responsible party or any other information provided on the permit application.</u>	<u>\$200</u>
<u>6. Change of ownership not requiring a criminal background check.</u>	<u>\$200</u>
<u>7. Change of ownership requiring a criminal background check.</u>	<u>\$500</u>
<u>8. Any acquisition, expansion, remodel, or change of location requiring an inspection.</u>	<u>\$5,000</u>
<u>9. Reinspection fee.</u>	<u>\$5,000</u>
<u>10. Registration of each cannabis product.</u>	<u>\$50</u>

C. The handling fee for returned check or dishonored credit card or debit card shall be \$50.

3VAC10-20-40. Cannabis dispensing facility permit fee.

A. Cannabis dispensing facility permit fees are required by the board as specified in this section. Unless otherwise provided, fees listed in this section shall not be refundable.

B. Cannabis dispensing facility permit.

<u>1. Application.</u>	<u>\$5,000</u>
<u>2. Initial permit.</u>	<u>\$80,000</u>
<u>3. Annual renewal of permit.</u>	<u>\$64,000</u>
<u>4. Change of name of dispensing facility.</u>	<u>\$200</u>
<u>5. Change of PIC or any other information provided on the permit application.</u>	<u>\$200</u>
<u>6. Change of ownership not requiring a criminal background check.</u>	<u>\$200</u>
<u>7. Change of ownership requiring a criminal background check.</u>	<u>\$500</u>
<u>8. Any acquisition, expansion, remodel, or change of location requiring an inspection.</u>	<u>\$5,000</u>
<u>9. Reinspection fee.</u>	<u>\$5,000</u>

C. The handling fee for returned check or dishonored credit card or debit card shall be \$50.

3VAC10-20-50. Cannabis cultivation facility fee.

A. Cannabis cultivation facility fees are required by the board as specified in this section. Unless otherwise provided, fees listed in this section shall not be refundable.

B. Cannabis cultivation facility.

<u>1. Application.</u>	<u>\$5,000</u>
<u>2. Initial authorization.</u>	<u>\$80,000</u>
<u>3. Annual renewal.</u>	<u>\$64,000</u>
<u>4. Change of PIC or any other information provided on the application.</u>	<u>\$200</u>
<u>5. Change of ownership not requiring a criminal background check.</u>	<u>\$200</u>
<u>6. Change of ownership requiring a criminal background check.</u>	<u>\$500</u>
<u>7. Any acquisition, expansion, remodel, or change of location requiring an inspection.</u>	<u>\$5,000</u>
<u>8. Reinspection fee.</u>	<u>\$5,000</u>

C. The handling fee for returned check or dishonored credit card or debit card shall be \$50.

VA.R. Doc. No. R24-7730; Filed January 15, 2024, 10:33 a.m.



TITLE 8. EDUCATION

STATE BOARD OF EDUCATION

Fast-Track Regulation

Title of Regulation: 8VAC20-23. Licensure Regulations for School Personnel (amending 8VAC20-23-360).

Statutory Authority: §§ 22.1-298.1 and 22.1-299 of the Code of Virginia.

Public Hearing Information: No public hearing is currently scheduled.

Public Comment Deadline: February 28, 2024.

Effective Date: March 14, 2024.

Agency Contact: Maggie Clemmons, Director of Licensure and School Leadership, Department of Education, 101 North 14th Street, Richmond, VA 23219, telephone (804) 371-2471, or email maggie.clemmons@doe.virginia.gov.

Basis: The State Board of Education's overall regulatory authority is found in § 22.1-16 of the Code of Virginia, which authorizes the State Board of Education to adopt bylaws for its own government and promulgate such regulations as may be necessary to carry out its powers and duties and the provisions of Title 22.1 of the Code of Virginia. The board's regulatory authority over licensing requirements for school personnel is found in § 22.1-253.13:2 A of the Code of Virginia, which states that the board shall establish requirements for the licensing of teachers, principals, superintendents, and other professional personnel. Finally, § 22.1-298.1 B of the Code of Virginia requires the board shall prescribe by regulation the requirements for the licensure of teachers and other school personnel required to hold a license.

Purpose: The regulatory action is essential to protect the health, safety, and welfare of citizens because accurate endorsement requirements ensure that properly qualified individuals will be able to teach American Sign Language (ASL) in public schools. The goals of the regulatory action is to maintain accurate requirements for an endorsement in foreign language preK-12 in ASL. The problem that the regulatory action is intended to solve is that the current requirements do not accurately reflect the industry-standard national certifications in ASL.

Rationale for Using Fast-Track Rulemaking Process: This rulemaking is expected to be noncontroversial and therefore appropriate for the fast-track rulemaking process because the board is not making discretionary changes. Rather, the board is seeking to update the current regulatory language in order to align with changes to the industry-standard national certifications.

Substance: The amendments to 8VAC20-23-360 provide the endorsement requirements for foreign language preK-12 in ASL. The regulation is not current as the national certifications prescribed have been changed by the issuing organizations. For instance, American Sign Language Teachers' Association

(ASLTA) has changed the names and structure of their certifications, as has Registry Interpreters for the Deaf (RID). In addition, RID has also incorporated National Association of the Deaf (NAD) certifications because the NAD no longer issues certifications. These changes within the national organizations necessitate the amendments to the 8VAC20-23-360.

Issues: The primary advantage of the regulatory action is that the public is informed of the revised national certifications and that the Department of Education is still accepting these certifications for licensure purposes. There are no perceived disadvantages to the public, the agency, or the Commonwealth.

Department of Planning and Budget's Economic Impact Analysis:

The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007.04 of the Code of Virginia and Executive Order 19. The analysis presented below represents DPB's best estimate of these economic impacts.¹

Summary of the Proposed Amendments to Regulation. The Board of Education (board) proposes to amend the requirements for an endorsement in foreign language preK-12 in American Sign Language (ASL) in order to align the requirements with industry-standard national certifications in ASL.

Background. One of the methods to demonstrate competency in ASL in the current regulation is to: "(1) Hold a current, valid Provisional, Qualified, or Professional certification [issued] by the American Sign Language Teachers' Association [(ASLTA)]." The ASLTA formerly issued only Provisional, Qualified, or Professional certifications.² The ASLTA has changed the structure of its national certifications for ASL. The board proposes to strike the obsolete certification names and instead state that one of the methods to demonstrate competency is to "Hold a current, valid certification issued by the American Sign Language Teachers' Association."

Other methods to demonstrate competency in ASL in the current regulation are to:

- (2) Hold one of the following current, valid national certificates in interpreting:
 - (a) Registry of Interpreters for Deaf certification in at least one of the following: Certificate of Interpretation (CI), Certificate of Deaf Interpretation (CDI), Reverse Skills Certification (RSC), or Comprehensive Skills Certificate (CSC);
 - (b) A current, valid National Association for the Deaf Level IV certification or higher; or
 - (c) A National Interpreter Certification (NIC);

CI, RSC, CSC, and NIC have all been discontinued.³ The National Association for the Deaf no longer issues certifications.⁴ Thus, the board proposes to amend this text to "(2) Hold a current, valid certification issued by the Registry of Interpreters for the Deaf. "

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Estimated Benefits and Costs. The proposed text reflects what is being accepted in practice for the endorsement in foreign language preK-12 in ASL.⁵ Thus the requirements in practice would not change, but the proposal would nevertheless be beneficial in that readers of the regulation would be better informed on these requirements.

