# VIRGINIA REGISTER OF REGULATIONS

VOL. 42 ISS. 15 | PUBLISHED EVERY OTHER WEEK BY THE VIRGINIA CODE COMMISSION | March 9, 2026


## TABLE OF CONTENTS






THE VIRGINIA REGISTER OF REGULATIONS (USPS 001-831) is published biweekly for $263.00 per year by Matthew Bender & Company, Inc., 3 Lear Jet Lane, Suite 102, P.O. Box 1710, Latham, NY 12110. Periodical postage is paid at Easton, MD and at additional mailing offices. POSTMASTER: Send address changes to The Virginia Register of Regulations, 4810 Williamsburg Road, Unit 2, Hurlock, MD 21643.

**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.

# PUBLICATION SCHEDULE AND DEADLINES

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

**March 2026 through April 2027**

| Volume: Issue | Material Submitted By Noon* | Will Be Published On |
|---|---|---|
| 42:16 | March 4, 2026 | March 23, 2026 |
| 42:17 | March 18, 2026 | April 6, 2026 |
| 42:18 | April 1, 2026 | April 20, 2026 |
| 42:19 | April 15, 2026 | May 4, 2026 |
| 42:20 | April 29, 2026 | May 18, 2026 |
| 42:21 | May 13, 2026 | June 1, 2026 |
| 42:22 | May 27, 2026 | June 15, 2026 |
| 42:23 | June 10, 2026 | June 29, 2026 |
| 42:24 | June 24, 2026 | July 13, 2026 |
| 42:25 | July 8, 2026 | July 27, 2026 |
| 42:26 | July 22, 2026 | August 10, 2026 |
| 43:1 | August 5, 2026 | August 24, 2026 |
| 43:2 | August 19, 2026 | September 7, 2026 |
| 43:3 | September 2, 2026 | September 21, 2026 |
| 43:4 | September 16, 2026 | October 5, 2026 |
| 43:5 | September 30, 2026 | October 19, 2026 |
| 43:6 | October 14, 2026 | November 2, 2026 |
| 43:7 | October 28, 2026 | November 16, 2026 |
| 43:8 | November 10, 2026 | November 30, 2026 |
| 43:9 | November 23, 2026 **(Monday)** | December 14, 2026 |
| 43:10 | December 9, 2026 | December 28, 2026 |
| 43:11 | December 21, 2026 **(Monday)** | January 11, 2027 |
| 43:12 | January 5, 2027 | January 25, 2027 |
| 43:13 | January 20, 2027 | February 8, 2027 |
| 43:14 | February 3, 2027 | February 22, 2027 |
| 43:15 | February 17, 2027 | March 8, 2027 |
| 43:16 | March 3, 2027 | March 22, 2027 |
| 43:17 | March 17, 2027 | April 5, 2027 |

*Filing deadlines are Wednesdays unless otherwise specified.

## TITLE 3. ALCOHOLIC BEVERAGE AND CANNABIS CONTROL

### VIRGINIA ALCOHOLIC BEVERAGE CONTROL AUTHORITY

### Agency Decision

Title of Regulation: **3VAC5-50. Retail Operations.**

Statutory Authority: §§ 4.1-103 and 4.1-111 of the Code of Virginia.

Name of Petitioner: Virginia Restaurant, Lodging, and Travel Association.

Nature of Petitioner's Request:

"Dear Members of the Board,

Pursuant to 3VAC5-11-60, I write on behalf of the Virginia Restaurant, Lodging, and Travel Association (VRLTA) to petition the Board of the Alcoholic Beverage Control Authority to consider a regulatory change.

VRLTA, which represents thousands of restaurants, hotels, and hospitality businesses across the Commonwealth, respectfully requests that the Board consider amending 3VAC5-50-160 to allow restaurants and other on-premises licensees to offer reduced-price alcoholic beverages until 12:00 a.m., instead of the current 9:00 p.m. cutoff. This modest but important change would modernize outdated regulations, strengthen small businesses, and maintain the Commonwealth's strong public safety protections.

Virginia has made progress in updating its happy hour rules in recent years—for example, permitting broader advertising flexibility. However, the fixed 9:00 p.m. cutoff remains a relic of an earlier era. Consumer behavior, dining habits, and late-night transportation options have all evolved significantly. Today, guests dine later, and late-evening business has become essential for many operators struggling with inflation, workforce shortages, and post-pandemic recovery.

The original intent of the 9:00 p.m. restriction was to protect public safety. That remains our shared priority. However, the data show that Virginia has continued to make progress in combating impaired driving. Traffic fatalities decreased nearly 10% from 2022 to 2023, from 1,005 down to 907. DUI convictions dropped as well, by roughly 11% between 2021 and 2023 from 15,988 to 14,246.

While alcohol-related crash numbers fluctuate year to year, overall enforcement, training, and deterrence are working. Combined with widespread rideshare services and the industry's commitment to responsible service, a midnight extension can be implemented safely and effectively.

The hospitality industry is one of Virginia's largest private-sector employers and economic drivers. Virginia hosts approximately 16,900 eating and drinking establishments, employing over 304,000 people. Our industry, many of whom are your licensees, generates $34.6 billion in annual restaurant and food service sales, generating $5.7 billion in state and local taxes. Every dollar spent in Virginia restaurants contributes $1.71 to the state economy. Extending happy hour flexibility until midnight would provide a vital boost to operators, helping businesses keep doors open during slower hours, support payrolls, and strengthen the late-night economy in Virginia's communities.

Guardrails for safety remain in place. VRLTA supports keeping all current prohibitions intact, including bans on unlimited drinks, below-cost sales, and drinking games. We also support clear communication of happy hour hours, ongoing ID checks, and strong enforcement of responsible-service training.