Businesses and Other Entities Affected. The proposed amendments pertain to teachers seeking the endorsement in foreign language preK-12 in ASL. Over the last six years, the Department of Education has approved approximately eight ASL endorsements per year.⁶

The Code of Virginia requires DPB to assess whether an adverse impact may result from the proposed regulation.⁷ An adverse impact is indicated if there is any increase in net cost or reduction in net revenue for any entity, even if the benefits exceed the costs for all entities combined. As the proposal does not introduce costs or affect revenue, no adverse impact is indicated.

Small Businesses⁸ Affected.⁹ The proposed amendments do not adversely affect small businesses.

Localities¹⁰ Affected.¹¹ The proposed amendments do not disproportionately affect any particular localities and do not affect costs for local governments.

Projected Impact on Employment. The proposed amendments do not affect employment.

Effects on the Use and Value of Private Property. The proposed amendments do not affect the use and value of private property or real estate development costs.

⁸Pursuant to § 2.2-4007.04, small business is defined as "a business entity, including its affiliates, that (i) is independently owned and operated and (ii) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million."

⁹If the proposed regulatory action may have an adverse effect on small businesses, § 2.2-4007.04 requires that such economic impact analyses include: (1) an identification and estimate of the number of small businesses subject to the proposed regulation, (2) the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the proposed regulation, including the type of professional skills necessary for preparing required reports and other documents, (3) a statement of the probable effect of the proposed regulation on affected small businesses, and (4) a description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation. Additionally, pursuant to § 2.2-4007.1 of the Code of Virginia, if there is a finding that a proposed regulation may have an adverse impact on small business, the Joint Commission on Administrative Rules shall be notified.

¹⁰"Locality" can refer to either local governments or the locations in the Commonwealth where the activities relevant to the regulatory change are most likely to occur.

¹¹Section 2.2-4007.04 defines "particularly affected" as bearing disproportionate material impact.

Agency's Response to Economic Impact Analysis: The State Board of Education concurs with the economic impact analysis completed by the Department of Planning and Budget.

Summary:

The amendments change the requirements for an endorsement in foreign language preK-12 in American Sign Language (ASL) to (i) align the requirements with industry-standard national certifications in ASL, (ii) conform with structure of national certifications for ASL, and (iii) accept all certifications issued by American Sign Language Teachers' Association.

8VAC20-23-360. Foreign language preK-12.

A. The specific language of the endorsement will be noted on the license.

B. Endorsement requirements for foreign language preK-12 - languages other than Latin and American Sign Language. The candidate shall have:

1. Earned a baccalaureate degree from a regionally accredited college or university and graduated from an approved teacher preparation program in a foreign language; or
2. Earned a baccalaureate degree from a regionally accredited college or university; and completed a major in the foreign language or 30 semester hours of coursework above the intermediate level in the foreign language distributed in the following areas:
 - a. Advanced grammar and composition;
 - b. Conversation, culture and civilization, and literature; and
 - c. In addition to the 30 semester hours, completed a minimum of ~~3~~ three semester hours of methods of teaching foreign languages at the elementary and secondary levels.

¹Section 2.2-4007.04 of the Code of Virginia requires that such economic impact analyses determine the public benefits and costs of the proposed amendments. Further the analysis should include but not be limited to: (1) the projected number of businesses or other entities to whom the proposed regulatory action would apply, (2) the identity of any localities and types of businesses or other entities particularly affected, (3) the projected number of persons and employment positions to be affected, (4) the projected costs to affected businesses or entities to implement or comply with the regulation, and (5) the impact on the use and value of private property.

²Source: Department of Education

³Source: Agency Background Document, page two: https://townhall.virginia.gov/L/GetFile.cfm?File=93\5922\9582\AgencyStatement_DOE_9582_v1.pdf

⁴Ibid

⁵Source: Department of Education

⁶Source: Agency Background Document, page six: https://townhall.virginia.gov/L/GetFile.cfm?File=93\5922\9582\AgencyStatement_DOE_9582_v1.pdf

⁷Pursuant to § 2.2-4007.04 D: In the event this economic impact analysis reveals that the proposed regulation would have an adverse economic impact on businesses or would impose a significant adverse economic impact on a locality, business, or entity particularly affected, the Department of Planning and Budget shall advise the Joint Commission on Administrative Rules, the House Committee on Appropriations, and the Senate Committee on Finance. Statute does not define "adverse impact," state whether only Virginia entities should be considered, nor indicate whether an adverse impact results from regulatory requirements mandated by legislation.

3. Endorsement in a second foreign language may be obtained by successfully completing 24 semester hours of coursework above the intermediate level.

4. Candidates who have learned a foreign language without formal academic credit in a regionally accredited college or university shall complete the following requirements:

- a. Achieve a qualifying score on a foreign language assessment in the appropriate language as prescribed by the Virginia Board of Education; and
- b. Earn a minimum of ~~3~~ three semester hours of methods of teaching foreign languages at the elementary and secondary levels from a regionally accredited college or university in the United States or obtain teacher certification in another country with at least ~~3~~ three semester hours of methods of teaching foreign languages at the elementary and secondary levels at a foreign institution.

C. Endorsement requirements for foreign language preK-12 - Latin. The candidate shall have:

- 1. Earned a baccalaureate degree from a regionally accredited college or university and graduated from an approved teacher preparation program in Latin; or
- 2. Earned a baccalaureate degree from a regionally accredited college or university and completed 24 semester hours of Latin above the intermediate level. A maximum of six semester hours of Roman history, Roman life, Roman mythology, or Roman archaeology may be included in the total hours. A minimum of ~~3~~ three semester hours of methods of teaching Latin at the elementary and secondary levels are required.

D. Endorsement requirements for foreign language preK-12 - American Sign Language.

- 1. The candidate shall have (i) graduated from an approved teacher preparation program in a foreign language - American Sign Language or (ii) earned a baccalaureate degree from a regionally accredited college or university and completed a major in American Sign Language or 24 semester hours above the intermediate level in American Sign Language. The program shall include (i) courses in advanced grammar and syntax, conversation, and culture and (ii) a minimum of ~~3~~ three semester hours of methods of teaching foreign languages at the elementary and secondary levels.
- 2. Native users or candidates who have learned American Sign Language without formal academic credit in a regionally accredited college or university, as explained in subdivision 1 of this subsection, shall complete the following requirements:

- a. Competency in American Sign Language demonstrated by written documentation of one of the following:
 - (1) Hold a current, valid ~~Provisional, Qualified, or Professional~~ certification issued by the American Sign Language Teachers' Association;

(2) Hold ~~one of the following~~ a current, valid ~~national certificates in interpreting: (a) Registry of Interpreters for Deaf certification in at least one of the following: Certificate of Interpretation (CI), Certificate of Deaf Interpretation (CDI), Reverse Skills Certification (RSC), or Comprehensive Skills Certificate (CSC); (b) A current, valid National Association for the Deaf Level IV certification or higher; or (c) A National Interpreter Certification (NIC) certification issued by the Registry of Interpreters for the Deaf;~~ or

(3) Complete requirements by achieving a qualifying score on an assessment demonstrating proficiency in American Sign Language prescribed by the Virginia Board of Education.

b. A minimum of ~~3~~ three semester hours of methods of teaching foreign languages at the elementary and secondary levels from a regionally accredited college or university in the United States; and

c. A minimum of ~~6~~ six semester hours in coursework, including grammar and syntax of American Sign Language.

VA.R. Doc. No. R22-7115; Filed January 5, 2024, 12:11 p.m.

Action Withdrawn

Title of Regulation: **8VAC20-131. Regulations Establishing Standards for Accrediting Public Schools in Virginia (amending 8VAC20-131-5).**

Statutory Authority: §§ 22.1-16 and 22.1-253.13:3 of the Code of Virginia.

The State Board of Education has WITHDRAWN the regulatory action for 8VAC20-131, Regulations Establishing Standards for Accrediting Public Schools in Virginia, which was published as a Notice of Intended Regulatory Action in **38:1 VA.R. 6 August 30, 2021**. The purpose of the proposed action was to establish standards governing public virtual education to maintain a level of student achievement commensurate with high-quality instruction, providing standards for local school boards as they establish virtual public education programs or schools, with all students taking coursework virtually, rather than in a traditional brick and mortar environment. The action was withdrawn by the State Board of Education on December 12, 2023.

Agency Contact: Brendon Albon, Director of Science, Technology, Engineering, and Mathematics and Innovation, Department of Education, 101 North 14th Street, Richmond, VA 23219, telephone (804) 786-2418, or email brendon.albon@doe.virginia.gov.

VA.R. Doc. No. R22-6920; Filed January 4, 2024, 8:48 a.m.



TITLE 10. FINANCE AND FINANCIAL INSTITUTIONS

STATE CORPORATION COMMISSION

Proposed Regulation

REGISTRAR'S NOTICE: The State Corporation Commission is claiming an exemption from the Administrative Process Act in accordance with § 2.2-4002 A 2 of the Code of Virginia, which exempts courts, any agency of the Supreme Court, and any agency that by the Constitution is expressly granted any of the powers of a court of record.

Title of Regulation: 10VAC5-60. Consumer Finance Companies (amending 10VAC5-60-60).

Statutory Authority: §§ 6.2-1535 and 12.1-13 of the Code of Virginia.

Public Hearing Information: A public hearing will be held upon request.

Public Comment Deadline: February 9, 2024.

Agency Contact: Dustin Physioc, Deputy Commissioner, Bureau of Financial Institutions, State Corporation Commission, P.O. Box 640, Richmond, VA 23218, telephone (804) 786-0831, or email dustin.physioc@scc.virginia.gov.

Summary:

The proposed amendments realign the schedule of annual fees to be paid by all licensed consumer finance companies to defray the costs of examination, supervision, and regulation with the costs incurred by the Bureau of Financial Institutions and reduce the total amount of annual fees paid by licensees that are based on net loans receivable, other licensee assets, and the total assets of affiliates that conduct business in any of the licensee's authorized offices.

AT RICHMOND, JANUARY 9, 2024

COMMONWEALTH OF VIRGINIA, ex rel.

STATE CORPORATION COMMISSION

CASE NO. BFI-2024-00001

Ex Parte: In the Matter of Adopting
Amendments to the Regulation
Governing Annual Fees Paid by
Consumer Finance Companies

ORDER TO TAKE NOTICE

Section 6.2-1532 of the Code of Virginia ("Code") requires all licensed consumer finance companies ("licensees") to pay an annual fee that is to be calculated in accordance with a schedule set by the State Corporation Commission ("Commission"). The annual fees defray the costs of examination, supervision, and regulation of licensees by the Bureau of Financial Institutions

("Bureau"), and the Commission's schedule of annual fees is set forth in 10VAC5-60-60 of the Commission's rules governing consumer finance companies, 10VAC5-60-5 et seq.

The Bureau has asserted that as a result of various changes to Chapter 15 of Title 6.2 of the Code that became effective on January 1, 2021, the schedule of annual fees in 10VAC5-60-60 now produces more revenue than is necessary to defray the Bureau's costs of examination, supervision, and regulation of licensees. Accordingly, the Bureau has submitted to the Commission proposed amendments to 10VAC5-60-60 that the Bureau states are designed to realign the schedule with the Bureau's costs and reduce the total amount of annual fees paid by licensees.

NOW THE COMMISSION, having considered the Bureau's proposal and the applicable law, is of the opinion and finds that reasonable notice of the proposed amendments to 10VAC5-60-60 should be given, interested parties should be afforded an opportunity to be heard in accordance with the Commission's Rules of Practice and Procedure, 5VAC5-20-10 et seq., and the proposed amended regulation should be considered for adoption with a proposed effective date of April 1, 2024.

Accordingly, IT IS ORDERED THAT:

(1) The proposed amendments to 10VAC5-60-60 are attached hereto and made a part hereof.

(2) Comments or requests for a hearing on the proposed amended regulation must be submitted in writing to the Clerk of the Commission, State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218, on or before February 9, 2024. Requests for a hearing shall state why a hearing is necessary and why the issues cannot be adequately addressed in written comments. All correspondence shall contain a reference to Case No. BFI-2024-00001. Interested persons desiring to submit comments or request a hearing electronically may do so by following the instructions available at the Commission's website: scc.virginia.gov/casecomments/Submit-Public-Comments.

(3) The Bureau shall file its response to any comments filed pursuant to Ordering Paragraph 2 on or before February 29, 2024.

(4) This Order, along with the attached proposal, shall be made available on the Commission's website: scc.virginia.gov/pages/Case-Information.

(5) The Commission's Office of General Counsel shall provide a copy of this Order and the proposed amended regulation to the Virginia Registrar of Regulations for appropriate publication in the Virginia Register of Regulations.

Commissioner James C. Dimitri participated in this matter.

A COPY of this Order, including the proposed amended regulation, shall be sent by the Clerk of the Commission to the Commission's Office of General Counsel and to the Commissioner of Financial Institutions, who shall send by e-mail or U.S. mail a copy of this Order, along with the proposed amended regulation, to all licensed consumer finance companies and such other interested persons as he may designate.

10VAC5-60-60. Schedule prescribing annual fees paid for examination, supervision, and regulation of consumer finance companies.

Pursuant to § 6.2-1532 of the Code of Virginia, the commission sets the following schedule sets the of annual fees to be paid annually by licensees under the Act to defray the costs of examination, supervision, and regulation of licensees by the bureau.

Minimum Each licensee shall be assessed a minimum annual fee ~~of \$300 per~~ of \$150 plus \$150 for each office open January 1 of the current where the licensee was authorized to engage in business under the Act as of December 31 of the calendar year preceding the date of the assessment. For example, the minimum annual fee due June 1, 2025, for a licensee who maintained a single authorized office as of December 31, 2024, would be \$300 (\$150 flat fee + \$150 office fee) and the minimum annual fee due June 1, 2025, for a licensee who maintained three authorized offices as of December 31, 2024, would be \$600 (\$150 flat fee + \$450 office fee).

In addition to the minimum fee, each licensee shall be assessed the following fee based on total assets fees:

SCHEDULE	
Total Assets	Fee
Over \$300,000 – \$750,000	\$.85 per \$1,000 or fraction thereof
\$750,000 – \$2,000,000	\$.70 per \$1,000 or fraction thereof
Over \$2,000,000	\$.55 per \$1,000 or fraction thereof

The annual fee for each licensee will be computed on the basis of its total assets combined with the total assets of its affiliates conducting business in any of its authorized offices as of the close of business December 31 of the preceding calendar year.