We respectfully urge the Board to initiate rulemaking to amend 3VAC5-50-160 E by replacing "9 p.m." with "12 a.m." for on-premises licensees. This update would provide Virginia's restaurants and hospitality businesses with much-needed flexibility while continuing to protect the public. Thank you for your consideration and for your continued work balancing safety and economic vitality. VRLTA and our members stand ready to provide testimony, industry data, or suggested draft language as you deliberate.

Respectfully,
Eric Terry
President
Virginia Restaurant, Lodging, and Travel Association"

Agency Decision: Request denied.

Statement of Reason for Decision: After careful consideration, the Board of Directors for the Virginia Alcoholic Beverage Control Authority has decided to take no action on this matter. The board's rationale for its decision is that it would like more information on this topic from other industry stakeholders and also to see the outcome of relevant legislation currently before the General Assembly before making any amendments to the regulation.

Agency Contact: LaTonya D. Hucks-Watkins, Senior Legal Counsel, Virginia Alcoholic Beverage Control Authority, 7450 Freight Way, Mechanicsville, VA 23116, telephone (804) 213-4698, or email latonya.hucks-watkins@virginiaabc.com.

VA.R. Doc. No. PFR26-09; Filed September 29, 2025, 9:48 a.m.

## TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

### BOARD OF LONG-TERM CARE ADMINISTRATORS

#### Agency Notice

Pursuant to §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, the following regulation is undergoing a periodic review and a small business impact review: **18VAC95-20, Regulations Governing the Practice of Nursing Home Administrators**.

The Notice of Intended Regulatory Action to amend 18VAC95-20, which is published in this issue of the Virginia Register, serves as the agency notice of announcement.

Contact Information: Corie Tillman Wolf, Executive Director, Board of Long-Term Care Administrators, 9960 Mayland Drive, Suite 300, Henrico, VA 23233-1463, telephone (804) 367-4595, fax (804) 527-4413, or email corie.wolf@dhp.virginia.gov.

### BOARD OF PSYCHOLOGY

#### Agency Notice

Pursuant to §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, the following regulation is undergoing a periodic review and a small business impact review: **18VAC125-15, Regulations Governing Delegation to an Agency Subordinate**.

The Notice of Intended Regulatory Action to amend 18VAC125-15, which is published in this issue of the Virginia Register, serves as the agency notice of announcement.

Contact Information: Matt Novak, Agency Regulatory Coordinator, Department of Health Professions, 9960 Mayland Drive, Suite 300, Henrico, VA 23233, telephone (804) 914-0907, or email matthew.novak@dhp.virginia.gov.

## TITLE 22. SOCIAL SERVICES

### STATE BOARD OF SOCIAL SERVICES

#### Agency Notice

Pursuant to §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, the following regulation is undergoing a periodic review and a small business impact review: **22VAC40-141, Licensing Standards for Independent Foster Homes**. The review will be guided by the principles in Executive Order 19 (2022). The purpose of this review is to determine whether each regulation should be repealed, amended, or retained in its current form. Public comment is sought on the review of any issue relating to each regulation, including whether the regulation (i) is necessary for the protection of public health, safety, and welfare or for the economical performance of important governmental functions; (ii) minimizes the economic impact on small businesses in a manner consistent with the stated objectives of applicable law; and (iii) is clearly written and easily understandable.

Public comment period begins March 9, 2026, and ends March 30, 2026.

Comments must include the commenter's name and address (physical or email) in order to receive a response to the comment from the agency. Following the close of the public comment period, a report of both reviews will be posted on the Virginia Regulatory Town Hall and published in the Virginia Register of Regulations.

Contact Information: Alisa Foley, Licensing Consultant, Department of Social Services, 5600 Cox Road, Glen Allen, VA 23060, telephone (804) 726-7138, fax (804) 726-7132, or email a.foley@dss.virginia.gov.

#### Agency Notice

Pursuant to §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, the following regulation is undergoing a periodic review and a small business impact review: **22VAC40-160, Fee Requirements for Processing Applications**. The review will be guided by the principles in Executive Order 19 (2022). The purpose of this review is to determine whether each regulation should be repealed, amended, or retained in its current form. Public comment is sought on the review of any issue relating to each regulation, including whether the regulation (i) is necessary for the protection of public health, safety, and welfare or for the economical performance of important governmental functions; (ii) minimizes the economic impact on small businesses in a manner consistent with the stated objectives of applicable law; and (iii) is clearly written and easily understandable.

Public comment period begins March 9, 2026, and ends March 30, 2026.

Comments must include the commenter's name and address (physical or email) in order to receive a response to the comment from the agency. Following the close of the public comment period, a report of both reviews will be posted on the Virginia Regulatory Town Hall and published in the Virginia Register of Regulations.

Contact Information: Samantha Fogt, Licensing Consultant, Department of Social Services, 5600 Cox Road, Glen Allen, VA 23060, telephone (804) 845-0308, fax (804) 726-7132, or email samantha.fogt@dss.virginia.gov.

## TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

### BOARD OF DENTISTRY

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007.01 of the Code of Virginia that the Board of Dentistry intends to consider amending **18VAC60-21, Regulations Governing the Practice of Dentistry**, and **18VAC60-25, Regulations Governing the Practice of Dental Hygiene**. The purpose of the proposed action is to adopt regulations to facilitate entrance into the Dentist and Dental Hygienist Compact. Chapters 31 and 101 of the 2024 Acts of Assembly entered Virginia into the compact.

The agency does not intend to hold a public hearing on the proposed action after publication in the Virginia Register.

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

Public Comment Deadline: April 8, 2026.

Agency Contact: Jamie Sacksteder, Executive Director, Board of Dentistry, 9960 Mayland Drive, Suite 300, Henrico, VA 23233, telephone (804) 367-4581, fax (804) 698-4266, or email jamie.sacksteder@dhp.virginia.gov.

VA.R. Doc. No. R26-8350; Filed February 10, 2026, 8:38 a.m.