Fee for net loans receivable:

Net Loans Receivable**	This Amount	Plus	Loans Receivable Exceeding
Under \$300,000	\$0	0	x \$0
\$300,000 - \$750,000	\$0	.00085	x \$300,000
\$750,000 - \$2 million	\$382.50	.00070	x \$750,000
\$2 million - \$5 million	\$1,257.50	.00055	x \$2 million
Over \$5 million	\$2,907.50	.00040	x \$5 million

Fee for other licensee assets (total assets of licensee minus net loans receivable):

Other Licensee Assets**	This Amount	Plus	Assets Exceeding
Under \$300,000	\$0	0	x \$0
\$300,000 - \$750,000	\$0	.00011	x \$300,000
\$750,000 - \$2 million	\$50	.00004	x \$750,000
\$2 million - \$5 million	\$100	.00003	x \$2 million
Over \$5 million	\$200	0	x \$5 million

Fee for total assets of affiliates that conduct business in any of the licensee's authorized offices:

Affiliate Assets**	This Amount	Plus	Assets Exceeding
Under \$300,000	\$0	0	x \$0
\$300,000 - \$750,000	\$0	.00022	x \$300,000
\$750,000 - \$2 million	\$100	.00012	x \$750,000
\$2 million - \$5 million	\$250	.00008	x \$2 million
Over \$5 million	\$500	0	x \$5 million

**The amounts of such total assets Net Loans Receivable, Other Licensee Assets, and Affiliate Assets will be derived obtained from the annual reports that § 6.2-1534 of the Code of Virginia requires licensees to file with the bureau on or before the first day of April of each year. Accordingly, fees will be calculated based on Net Loans Receivable, Other Licensee Assets, and Affiliate Assets as of December 31 of the calendar year preceding the date of the assessment. For purposes of this section, "Net Loans Receivable" means the total outstanding principal balance of all loans made under the Act.

In accordance with § 6.2-1532 of the Code of Virginia, annual fees for any given calendar year will be assessed on or before May 1 of that year and must be paid on or before June 1 of that year.

Notwithstanding any provision of this section, if a licensee was not licensed under the Act as of December 31 of the calendar year preceding the date of the assessment, the annual fee shall be \$0.

Fees prescribed and assessed pursuant to this schedule are apart from and do not include the reimbursement for costs

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authorized by subsection C of § 6.2-1533 of the Code of Virginia.

Sample Annual Fee Calculation:

	<u>LICENSEE DATA</u>	<u>FEE</u>
<u>Authorized Offices Maintained</u>	<u>10</u>	<u>\$1,650</u>
<u>Net Loans Receivable</u>	<u>\$15 million</u>	<u>\$6,907.50</u>
<u>Other Licensee Assets</u>	<u>\$35 million</u>	<u>\$200</u>
<u>Affiliate Assets</u>	<u>\$4.5 million</u>	<u>\$450</u>
TOTAL ANNUAL FEE		\$9,207.50

VA.R. Doc. No. R24-7789; Filed January 10, 2024, 10:11 a.m.

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF PHARMACY

Final Regulation

REGISTRAR'S NOTICE: The Board of Pharmacy is claiming an exemption from Article 2 of the Administrative Process Act in accordance with § 2.2-4006 A 13 of the Code of Virginia, which exempts amendments to regulations of the board to schedule a substance in Schedule I or II pursuant to subsection D of § 54.1-3443 of the Code of Virginia. The board will receive, consider, and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: **18VAC110-20. Regulations Governing the Practice of Pharmacy (amending 18VAC110-20-322).**

Statutory Authority: §§ 54.1-2400 and 54.1-3443 of the Code of Virginia.

Effective Date: February 28, 2024.

Agency Contact: Caroline Juran, RPh, Executive Director, Board of Pharmacy, 9960 Mayland Drive Suite 300, Richmond, VA 23233-1463, telephone (804) 367-4456, FAX (804) 527-4472, or email caroline.juran@dhp.virginia.gov.

Summary:

The amendments place two compounds into Schedule I of the Drug Control Act. The added compounds will remain in effect for 18 months or until the compounds are placed in Schedule I by action of the General Assembly.

18VAC110-20-322. Placement of chemicals in Schedule I.

A. Pursuant to subsection D of § 54.1-3443 of the Code of Virginia, the Board of Pharmacy places the following in Schedule I of the Drug Control Act:

1. Synthetic opioid. N,N-diethyl-2-[5-nitro-2-(4-propoxybenzyl)-1H-benzimidazol-1-yl]ethanamine (other name: Protonitazene), its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted, whenever the existence of these isomers, esters, ethers, and salts is possible within the specific chemical designation.

2. Compounds expected to have hallucinogenic properties. 1-(1,3-benzodioxol-5-yl)-2-(cyclohexylamino)butan-1-one (other names: Cybutylone, N-cyclohexyl Butylone), its salts, isomers (optical, position, and geometric), and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation.

3. Compounds expected to have depressant properties. 8-bromo-6-(2-chlorophenyl)-1-methyl-4H-[1,2,4]triazolo[4,3-a][1,4]benzodiazepine (other names: Clobromazolam, Phenazolam), its salts, isomers (optical, position, and geometric), and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation.

4. Cannabimimetic agents.

a. 5-bromo-N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1H-indazole-3-carboxamide (other name: ADB-5Br-INACA), its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation.

b. N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-5-bromo-1-butylindazole-3-carboxamide (other name: ADB-5'Br-BUTINACA), its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation.

The placement of drugs listed in this subsection shall remain in effect until July 31, 2024, unless enacted into law in the Drug Control Act.

B. Pursuant to subsection D of § 54.1-3443 of the Code of Virginia, the Board of Pharmacy places the following in Schedule I of the Drug Control Act:

1. Synthetic opioid. 2-methyl-N-phenyl-N-[1-(2-phenylethyl)piperidin-4-yl]butanamide (other name: 2-methyl butyryl fentanyl), its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted, whenever the existence of these isomers, esters, ethers, and salts is possible within the specific chemical designation.

2. Compounds expected to have hallucinogenic properties.

a. 1-(7-methoxy-1,3-benzodioxol-5-yl)propan-2-amine (other names: 5-methoxy-3,4-methylenedioxyamphetamine, 3-methoxy MDA, MDMA), its salts, isomers (optical, position, and

geometric), and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation.

b. 1-[1-(3-chlorophenyl)cyclohexyl]-piperidine (other names: 3-Chloro Phencyclidine, 3Cl-PCP, 3-chloro PCP), its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation.

3. Compound expected to have depressant properties. 7-bromo-5-phenyl-1,3-dihydro-1,4-benzodiazepin-2-one (other names: Desalkylgidazepam, Bromonordiazepam), its salts, isomers (optical, position, and geometric), and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation.

4. Compound classified as a cannabimimetic agent. Methyl N-[(5-bromo-1H-indazol-3-yl)carbonyl]-3-methyl-valinate (other name: MDMB-5Br-INACA), its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation.

The placement of drugs listed in this subsection shall remain in effect until October 12, 2024, unless enacted into law in the Drug Control Act.

C. Pursuant to subsection D of § 54.1-3443 of the Code of Virginia, the Board of Pharmacy places the following in Schedule I of the Drug Control Act:

1. Synthetic opioids:

a. 2-(4-isopropoxybenzyl)-5-nitro-1-[2-(pyrrolidin-1-yl)ethyl]-1H-benzo[d]imidazole (other name: N-Pyrrolidino Isotonitazene), its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted, whenever the existence of these isomers, esters, ethers, and salts is possible within the specific chemical designation.

b. 5-nitro-2-(4-propoxybenzyl)-1-[2-(pyrrolidin-1-yl)ethyl]-1H-benzo[d]imidazole (other names: N-Pyrrolidino Protonitazene, Protonitazepyne), its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted, whenever the existence of these isomers, esters, ethers, and salts is possible within the specific chemical designation.

c. N-phenyl-N-(1-propionyl-4-piperidinyl)-propanamide (other name: N-propionyl Norfentanyl), its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted, whenever the existence of these isomers, esters, ethers, and salts is possible within the specific chemical designation.

2. Synthetic compounds.

a. N-(4-fluorophenyl)-N-(1-phenethyl)piperidin-4-yl)pentanamide (other names: para-fluoro valeryl

fentanyl, para-fluoro pentanoyl fentanyl), its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted, whenever the existence of these isomers, esters, ethers, and salts is possible within the specific chemical designation.

b. N-(4-fluorophenyl)-N-[1-(2-phenylethyl)piperidin-4-yl]acetamide (other name: para-fluoroacetyl fentanyl), its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted, whenever the existence of these isomers, esters, ethers, and salts is possible within the specific chemical designation.

3. Compounds expected to have hallucinogenic properties.

a. 1-[1-(3-fluorophenyl)cyclohexyl]piperidine (other names: 3-fluoro Phencyclidine, 3F-PCP), its salts, isomers (optical, position, and geometric), and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation.

b. 2-(ethylamino)-2-(2-fluorophenyl)-cyclohexanone (other names: 2-fluoro-2-oxo PCE, 2-fluoro NENDCK), its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation.

4. Compounds expected to have depressive properties:

a. 6-(4-chlorophenyl)-1-methyl-4H-[1,2,4]triazolo[4,3-a][1,4]benzodiazepine (other names: 4'-chloro Deschloroalprazolam, 4'Cl-Deschloroalprazolam), its salts, isomers (optical, position, and geometric), and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation.

b. 7-chloro-5-(2-chlorophenyl)-1-methyl-3H-1,4-benzodiazepin-2-one (other names: Diclazepam, 2-Chlorodiazepam), its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation.

5. Central nervous system stimulant. 2-(3-chlorophenyl)-3-methylmorpholine (other name: 3-chlorophenmetrazine), its salts, isomers (optical, position, and geometric), and salts of isomers.

The placement of drugs listed in this subsection shall remain in effect until March 27, 2025, unless enacted into law in the Drug Control Act.

D. Pursuant to subsection D of § 54.1-3443 of the Code of Virginia, the Board of Pharmacy places the following compounds expected to have hallucinogenic properties in Schedule I of the Drug Control Act:

1. 1-(3,5-Dimethoxy-4-propoxyphenyl)-2-propanamine (other names: 4-propoxy-3,5-DMA, 3C-P, 1-(3,5-Dimethoxy-4-propoxyphenyl)propan-2-amine), its salts,

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isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation.

2. 2-(5-methoxy-1H-indol-3-yl)ethanamine (other names: 5-methoxytryptamine, 5-MeOT), its salts, isomers (optical position, and geometric), and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation.

The placement of drugs listed in this subsection shall remain in effect until August 28, 2025, unless enacted into law in the Drug Control Act.

VA.R. Doc. No. R24-7717; Filed January 4, 2024, 8:32 a.m.

Final Regulation

REGISTRAR'S NOTICE: The Board of Pharmacy is claiming an exemption from Article 2 of the Administrative Process Act in accordance with § 2.2-4006 A 13 of the Code of Virginia, which exempts amendments to regulations of the board to schedule a substance in Schedule I or II pursuant to subsection D of § 54.1-3443 of the Code of Virginia. The board will receive, consider, and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: 18VAC110-20. Regulations Governing the Practice of Pharmacy (amending 18VAC110-20-323).

Statutory Authority: §§ 54.1-2400 and 54.1-3443 of the Code of Virginia.

Effective Date: February 28, 2024.

Agency Contact: Caroline Juran, RPh, Executive Director, Board of Pharmacy, 9960 Mayland Drive, Suite 300, Richmond, VA 23233-1463, telephone (804) 367-4456, FAX (804) 527-4472, or email caroline.juran@dhp.virginia.gov.

Summary:

The amendment adds one compound to Schedule IV of the Drug Control Act (§ 54.1-3400 et seq. of the Code of Virginia) pursuant to § 54.1-3443 of Code of Virginia to conform Virginia scheduled drugs with federal scheduling actions. The amendment represents changes made by the federal government.

18VAC110-20-323. Scheduling for conformity with federal law or rule.

Pursuant to subsection E of § 54.1-3443 of the Code of Virginia and in order to conform the Drug Control Act to recent scheduling changes enacted in federal law or rule, the board:

1. Adds MT-45 (1-cyclohexyl-4-(1,2-diphenylethyl)piperazine) to Schedule I;
2. Adds Dronabinol ((-)-delta-9-trans tetrahydrocannabinol) in an oral solution in a drug product approved for marketing by the U.S. Food and Drug Administration to Schedule II;
3. Deletes naldemedine from Schedule II;

4. Deletes naloxegol and 6β-naltrexol from Schedule II;

5. Replaces 4-anilino-N-phenethyl-4-piperidine (CASRN 21409-26-7) in Schedule II with 4-anilino-N-phenethylpiperidine (ANPP);

6. Adds 4-methyl-5-(4-methylphenyl)-4,5-dihydro-1,3-oxazol-2-amine (4,4'-Dimethylaminorex, 4,4'-DMAR) to Schedule I;

7. Adds 1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)pyrrolo[2,3-b]pyridine-3-carboxamide (5F-CUMYL-P7AICA) to Schedule I;

8. Adds ethyl N-phenyl-N-[1-(2-phenylethyl)piperidin-4-yl]carbamate (fentanyl carbamate) to Schedule I;

9. Adds N-(2-fluorophenyl)-N-[1-(2-phenylethyl)piperidin-4-yl]prop-2-enamide (ortho-fluoroacryl fentanyl) to Schedule I;

10. Adds N-(2-fluorophenyl)-2-methyl-N-[1-(2-phenylethyl)piperidin-4-yl]propanamide (ortho-fluoroisobutyryl fentanyl) to Schedule I;

11. Adds N-(4-fluorophenyl)-N-[1-(2-phenylethyl)piperidin-4-yl]furan-2-carboxamide (para-fluoro furanyl fentanyl) to Schedule I;

12. Adds N-(2-fluorophenyl)-N-[1-[2-(2-fluorophenyl)ethyl]piperidin-4-yl]propanamide (2'-fluoro ortho-fluorofentanyl; 2'-fluoro 2-fluorofentanyl) to Schedule I;

13. Adds N-[1-[2-(4-methylphenyl)ethyl]piperidin-4-yl]-N-phenylacetamide (4'-methyl acetyl fentanyl) to Schedule I;

14. Adds N,3-diphenyl-N-[1-(2-phenylethyl)piperidin-4-yl]propanamide (β'-phenyl fentanyl; beta'-phenyl fentanyl; 3-phenylpropanoyl fentanyl) to Schedule I;

15. Adds N-phenyl-N-[1-(2-phenylpropyl)piperidin-4-yl]propanamide (β-methyl fentanyl) to Schedule I;

16. Adds N-(2-fluorophenyl)-N-[1-(2-phenylethyl)piperidin-4-yl]butanamide (ortho-fluorobutyryl fentanyl; 2-fluorobutyryl fentanyl) to Schedule I;

17. Adds N-(2-methylphenyl)-N-[1-(2-phenylethyl)piperidin-4-yl]acetamide (ortho-methyl acetylfentanyl; 2-methyl acetylfentanyl) to Schedule I;

18. Adds 2-methoxy-N-(2-methylphenyl)-N-[1-(2-phenylethyl)piperidin-4-yl]acetamide (ortho-methyl methoxyacetylfentanyl; 2-methyl methoxyacetyl fentanyl) to Schedule I;

19. Adds N-(4-methylphenyl)-N-[1-(2-phenylethyl)piperidin-4-yl]propanamide (para-methylfentanyl; 4-methylfentanyl) to Schedule I;