### BOARD OF LONG-TERM CARE ADMINISTRATORS

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007.01 of the Code of Virginia that the Board of Long-Term Care Administrators intends to consider amending **18VAC95-20, Regulations Governing the Practice of Nursing Home Administrators**. The purpose of the proposed action is to implement the results of the periodic review that the board is announcing. A committee of the board will review the chapter and propose necessary amendments to enhance the regulation of the profession and the protection of the public. Amendments proposed to the regulation will be based on the results of the periodic review. Areas of interest to the board include elimination of unnecessary or outdated language, reduction of barriers to licensure, and enhancement of public protection.

Pursuant to § 2.2-4007.1 of the Code of Virginia, the agency is conducting a periodic review of this regulation to determine whether this regulation should be repealed, amended, or retained in its current form. Public comment is sought on the review of any issue relating to this regulation, including whether the regulation (i) is necessary for the protection of public health, safety, and welfare; (ii) minimizes the economic impact on small businesses consistent with the stated objectives of applicable law; and (iii) is clearly written and easily understandable. The agency does not intend to hold a public hearing on the proposed action after publication in the Virginia Register.

The agency does not intend to hold a public hearing on the proposed action after publication in the Virginia Register.

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

Public Comment Deadline: April 8, 2026.

Agency Contact: Corie Tillman Wolf, Executive Director, Board of Long-Term Care Administrators, 9960 Mayland Drive, Suite 300, Henrico, VA 23233-1463, telephone (804) 367-4595, fax (804) 527-4413, or email corie.wolf@dhp.virginia.gov.

VA.R. Doc. No. R26-8363; Filed February 12, 2026, 9:14 a.m.

### BOARD OF COUNSELING

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007.01 of the Code of Virginia that the Board of Counseling intends to consider amending **18VAC115-20, Regulations Governing the Practice of Professional Counseling, 18VAC115-30, Regulations Governing the Certification of Substance Abuse Counselors and Substance Abuse Counseling Assistants, 18VAC115-50, Regulations Governing the Practice of Marriage and Family Therapy,** and **18VAC115-60, Regulations Governing the Practice of Licensed Substance Abuse Treatment Practitioners**. The purpose of the proposed action is to remove from the regulations (i) the definition for "conversion therapy" and (ii) references to care providers participating in conversion therapy of a minor. Section 54.1-2409.5 of the Code of Virginia defines "conversion therapy" and prohibits any person licensed by a board within the Department of Health Professions from engaging in conversion therapy with a person younger than 18 years of age, which makes the regulatory text unnecessary.

The agency does not intend to hold a public hearing on the proposed action after publication in the Virginia Register.

Statutory Authority: §§ 54.1-2400 and 54.1-3305 of the Code of Virginia.

Public Comment Deadline: April 8, 2026.

Agency Contact: Matt Novak, Agency Regulatory Coordinator, Department of Health Professions, 9960 Mayland Drive, Suite 300, Henrico, VA 23233, telephone (804) 914-0907, or email matthew.novak@dhp.virginia.gov.

VA.R. Doc. No. R26-8589; Filed February 9, 2026, 2:33 p.m.

### BOARD OF PSYCHOLOGY

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007.01 of the Code of Virginia that the Board of Psychology intends to consider amending **18VAC125-15, Regulations Governing Delegation to an Agency Subordinate**. The purpose of the proposed action is to implement the results of the periodic

review that the board is announcing. A committee of the board will review the chapter and propose necessary amendments to enhance the regulation of the profession and the protection of the public. Amendments proposed to the regulation will be based on the results of the periodic review. Areas of interest to the board include elimination of unnecessary or outdated language and enhancement of public protection.

Pursuant to § 2.2-4007.1 of the Code of Virginia, the agency is conducting a periodic review of this regulation to determine whether this regulation should be repealed, amended, or retained in its current form. Public comment is sought on the review of any issue relating to this regulation, including whether the regulation (i) is necessary for the protection of public health, safety, and welfare; (ii) minimizes the economic impact on small businesses consistent with the stated objectives of applicable law; and (iii) is clearly written and easily understandable.

The agency does not intend to hold a public hearing on the proposed action after publication in the Virginia Register.

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

Public Comment Deadline: April 8, 2026.

Agency Contact: Matt Novak, Agency Regulatory Coordinator, Department of Health Professions, 9960 Mayland Drive, Suite 300, Henrico, VA 23233, telephone (804) 914-0907, or email matthew.novak@dhp.virginia.gov.

VA.R. Doc. No. R26-8457; Filed February 12, 2026, 9:15 a.m.

## BOARD OF VETERINARY MEDICINE

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007.01 of the Code of Virginia that the Board of Veterinary Medicine intends to consider amending **18VAC150-20, Regulations Governing the Practice of Veterinary Medicine**. The purpose of the proposed action is to establish rules for haul-in veterinary facilities. The rulemaking action is result of the 2025 Report of the Large Animal Veterinarian Shortage Study Workgroup. A haul-in veterinary facility allows owners to bring animals to veterinarians at an inspected facility for treatment. Proposed provisions may include developing a model for regulating haul-in facilities, including facility registration, inspection, and treatment standards.

The agency does not intend to hold a public hearing on the proposed action after publication in the Virginia Register.

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

Public Comment Deadline: April 8, 2026.

Agency Contact: Kelli Moss, Executive Director, Board of Veterinary Medicine, 9960 Mayland Drive, Suite 300, Henrico, VA 23233, telephone (804) 597-4133, fax (804) 767-1011, or email kelli.moss@dhp.virginia.gov.

VA.R. Doc. No. R26-8392; Filed February 12, 2026, 9:16 a.m.

## 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 § 4.1-1602 of the Code of Virginia, which exempts adoption of regulations if prior to adoption, a notice of opportunity to comment is published in the Virginia Register of Regulations and posted on the Virginia Regulatory Town Hall. Such notice of opportunity to comment shall contain (i) a summary of the proposed regulation; (ii) the text of the proposed regulation; and (iii) the name, address, and telephone number of the agency contact person responsible for receiving public comments. Such notice shall be made at least 60 days in advance of the last date prescribed in such notice for submittals of public comment.