20. Adds N-phenyl-N-[1-(2-phenylethyl)piperidin-4-yl]thiophene-2-carboxamide (thiophene fentanyl) to Schedule I;

21. Adds N-(4-chlorophenyl)-2-methyl-N-[1-(2-phenylethyl)piperidin-4-yl]propanamide (para-chloroisobutyryl fentanyl) to Schedule I;
22. Adds 24. 2-[2-[(4-butoxyphenyl)methyl]-5-nitrobenzimidazol-1-yl]-N,N-diethylethanamine (Butonitazene) to Schedule I;
23. Adds N,N-diethyl-2-[2-[(4-fluorophenyl)methyl]-5-nitrobenzimidazol-1-yl] ethanamine (Flunitazene) to Schedule I;
24. Adds Oliceridine to Schedule II;
25. Deletes Samidorphan from Schedule II;
26. Adds Remimazolam to Schedule IV;
27. Adds Serdexmethylphenidate to Schedule IV;
28. Adds Lemborexant to Schedule IV;
29. Adds Daridorexant to Schedule IV;
30. Adds Ganaxolone to Schedule V;
31. Adds N-methyl-1-(thiophen-2-yl)propan-2-amine (other name: methiopropamine) to Schedule I;
32. Adds N-phenyl-N'-(3-(1-phenylpropan-2-yl)-1,2,3-oxadiazol-3-ium-5-yl)carbamimidate (other name: mesocarb) to Schedule I;
33. Adds 1-methoxy-3-[4-(2-methoxy-2-phenylethyl)piperazin-1-yl]-1-phenylpropan-2-ol (other name: zipeprol) to Schedule I;
34. Adds 7-[(10,11-dihydro-5H-dibenzo[a,d]cyclohepten-5-yl)amino]heptanoic acid (other name: amineptine) to Schedule I; ~~and~~
35. Deletes Fenfluramine from Schedule IV; and
36. Adds zuranolone to Schedule IV.

VA.R. Doc. No. R24-7749; Filed January 4, 2024, 8:32 a.m.

Forms

REGISTRAR'S NOTICE: Forms used in administering the regulation have been filed by the agency. The forms are not being published; however, online users of this issue of the Virginia Register of Regulations may click on the name of a form with a hyperlink to access it. The forms are also available from the agency contact or may be viewed at the Office of the Registrar of Regulations, General Assembly Building, 201 North Ninth Street, 4th Floor, Richmond, Virginia 23219.

Title of Regulation: 18VAC110-20. Regulations Governing the Practice of Pharmacy.

Agency Contact: Erin Barrett, Agency Regulatory Coordinator, Department of Health Professions, 9960 Mayland Drive, Suite 300, Henrico, VA 23233, telephone (804) 367-4688, or email erin.barrett@dhp.virginia.gov.

FORMS (18VAC110-20)

[Application for a Pharmacy Permit \(rev. 10/2020\)](#)

[Application for a Pharmacy Permit \(rev. 1/2024\)](#)

[Application for a Non-resident Pharmacy Registration \(rev. 10/2020\)](#)

[Application for a Non-Resident Wholesale Distributor Registration \(rev. 10/2020\)](#)

[Application for Registration as Nonresident Manufacturer \(rev. 10/2020\)](#)

[Application for a Non-Resident Third Party Logistics Provider Registration \(rev. 10/2020\)](#)

[Application for Registration as a Nonresident Warehouse \(rev. 10/2020\)](#)

[Application for a Non-resident Outsourcing Facility Registration \(rev. 10/2020\)](#)

[Application for an Outsourcing Facility Permit \(rev. 10/2020\)](#)

[Application for a Medical Equipment Supplier Permit \(rev. 10/2020\)](#)

[Application for a Permit as a Restricted Manufacturer \(rev. 10/2020\)](#)

[Application for a Permit as a Non-Restricted Manufacturer \(rev. 10/2020\)](#)

[Application for a License as a Wholesale Distributor \(rev. 10/2020\)](#)

[Application for a Permit as Warehouse \(rev. 10/2020\)](#)

[Application for a Permit as a Third-Party Logistics Provider \(rev. 10/2020\)](#)

[Application for Registration as a Non-resident Medical Equipment Supplier \(rev. 10/2020\)](#)

[Application for a Controlled Substances Registration Certificate \(rev. 10/2020\)](#)

[Closing of a Pharmacy \(rev. 5/2018\)](#)

[Application for Approval of an Innovative \(Pilot\) Program \(rev. 8/2023\)](#)

[Registration for a Pharmacy to be a Collection Site for Donated Drugs \(rev. 5/2018\)](#)

[Application for Approval of a Repackaging Training Program \(rev. 10/2020\)](#)

[Registration for a Facility to be an Authorized Collector for Drug Disposal \(rev. 5.2018\)](#)

[Application for Re-inspection of a Facility \(rev. 3/2023\)](#)

[Notification of Distribution Cessation due to Suspicious Orders \(rev. 5/2018\)](#)

VA.R. Doc. No. R24-7787; Filed January 2, 2024, 3:41 p.m.

GUIDANCE DOCUMENTS

PUBLIC COMMENT OPPORTUNITY

Pursuant to § 2.2-4002.1 of the Code of Virginia, a certified guidance document is subject to a 30-day public comment period after publication in the Virginia Register of Regulations and prior to the guidance document's effective date. During the public comment period, comments may be made through the Virginia Regulatory Town Hall website (<http://www.townhall.virginia.gov>) or sent to the agency contact. Under subsection C of § 2.2-4002.1, the effective date of the guidance document may be delayed for an additional period. The guidance document may also be withdrawn.

The following guidance documents have been submitted for publication by the listed agencies for a public comment period. Online users of this issue of the Virginia Register of Regulations may click on the name of a guidance document to access it. Guidance documents are also available on the Virginia Regulatory Town Hall (<http://www.townhall.virginia.gov>) or from the agency contact or may be viewed at the Office of the Registrar of Regulations, General Assembly Building, 201 North Ninth Street, Richmond, Virginia 23219.

VIRGINIA INFORMATION TECHNOLOGIES AGENCY

Title of Document: [Policy, Standard, and Guideline Formulation Standard.](#)

Public Comment Deadline: February 28, 2024.

Effective Date: February 29, 2024.

Agency Contact: Joshua Heslinga, Policy Planning Manager III, Virginia Information Technologies Agency, 7325 Beaufont Springs Drive, Richmond, VA 23225, telephone (804) 551-2902, or email joshua.heslinga@vita.virginia.gov.

STATE BOARD OF SOCIAL SERVICES

Title of Document: [Temporary Assistance for Needy Families Manual, December 2023.](#)

Public Comment Deadline: February 28, 2024.

Effective Date: February 29, 2024.

Agency Contact: Nikki Clarke, Legislation, Regulations, and Guidance Manager, Department of Social Services, 801 East

Main Street, Richmond, VA 23219, telephone (804) 726-7943, or email nikki.clarke@dss.virginia.gov.

DEPARTMENT OF TAXATION

Title of Document: [Property Analytics Firm Hybrid Sales Factor Guidelines.](#)

Public Comment Deadline: February 28, 2024.

Effective Date: February 29, 2024.

Agency Contact: Austin Smith, Tax Policy Analyst, Department of Taxation, P.O. Box 27185, Richmond, VA 23261-7185, telephone (804) 371-5107, or email austin.smith@tax.virginia.gov.

The following guidance documents have been submitted for deletion and the listed agencies have opened up a 30-day public comment period. The listed agencies had previously identified these documents as certified guidance documents, pursuant to § 2.2-4002.1 of the Code of Virginia. Online users of this issue of the Virginia Register of Regulations may click on the name of a guidance document to view the deleted document and comment. This information is also available on the Virginia Regulatory Town Hall (<http://www.townhall.virginia.gov>) or from the agency contact.