Titles of Regulations: **3VAC10-30. Applications, Licenses, Permits, and Registrations (amending 3VAC10-30-30).**

**3VAC10-40. Regulated Operations (amending 3VAC10-40-160; adding 3VAC10-40-235 through 3VAC10-40-285).**

**3VAC10-50. Cannabis Products (amending 3VAC10-50-80).**

**3VAC10-70. Labeling and Packaging (amending 3VAC10-70-20; adding 3VAC10-70-45, 3VAC10-70-55).**

Statutory Authority:

Sections of 3VAC10-30 and 3VAC10-70: §§ 4.1-601, 4.1-604, and 4.1-606 of the Code of Virginia.

Sections of 3VAC10-40 and 3VAC10-50: §§ 4.1-601, 4.1-604, 4.1-606, and 4.1-1602 of the Code of Virginia.

Effective Date: March 9, 2026.


Agency Contact: Jake Shuford, Legislative and Regulatory Manager, Virginia Cannabis Control Authority, 9954 Mayland Drive, Richmond, VA 23233, telephone (804) 873-9038, or email jake.shuford@cca.virginia.gov.


Background: In 2024, the Virginia Cannabis Control Authority (CCA) Board of Directors adopted amendments to the medical cannabis program regulations to incorporate industry best practices for safety and accountability that became effective on February 10, 2025. On October 10, 2025, a circuit court ordered the CCA to void certain amendments and enforce prior regulatory language until the CCA adopts replacement requirements. The CCA subsequently initiated a regulatory action to repeal the voided amendments from February 10, 2025. That action became effective January 14, 2026. Now, the CCA is once again promulgating the safety and accountability regulations adopted by the board in 2024, but these include modifications to comply with the circuit court order. CCA is complying with requirements as outlined in § 4.1-1602 Q of the Code of Virginia. Proposed amendments were published in the Virginia Register at 42:9 VA.R. 1202-1209 December 15, 2025. Public comments were received and considered prior to the board adopting this final regulation.

Summary:


*The amendments include (i) restrictions on the use of imagery appealing to minors, such as cartoons, candy, and toys; (ii) labeling requirements, including a universal symbol on product packaging; and (iii) delivery standards such as vehicle inspections, GPS tracking, and incident and accident protocols.*


**3VAC10-30-30. Requirements for practitioner issuing a certification.**

A. Prior to issuing a certification for cannabis products for any diagnosed condition or disease, the practitioner shall meet the requirements of § 4.1-1601 of the Code of Virginia.

B. A practitioner issuing a certification shall:

1. Conduct an assessment and evaluation of the patient in order to ~~develop a treatment plan for~~ diagnose the patient~~, which~~ or confirm another medical provider's diagnosis. This shall include an examination of the patient and the patient's medical history, prescription history, and current medical condition;

2. ~~Diagnose~~ Develop a treatment plan for the patient;

3. Be of the opinion that the potential benefits of cannabis products would likely outweigh the health risks of such use to the qualifying patient;

4. Authorize on the written certification the use of botanical cannabis for a minor patient if the practitioner determines such use is consistent with the standard of care to dispense botanical cannabis to a minor. If not specifically included on the initial written certification, authorization for botanical cannabis may be communicated verbally or in writing to the pharmacist at the time of dispensing;

5. Explain proper administration and the potential risks and benefits of the cannabis product to the qualifying patient,

and if the qualifying patient lacks legal capacity, to a parent or legal guardian prior to issuing the written certification;

6. Be available or ensure that another practitioner, as defined in § 4.1-1600 of the Code of Virginia, is available to provide follow-up care and treatment to the qualifying patient, including physical examinations, to determine the efficacy of cannabis products for treating the diagnosed condition or disease;

7. Comply with generally accepted standards of medical practice, except to the extent such standards would counsel against certifying a qualifying patient for cannabis products;

8. Maintain medical records in accordance with 18VAC85-20-26 for all patients for whom the practitioner has issued a certification; and

9. Access or direct the practitioner's delegate to access the Virginia Prescription Monitoring Program of the Department of Health Professions for the purpose of determining which, if any, covered substances have been dispensed to the patient.

C. The practitioner shall use the practitioner's professional judgment to determine the manner and frequency of patient care and evaluation, which may include the use of telemedicine, provided that the use of telemedicine:

1. Includes the delivery of patient care through real-time interactive audio-visual technology;

2. Conforms to the standard of care expected for in-person care; and

3. Transmits information in a manner that protects patient confidentiality.

D. A practitioner shall not delegate the responsibility of diagnosing a patient or determining whether a patient should be issued a certification. Employees under the direct supervision of the practitioner may assist with preparing a certification, so long as the final certification is approved and signed by the practitioner before it is issued to the patient.

E. The practitioner shall provide instructions for the use of cannabis products to the patient, parent, or guardian, as applicable~~, and shall also securely transmit such instructions to the permitted pharmaceutical processor~~.

F. Upon request, a practitioner shall make a copy of medical records available to an agent of the Board of Medicine or Board of Pharmacy for the purpose of enabling the board to ensure compliance with the law and regulations or to investigate a possible violation.

G. If the authority determines that a practitioner has violated, attempted to violate, solicited any person to violate, or consented to any violation of this chapter, the authority may restrict that practitioner's ability to issue written certifications for patients in the future or report information to the applicable licensing board.

**3VAC10-40-160. General provisions.**

A medical cannabis facility may engage in marketing activities related to products, the medical cannabis program, the pharmaceutical processor company, and related communications, except those marketing activities that:

1. Include false or misleading statements;

2. Promote excessive consumption;

3. Depict a person younger than 21 years of age consuming cannabis;

4. ~~Include any image designed or likely to appeal~~ Appeal to minors, ~~specifically~~ including ~~cartoons, toys, animals, children, or any other likeness to images, character, or phrases that are popularly used to advertise to children; 5. Depict products or product packaging or~~ labeling ~~that bears reasonable resemblance to any product legally available for consumption as a candy or that promotes cannabis consumption; or 6.~~, packaging, advertising, or marketing that is pleasing or appealing to, or targets, individuals younger than 21 years of age by using or including, among other things:

a. Cartoons or mascots;

b. Bubble-type or other cartoon-like font;

c. Similarities to products, or words that refer to products that are commonly associated with, or marketed in a manner so as to be attractive to, individuals younger than 21 years of age, including any imitation of food, candy, soda, drinks, cookies, or cereal (with the exception of using the name of a cultivar), in labeling, packaging, advertising, or marketing;

d. Terms "candy" or "candies" or variants in spelling such as "kandy" or "kandeez" (with the exception of cultivar names);

e. Symbols, images, characters, public figures, phrases, toys, or games that are commonly used to market products to individuals younger than 21 years of age; or

f. Audio that may be attractive to individuals younger than 21 years of age, including audio using children's voices or cartoon voices.

5. Contain any seal, flag, crest, coat of arms, or other insignia that is likely to mislead patients or the general public to believe that the cannabis product has been endorsed, made, or used by the Commonwealth of Virginia or any of its representatives except where specifically authorized.

**3VAC10-40-235. Cannabis delivery and transportation general requirements.**

A. Prior to transporting medical cannabis to another medical cannabis facility or offering cannabis delivery to patients, a

medical cannabis facility shall submit the following items to the authority:

1. A list of the employees or delivery agents authorized to transport or deliver cannabis, along with a copy of each authorized employee or delivery agent's valid driver license; and

2. For each transport or delivery vehicle:

a. License plate number, vehicle identification number, make, and model;

b. An attestation that the vehicle is properly registered and insured;

c. A description of the locked, safe, and secure storage compartments in the vehicle; and

d. A description of the security system, form of secure communication, global positioning system (GPS) monitoring device, and any other equipment or system required pursuant to 3VAC10-40-245.

B. A medical cannabis facility shall provide written notice to the authority, along with the documentation required in subsection A of this section, in the event the facility adds or removes a transport or delivery vehicle or an authorized employee or delivery agent.

C. No medical cannabis facility shall advertise, offer, or commence delivery or transport operations prior to receiving written approval from the authority.

D. The board may suspend or revoke the privileges of any employee or delivery agent to transport or deliver usable cannabis, cannabis oil, or cannabis products for failure of such employee or delivery agent to comply with board regulations.

**3VAC10-40-245. Vehicle security.**

A. All transport or delivery vehicles shall be properly registered with the Commonwealth and be insured in the Commonwealth. Medical cannabis facilities shall maintain registration and insurance documents and provide the documents to the authority and law-enforcement officials upon request.

B. A transport or delivery vehicle shall bear no marking or outward appearance, including brand or company names, that would indicate to a reasonable person that the vehicle is used to transport cannabis.

C. At all times during the transportation of cannabis, a transport or delivery vehicle shall be equipped with the following functioning features:

1. Heating and air conditioning systems sufficient for maintaining appropriate temperatures for the storage of cannabis during transport in accordance with recommendations provided by the originating medical cannabis facility to protect the quality and integrity of the cannabis;

2. A locked, safe, and secure storage compartment where cannabis will be stored during transport that [ ~~is~~ ] (i) [ is ] a secured part of the vehicle, (ii) [ is ] not easily removed, and (iii) ensures cannabis is not visible from the outside of the vehicle;

3. A GPS monitoring device that is secured to the vehicle in a manner not easily removed and able to remain powered on when the transport vehicle is not running, the information from which shall be maintained in accordance with 3VAC10-40-265;

4. A secure form of communication between the transporting agent and the transporting facility, and any originating facility if required by 3VAC10-40-265 G, at all times during the transportation of cannabis. Secure forms of communication shall include a two-way digital or analog radio, cellular phone, and satellite phone, taking into consideration the functionality of the communication device within the geographic area of the transport; and

5. An adequate vehicle security system to prevent adulteration, diversion, theft, and loss of cannabis, including an audible alarm system.

D. Access to transport vehicle security equipment and records shall be limited to persons [ ~~that~~ who ] are (i) essential to security operations, (ii) law-enforcement [ ~~agencies~~ agents ], (iii) security system service employees, (iv) [ agents of ] the authority, and (v) [ ~~other persons~~ ] approved by the authority. A transporting facility shall maintain a current list of all individuals that have access to any transport vehicle security equipment and records.

E. The authority may inspect a transport or delivery vehicle, as well as its equipment, including security systems, forms of secure communication, and GPS monitoring devices at any time without prior notice. If the authority determines that the transport or delivery vehicle does not satisfy the requirements of this section, or that such transport or delivery vehicle requires additional security measures to address public health and safety concerns, the medical cannabis facility shall not use the transport vehicle until such time as it receives a satisfactory inspection from the authority.

**3VAC10-40-255. Manifests.**

A. Prior to transporting cannabis between medical cannabis facilities or from a medical cannabis facility to a testing laboratory:

1. The originating facility shall prepare a transport manifest on a form and in a manner prescribed by the authority, itemizing all cannabis to be transported. A separate copy of the transport manifest shall be provided to the transporting employee to accompany the itemized cannabis at all times during transport.

2. The originating facility shall securely transmit a copy of the transport manifest to the receiving facility at least 24 hours prior to transport.

3. An authorized transportation employee or delivery agent shall review the transport manifest prepared by the originating facility and confirm that it accurately describes the type and quantity of cannabis in the transport vehicle to be transported by the transporting employee or delivery agent, in the aggregate and for each delivery.