STATE BOARD OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES

Titles of Documents: [Discharge Protocols for Community Services Boards and State Mental Health Facilities.](#)

[Mandatory Outpatient Treatment Guidance.](#)

[Medical Screening and Assessment Guidance.](#)

[Transition from Part C to Part B Questions and Answers.](#)

Public Comment Deadline: February 28, 2024.

Effective Date: February 29, 2024.

Agency Contact: Ruth Anne Walker, Director of Regulatory Affairs, Department of Behavioral Health and Developmental Services, Jefferson Building, 1220 Bank Street, 4th Floor, Richmond, VA 23219, telephone (804) 225-2252, or email ruthanne.walker@dbhds.virginia.gov.

STATE BOARD OF SOCIAL SERVICES

Titles of Documents: [Temporary Assistance for Needy Families Manual, July 2020.](#)

[Temporary Assistance for Needy Families Manual, July 2021.](#)

[Temporary Assistance for Needy Families Manual, October 2021.](#)

[Temporary Assistance for Needy Families Manual, July 2022.](#)

[Temporary Assistance for Needy Families Manual, October 2022.](#)

Public Comment Deadline: February 28, 2024.

Effective Date: February 29, 2024.

Agency Contact: Nikki Clarke, Legislation, Regulations, and Guidance Manager, Department of Social Services, 801 East Main Street, Richmond, VA 23219, telephone (804) 726-7943, or email nikki.clarke@dss.virginia.gov.

GENERAL NOTICES

STATE BOARD OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES

Public Comment Opportunity for an Initial Draft of a New Crisis Services Chapter for 12VAC35-105, Rules and Regulations for Licensing Providers by the Department of Behavioral Health and Developmental Services

Background: In late 2017, the Department of Behavioral Health and Developmental Services (DBHDS) conducted a periodic review of the Rules and Regulations for Licensing Providers by the Department of Behavioral Health and Developmental Services (12VAC35-105) (Licensing Regulations). At the completion of that review, the department decided amendments to the regulation were needed. After researching other states and other agencies within Virginia, the Office of Licensing decided to split the regulation into several separate regulatory chapters, revising both the structure and the content.

In response to significant public comment, the structure will include one general chapter that will apply to all providers and five service specific chapters addressing residential, home/non-center based, center-based, case management, and crisis subjects. A listing of the chapters is included in this notice. This methodology allows DBHDS to write more detailed service specific regulations to assist providers in understanding exactly which regulatory provisions apply to their services.

In late 2019, the Office of Licensing published an initial draft of the general chapter for public comment and also held two regulatory advisory panel (RAP) meetings to receive technical assistance on the content of that initial draft. Since reviewing the public comments received and the feedback provided by the first RAP, DBHDS published a revised draft of the general chapter and also initial draft chapters for residential, center-based, home/non-center based, and case management services. A second RAP was convened for three meetings in the summer of 2023.

Drafts for Comment: DBHDS is releasing an initial draft of the chapter covering crisis services for public comment. This is the last of the newly structured service-specific chapters.

Public Comment Period begins January 29 and ends March 14, 2024.

The link to the initial draft of the chapter covering crisis is at the end of this notice. Feedback may be provided via the public comment forums for any of the draft chapters on the Virginia Regulatory Town Hall (www.townhall.virginia.gov) or by email, FAX, or postal mail to the contact provided at the end of this notice.

Next Steps: Upon receipt and consideration of comments to the initial draft of the crisis services chapter, revisions are

expected. A package of all six chapters will be prepared for consideration of regulatory action by the State Board of Behavioral Health and Developmental Services. Note that because the overhaul is a very large project combining two current regulations into five service-specific chapters and a general chapter, all draft chapters must move forward together as one action.

Response to Periodic Review: Draft changes for the response to periodic review will be in a separate action and are not expected to take effect until two years after promulgation following the standard process, which takes an average of 18 months to two years to complete. These are only drafts at this time; no formal regulatory action has been filed.

Services by chapter:

Crisis services (initial draft)

Crisis receiving center

Community-based crisis stabilization

Crisis stabilization unit

REACH

Find the initial draft of the crisis services chapter at <https://dbhds.virginia.gov/wp-content/uploads/2024/01/DBHDS.12VAC35-111.InitialDRAFT.CrisisChapter.2023.12.29.pdf>. Find a draft and the information in this memo at <https://dbhds.virginia.gov/quality-management/Office-of-Licensing>.

Contact Information: Ruth Anne Walker, Director of Regulatory Affairs, Department of Behavioral and Developmental Services, Jefferson Building, 1220 Bank Street, 4th Floor, Richmond, VA 23219, telephone (804) 225-2252, FAX (804) 371-4609, or email ruthanne.walker@dbhds.virginia.gov.

Proposed Renewal of Variances to Regulations to Assure the Rights of Individuals Receiving Services from Providers Licensed, Funded, or Operated by the Department of Behavioral Health and Developmental Services

Notice of action: The Department of Behavioral Health and Developmental Services (DBHDS), in accordance with Part VI, Variances (12VAC35-115-220), of the Regulations to Assure the Rights of Individuals Receiving Services from Providers Licensed, Funded, or Operated by the Department of Behavioral Health and Developmental Services (12VAC35-115), hereafter referred to as the "Human Rights Regulations," is announcing an opportunity for public comment on an application for proposed renewal of existing variances to the Human Rights Regulations submitted to the State Human Rights Committee (SHRC). The purpose of the regulations is to ensure and protect the legal and human rights of individuals

receiving services in facilities or programs operated, licensed, or funded by DBHDS.

Each variance application references the specific part of the regulation to which a variance is needed, the proposed wording of the substitute rule or procedure, and the justification for a variance. Such application also describes time limits and other conditions for duration and the circumstances that will end the applicability of the variance. After considering all available information, including comments, the SHRC intends to submit a written decision deferring, disapproving, modifying, or approving each variance application. All variances shall be approved for a specific time period. The decision and reasons for variance will be published in a later issue of the Virginia Register of Regulations.

Purpose of notice: The SHRC is seeking comment on the application for proposed renewal of existing variances to the Human Rights Regulations for the DBHDS Virginia Center for Behavioral Rehabilitation (VCBR).

Variance to Procedures for 12VAC35-115-150 General Provisions;

12VAC35-115-175, Human Rights Complaint Process; 12VAC35-115-180, Local Human Rights Committee Hearing and Review Procedures; 12VAC35-115-190, Special Procedures for Emergency Hearings by the LHRC; 12VAC35-115-200, Special Procedures for LHRC Reviews Involving Consent and Authorization; and 12VAC35-115-210, State Human Rights Committee Appeals Procedures.

Explanation: Prior to 2010, VCBR followed the complaint process outlined in the Human Rights Regulations. As the census of the facility grew, the volume of complaints from residents overburdened the LHRC and became a treatment distraction for residents. The decision was made not to utilize a different LHRC for matters involving VCBR due to the volume. The modified resident complaint process provides a similar level of review to the regulation. This modified complaint process allows for a review of complaints at a formal and director level within the facility. The complaints coordinator of the facility meets with the resident at the formal level in an attempt to resolve the issue at hand. At the director level, the facility director or designee reviews the complaint and attempts to resolve the issue at hand. If the resident is not satisfied with the determination or actions by the facility, the resident may appeal the decision to the VCBR Complaints Appeal Committee. This Appeal Committee is comprised of two members of the SHRC and the Director of the DBHDS Office of Human Rights. Having the Appeal Committee ensures that there is still a process in place for a final review by individuals not affiliated with the facility.

Public comment period: January 29, 2024, through February 28, 2024.

How to comment: The SHRC accepts written comments by email, fax, and postal mail. In order to be considered,

comments must include the full name, address, and telephone number of the person commenting and be received by DBHDS by the last day of the comment period. DBHDS will provide all comments received to the SHRC. All information received is part of the public record.