B. Prior to delivering cannabis to a qualifying patient, parent, legal guardian, or registered agent:

1. The pharmaceutical processor or cannabis dispensing facility shall prepare a delivery manifest on a form and in a manner prescribed by the authority, itemizing all cannabis to be delivered. A separate copy of the delivery manifest shall be provided to the delivery employee or agent to accompany the itemized cannabis at all times during transport.

2. The delivery employee or agent shall review the delivery manifest prepared by the medical cannabis facility and confirm that it includes sufficient identifying information for each patient, parent, legal guardian, or registered agent, including name [ ~~,~~ and ] day and month of birth.

C. A transport vehicle shall not carry any cannabis for which a manifest has not been provided, and all cannabis shall be packaged in sealed, labeled, and tamper-resistant packaging at all times.

**3VAC10-40-265. Transportation of cannabis.**

A. A transporting employee or delivery agent shall remain with the transport vehicle at all times that the vehicle contains cannabis, provided that if there is only one transporting employee or delivery agent, the transporting employee or delivery agent may leave the vehicle, which shall be securely locked, only for:

1. Delivering or transferring cannabis to a qualifying patient, parent, legal guardian, registered agent, or medical cannabis facility;

2. Meals, when the transport lasts more than three hours round trip;

3. Rest periods required by law;

4. Refueling; or

5. Exigent circumstances, including collisions, traffic stops, mechanical breakdowns, weather emergencies, or medical emergencies.

B. A transporting employee or delivery agent shall carry transportation credentials at all times during the transportation of cannabis and display such credentials to the appropriate persons at the originating facility prior to each instance of transportation of cannabis, and to any law-enforcement official or authorized authority representative upon request. For purposes of this section, "transportation credentials" shall mean the transporting employee or delivery agent's valid driver's license, a copy of the medical cannabis facility's permit, and all transport or delivery manifests for cannabis contained in the transport vehicle.

C. A transporting facility shall inspect and test all security systems, secure communications, and global positioning system (GPS) monitoring devices of each transport vehicle at least once per day of use, prior to the transport vehicle's first departure. The individual conducting the inspection on behalf of the transporting facility shall create a signed record of the inspection that includes (i) the name of the individual; (ii) the vehicle identification number of the transport vehicle; (iii) the date of inspection; and (iv) the status of all inspected systems, equipment, and devices. The transporting facility shall maintain all inspection records.

D. A transport vehicle shall not transport cannabis unless every security system, form of secure communication, and GPS monitoring device is in good working order and functioning properly.

E. If any security system, form of secure communication, or GPS monitoring device fails during the transportation of cannabis, the transporting employee or delivery agent shall immediately notify the transporting facility and all impacted originating facilities of the specific failure and return directly to the transporting facility or originating facility. Such transport vehicle shall not resume transportation of cannabis until all systems resume full functioning capacity.

F. The transporting facility shall create a confidential delivery schedule within 24 hours of the transport and only provide the transporting employee or delivery agent with a copy of such confidential delivery schedule immediately prior to departure.

G. A transporting employee or delivery agent shall communicate with the transporting facility upon arriving at and departing from each scheduled delivery location.

H. A transporting employee or delivery agent shall strictly adhere to the delivery schedule provided by the transporting facility and not make any unscheduled stops. In the case of an emergency unscheduled stop, the transport vehicle shall remain securely locked, and the transporting employee or delivery agent shall verbally communicate with the transporting facility, describing the reason for the emergency unscheduled stop, the location and the duration of the emergency unscheduled stop, [ ~~as well as any~~ the ] activities of the transporting employee or delivery agent, and the identities and activities of any persons interacting with the transport vehicle or the transporting employee or delivery agent. The transporting facility shall maintain a record of any communications related to an unscheduled stop.

I. For a period of not less than 90 days, a transporting facility shall maintain a record of the GPS information of each of its transport vehicles for the entire duration of any transportation

of cannabis and make such information available to the authority upon request. A transporting facility may contract with the GPS provider or similar service provider to conduct GPS monitoring, provided that any such third-party GPS monitor shall comply with all applicable state and federal laws regarding patient confidentiality.

J. A transporting employee or delivery agent shall return any undeliverable cannabis to the respective originating facility directly after the last scheduled delivery.

K. No cannabis shall be stored in a transport vehicle after the facility's hours of operation, and in no event longer than 24 hours, unless the vehicle is contained within an enclosed, secure part of the facility.

L. A transporting facility shall report to the authority and local law enforcement any transport vehicle accidents, transport vehicle theft, cannabis diversion, loss, or adulteration and any other event deemed by the authority to be a reportable event in connection with the transportation of cannabis within 24 hours of such event being discovered.

**3VAC10-40-275. Delivery to qualifying patients, parents, legal guardians, and registered agents.**

A. Medical cannabis facilities offering delivery shall require each qualifying patient, parent, legal guardian, or registered agent that purchases cannabis for delivery to provide the medical cannabis facility with the full legal name, date of birth, address, email address, and telephone number of the qualifying patient, and, if applicable [ , ] the legal name, date of birth, and address of the parent, legal guardian, or registered agent.

B. For each delivery of cannabis to a qualifying patient, parent, legal guardian, or registered agent, a transporting employee or delivery agent shall confirm from a valid driver's license or other valid, government-issued photographic identification [ , ] that the identity of the individual accepting the cannabis delivery is the same as the individual who ordered the cannabis and confirm the qualifying patient's registration number.

C. If the identity, age, or registration of the individual accepting the cannabis delivery remains in question after presentation of the required documentation, the transporting employee or delivery agent shall (i) immediately alert the originating facility and (ii) return the cannabis to the originating facility directly after the last scheduled delivery.

D. Medical cannabis may only be delivered to a residence in Virginia. "Residence" means a dwelling, such as a house, apartment, nursing home, or retirement center. It does not include a dormitory, hotel, motel, bed and breakfast, or other commercial business.

E. Medical cannabis may only be delivered between the hours of 6 a.m. and midnight.

**3VAC10-40-285. Delivery and transportation incident notification.**

A. A pharmaceutical processor transporting or delivering medical cannabis must report any traffic stop, breakdown, collision, or unscheduled stop lasting more than two hours to the authority [ ~~with~~ within ] 24 hours.

B. An originating facility's authorized employees shall make a good faith effort to contact the authority if exigent circumstances require removal of cannabis or cannabis products from the vehicle prior to arrival at the destination listed on the transport manifest. Authorized employees and delivery agents shall make a good faith effort to protect the shipment from diversion.

**3VAC10-50-80. Dispensing of cannabis products.**

A. A pharmacist in good faith may dispense cannabis products to any patient, parent, legal guardian, or registered agent as indicated on the written certification.

1. Prior to the initial dispensing of cannabis products pursuant to each written certification, the pharmacist or pharmacy technician at the location of the pharmaceutical processor or cannabis dispensing facility shall:

a. Offer patients, parents, legal guardians, and registered agents the opportunity to consult with a pharmacist regarding the use of cannabis products, including information related to safe techniques for proper use and storage of cannabis products and for disposal of the products in a manner that renders them nonrecoverable;

b. View in person or by audiovisual means a current photo identification of the patient, parent, legal guardian, or registered agent; and

c. Verify in the Virginia Prescription Monitoring Program of the Department of Health Professions or other program recognized by the board that the written certification is valid and the date and quantity of the last dispensing of cannabis products to the patient.

2. A pharmacist or pharmacy technician employed by the pharmaceutical processor or cannabis dispensing facility shall make a paper or electronic copy of the current written certification that provides an exact image of the document that is clearly legible and shall maintain it on site or by electronic means for two years. The pharmaceutical processor and cannabis dispensing facility shall also provide an electronic copy of the written certification to the board.

3. Prior to any subsequent dispensing, the pharmacist or pharmacy technician shall verify that the written certification on file has not expired. An employee or delivery agent shall view a current photo identification and current registration of the patient, parent, legal guardian, or registered agent and shall maintain record of such viewing in accordance with policies and procedures of the pharmaceutical processor or cannabis dispensing facility.

B. A pharmacist may dispense a portion of a patient's 90-day supply of cannabis product. The pharmacist may dispense the remaining portion of the 90-day supply of cannabis products at any time except that no patient, parent, legal guardian, or registered agent shall receive more than a 90-day supply of cannabis products for a patient in a 90-day period from any pharmaceutical processor or cannabis dispensing facility. A pharmaceutical processor or cannabis dispensing facility may dispense more than one cannabis product to a patient at one time. However, no more than four ounces of botanical cannabis shall be dispensed for each 30-day period for which botanical cannabis is dispensed. In determining the appropriate amount of cannabis product to be dispensed to a patient, a pharmacist shall consider all cannabis products dispensed and adjust the amount dispensed accordingly.

C. A dispensing record shall be maintained for three years from the date of dispensing, and the pharmacist or pharmacy technician under the direct supervision of the pharmacist shall affix a label that conforms to the requirements of 3VAC10-70-45 to the container of cannabis product ~~that contains:~~.

~~1. A serial number assigned to the dispensing of the product;~~

~~2. The cannabis product name that was registered with the board pursuant to 3VAC10-50-70 and its strength;~~

~~3. The serial number assigned to the product during production;~~

~~4. The date of dispensing the cannabis product;~~

~~5. The quantity of cannabis products dispensed;~~

~~6. A terpenes profile and a list of all active ingredients, including:~~

~~a. Tetrahydrocannabinol (THC);~~

~~b. Tetrahydrocannabinol acid (THC-A);~~

~~c. Cannabidiol (CBD); and~~

~~d. Cannabidiolic acid (CBDA);~~

~~For botanical cannabis products, only the total cannabidiol (CBD) and total tetrahydrocannabinol (THC) are required;~~

~~7. A pass rating based on the laboratory's microbiological, mycotoxins, heavy metals, residual solvents, pesticide chemical residue analysis, and for botanical cannabis, the water activity and moisture content analysis;~~

~~8. The name of the patient;~~

~~9. The name of the certifying practitioner;~~

~~10. Directions for use as may be included in the practitioner's written certification or otherwise provided by the practitioner;~~

~~11. For botanical cannabis, the amount recommended by the practitioner or dispensing pharmacist;~~

~~12. The name or initials of the dispensing pharmacist;~~

~~13. Name, address, and telephone number of the pharmaceutical processor or cannabis dispensing facility;~~

~~14. Any necessary cautionary statement;~~

~~15. A prominently printed expiration date based on stability testing; and~~

~~16. The pharmaceutical processor's or cannabis dispensing facility's recommended conditions of use and storage that can be read and understood by the ordinary individual.~~

~~D. The label shall be exempt from containing the items listed in subdivisions C 6, C 7, and C 15 of this section if the items are included on the batch label as required in 3VAC10-70-20 and are clearly visible to the patient.~~

~~E. A pharmaceutical processor shall not label cannabis products as "organic" unless the cannabis plants have been organically grown and the cannabis oil products have been produced, processed, manufactured, and certified to be consistent with organic standards in compliance with 7 CFR Part 205.~~

~~F. The cannabis products shall be dispensed in child-resistant packaging, except as provided in 3VAC10-40-20 A. A package shall be deemed child resistant if it satisfies the standard for "special packaging" as set forth in the Poison Prevention Packaging Act of 1970 Regulations, 16 CFR 1700.1(b)(4).~~

~~G. No person except a pharmacist or a pharmacy technician operating under the direct supervision of a pharmacist shall alter, deface, or remove any label so affixed.~~

~~H.~~ D. A pharmacist shall be responsible for verifying the accuracy of the dispensed product in all respects prior to dispensing and shall document that each verification has been performed.

~~I.~~ E. A pharmacist shall document a patient's self-assessment of the effects of cannabis products in treating the patient's diagnosed condition or disease or the symptoms thereof.