To review a proposal: Variance applications and any supporting documentation may be obtained by contacting the DBHDS representative listed.

Contact Information: Taneika Goldman, Director, Office of Human Rights, Department of Behavioral Health and Developmental Services, 1220 East Bank Street, P.O. Box 1797, Richmond, VA 23218-1797, telephone (804) 371-0064, FAX (833) 734-1241, or email taneika.goldman@dbhds.virginia.gov.

DEPARTMENT OF ENVIRONMENTAL QUALITY

Proposed Enforcement Action for the BVU Authority

The Virginia Department of Environmental Quality (DEQ) is proposing an amended enforcement action for the BVU Authority for violations of the State Water Control Law and regulations in the City of Bristol and Washington County. The proposed order is available from the DEQ contact listed or at <https://www.deq.virginia.gov/permits/public-notices/enforcement-orders>. The DEQ contact will accept comments by email or postal mail from January 29, 2024, through February 28, 2024.

Contact Information: Jonathan Chapman, Enforcement Specialist, Department of Environmental Quality, Southwest Regional Office, 355-A Deadmore Street, Abingdon, Virginia 24210, or email jonathan.chapman@deq.virginia.gov.

Public Meeting and Opportunity for Public Comment for a Cleanup Plan for Cedar Run, Mine Run, Mountain Run, and the Lower Rapidan River Basin in Orange County, Culpeper County, and Spotsylvania County

Purpose of Notice: The Department of Environmental Quality (DEQ) seeks public comment on the development of a cleanup plan for impaired waters, also known as an implementation plan (IP), for Cedar Run, Mine Run, Mountain Run, and the Lower Rapidan River Basin in Orange County, Culpeper County, and Spotsylvania County. These streams are listed as impaired since monitoring data indicates that the waters do not meet Virginia's water quality standards for bacteria. Section 303(d) of the Clean Water Act and subsection C of § 62.1-44.19:7 of the Code of Virginia requires DEQ to develop cleanup studies to address pollutants responsible for causing waters to be on Virginia's § 303(d) list of impaired waters. Once a cleanup study is developed, § 62.1-44.19:7 of the Code of Virginia outlines the requirements needed in a cleanup plan to address the pollutants contained in the study.

General Notices

DEQ is developing a cleanup plan to identify the actions necessary to address the water quality impairment in Cedar Run, Mine Run, Mountain Run, and the Lower Rapidan River Basin watersheds. DEQ will introduce the community to the process used to develop the plan and invite the public to contribute to the plan by participating in IP community engagement meetings. Persons interested in participating should notify the DEQ contact person and provide name, address, telephone number, email address, and the organization being represented (if any). The proposed IP will explain the pollutant reductions needed to meet the targets contained in both the Bacteria Mountain Run and Mine Run TMDL (2005) and Bacteria TMDL for the Rapidan River Basin (2007). The plan will also recommend a specific set of voluntary best management practices for agricultural lands, residential septic systems, pet waste, and urban practices to reduce bacteria from entering area streams. It will also include associated costs and a timeline of the expected achievement of water quality objectives.

Cleanup Plan Location: The cleanup plan addresses the following impaired stream segments for bacteria impairments:

Black Walnut Run, which begins at the Route 621 crossing and continues downstream until the confluence with Mine Run (6.48 mi.);

Brook Run, which begins at the confluence with an unnamed tributary to Brook Run at Route 647 and continues downstream until the confluence with the Rapidan River (2.51 mi.);

Cabin Branch, which begins at the perennial headwaters of Cabin Branch and continues downstream to the confluence with Cedar Run (3.19 mi.);

Cedar Run, which begins at the confluence with Cabin Branch and continues downstream until the confluence with the Rapidan River (2.26 mi.);

Cedar Run, which begins at the confluence with Buck Run and continues downstream until the confluence with Cabin Branch (3.54 mi.);

Mine Run, which begins at the confluence with Cormack Run, approximately 0.6 rivermile upstream of Route 20, and continues downstream until the confluence with the Rapidan River (10.50 mi.);

Mountain Run, which begins at the confluence with Mill Run, approximately 0.25 rivermile downstream of Route 617, and continues downstream until the confluence with Mine Run (10.11 mi.);

Mountain Run, which begins at the headwaters of Mountain Run and continues downstream until the confluence with Mill Run (7.46 mi.);

Potato Run, which begins at the headwaters of Potato Run and continues downstream until the confluence with the Rapidan River (6.84 mi.);

Rapidan River, which begins at the confluence with an unnamed tributary to the Rapidan River at rivermile 34.5, approximately 0.6 rivermile downstream from Route 689, and continues downstream until the confluence with Cedar Run (4.66 mi.);

Rapidan River, which begins at the confluence with the Robinson River and continues downstream until the confluence with an unnamed tributary to the Rapidan River at rivermile 36.6 (3.40 mi.);

Rapidan River, which begins at the confluence with Wilderness Run at rivermile 7.78 and continues downstream until the confluence with Middle Run (2.59 mi.);

Rapidan River, which begins at the boundary of the public water supply area, approximately 1.17 rivermiles upstream from the Route 3 crossing, and continues downstream to the confluence with Lick Branch (3.41 mi.);

Sumerduck Run, which begins at the confluence with Dry Run and continues downstream until the confluence with the Rapidan River (6.21 mi.); and

Wilderness Run, which begins at the confluence of North Wilderness Run and South Wilderness Run and continues downstream until the confluence with the Rapidan River (5.56 mi.).

Public Meeting: George Washington Carver Agricultural Research Center, 9432 North James Madison Highway, Rapidan, VA 22733 on February 21, 2024, at 6:30 p.m. In the event of inclement weather, the meeting will be held on February 28, 2024, at the same time and location.

Public Comment Period: February 21, 2024, to March 22, 2024.

How to Comment: DEQ accepts written comments by email or postal mail. All comments must be received by DEQ during the comment period. Submittals must include the name, organization represented (if any), mailing addresses, and telephone numbers of the commenter or requester.

Information about this plan will be posted throughout the development process at <https://www.deq.virginia.gov/our-programs/water/water-quality/implementation/implementation-plans-under-development>. For public comments, document requests, and additional information use the contact listed here.

Contact Information: Kaitlin King, Department of Environmental Quality, 1111 East Main Street, Suite 1400, Richmond, VA 23219, telephone (804) 338-2430, or email kaitlin.king@deq.virginia.gov.

VIRGINIA CODE COMMISSION

Notice to State Agencies

Contact Information: Mailing Address: Virginia Code Commission, General Assembly Building, 201 North Ninth Street, 4th Floor, Richmond, VA 23219; Telephone: (804) 698-1810; Email: varegs@dls.virginia.gov.

Meeting Notices: Section 2.2-3707 C of the Code of Virginia requires state agencies to post meeting notices on their websites and on the Commonwealth Calendar at <https://commonwealthcalendar.virginia.gov>.

Cumulative Table of Virginia Administrative Code Sections Adopted, Amended, or Repealed: A table listing regulation sections that have been amended, added, or repealed in the Virginia Register of Regulations since the regulations were originally published or last supplemented in the print version of the Virginia Administrative Code is available at <http://register.dls.virginia.gov/documents/cumultab.pdf>.

Filing Material for Publication in the Virginia Register of Regulations: Agencies use the Regulation Information System (RIS) to file regulations and related items for publication in the Virginia Register of Regulations. The Registrar's office works closely with the Department of Planning and Budget (DPB) to coordinate the system with the Virginia Regulatory Town Hall. RIS and Town Hall complement and enhance one another by sharing pertinent regulatory information.

General Notices