~~J.~~ F. If the authorization for botanical cannabis for a minor is communicated verbally or in writing to the pharmacist at the time of dispensing, the pharmacist shall also document such authorization. A pharmaceutical processor or cannabis dispensing facility shall maintain such documentation in writing or electronically for three years from the date of dispensing and such documentation shall be made available in accordance with regulation.

~~K.~~ G. A pharmacist shall exercise professional judgment to determine whether to dispense cannabis products to a patient, parent, legal guardian, or registered agent if the pharmacist suspects that dispensing cannabis products to the patient, parent, legal guardian, or registered agent may have negative health or safety consequences for the patient or the public.

**3VAC10-70-20. Labeling of ~~batch of~~ cannabis products.**

A. ~~Cannabis products produced as a batch~~ Each container and layer of packaging containing cannabis shall ~~not be adulterated~~ prominently display the universal symbol.

B. Cannabis products produced as a batch shall be:

1. Unadulterated;

2. Processed, packaged, and labeled according to the U.S. Food and Drug Administration's Current Good Manufacturing Practice in Manufacturing, Packaging, Labeling, or Holding Operations for Dietary Supplements (21 CFR Part 111); and

~~2.~~ 3. Labeled with:

a. The name and address of the pharmaceutical processor;

b. The cannabis product name that was registered with the board pursuant to § 4.1-1603.2 of the Code of Virginia;

c. A description of the product's purpose and instructions for use;

d. Child and safety warnings, as approved by the authority, in a conspicuous font;

e. A unique serial number that matches the product with the pharmaceutical processor batch and lot number, including the cultivator and manufacturer if produced from bulk cannabis oil, botanical cannabis, or usable cannabis obtained through distribution from another pharmaceutical processor, so as to facilitate any warnings or recalls the board or pharmaceutical processor deem appropriate;

~~d.~~ f. The date of testing and packaging;

~~e.~~ g. For products produced from bulk cannabis oil, botanical cannabis, or usable cannabis obtained through distribution from another pharmaceutical processor, the name and address of the testing laboratory;

~~f.~~ h. The expiration date, which shall be 12 months or less from the date of the cannabis product registration approval, unless supported by stability testing;

~~g.~~ i. The quantity of cannabis products contained in the batch;

~~h.~~ j. A terpenes profile and a list of all active and inactive ingredients, including:

(1) Tetrahydrocannabinol (THC);

(2) Tetrahydrocannabinol acid (THC-A);

(3) Cannabidiol (CBD); and

(4) Cannabidiolic acid (CBDA);

~~i.~~ k. For botanical cannabis products, list of only total cannabidiol (CBD) and total tetrahydrocannabinol (THC);

~~j.~~ l. For cannabis oil products, pass or fail rating based on the laboratory's microbiological, mycotoxins, heavy metals, residual solvents, and pesticide chemical residue analysis; and

~~k.~~ m. For botanical cannabis products, a pass or fail rating based on the laboratory's microbiological, mycotoxins, heavy metals, pesticide chemical residue analysis, water activity, and moisture content.

C. If the immediate container is too small, then an outer layer of packaging shall include the requirements of subdivision B 3 of this section and the immediate container shall include:

1. Pharmaceutical processor name, telephone number, and email or website;

2. The cannabis product name that was registered with the board pursuant to § 4.1-1603.2 of the Code of Virginia;

3. The serial number assigned to the product during production;

4. A prominently printed expiration date;

5. The quantity of cannabis products by weight, volume, or count and weight; and

6. A list of all active ingredients, including:

a. Tetrahydrocannabinol (THC);

b. Tetrahydrocannabinol acid (THC-A);

c. Cannabidiol (CBD); and

d. Cannabidiolic acid (CBDA).

D. Labels may be accordion, expandable, extendable, or layered to permit labeling of containers of any manner of size or shape.

E. Cannabis vaporizer cartridges shall bear a universal symbol no smaller than 1/4-inch wide by 1/4-inch high that is engraved, printed, or affixed with a sticker.

F. No pharmaceutical processor shall label cannabis products as "organic" unless the cannabis plants have been organically grown and the cannabis oil products have been produced, processed, manufactured, and certified to be consistent with organic standards in compliance with 7 CFR Part 205.

**3VAC10-70-45. Dispensing label requirements.**

A. The pharmacist or pharmacy technician under the direct supervision of the pharmacist shall affix a label, in a manner provided by the board, to each cannabis product that includes:

1. A serial number assigned to the dispensing of the product;

2. The cannabis product name that was registered with the board pursuant to 3VAC10-50-70 and its strength;

3. The serial number assigned to the product during production;

4. The date of dispensing the cannabis product;

5. The quantity of cannabis products dispensed;

6. A terpenes profile and a list of all active ingredients, including:

a. Tetrahydrocannabinol (THC);

b. Tetrahydrocannabinol acid (THC-A);

c. Cannabidiol (CBD); and

d. Cannabidiolic acid (CBDA);

7. A pass rating based on the laboratory's microbiological, mycotoxins, heavy metals, residual solvents, pesticide chemical residue analysis, and for botanical cannabis, the water activity and moisture content analysis;

8. The name of the patient;

9. The name of the certifying practitioner;

10. Directions for use as may be provided by the practitioner, on the written certification or otherwise, or [ by ] the dispensing pharmacist;

11. For botanical cannabis, the amount recommended by the practitioner or dispensing pharmacist;

12. The name or initials of the dispensing pharmacist;

13. Name, address, and telephone number of the pharmaceutical processor or cannabis dispensing facility;

14. Any necessary cautionary statement;

15. A prominently printed expiration date; and

16. The recommended conditions of use and storage from the pharmaceutical processor's or cannabis dispensing facility that can be read and understood by the ordinary individual.

B. The label shall be exempt from containing the items listed in subdivisions A 6, A 7, and A 15 of this section if the items are included on the batch label as required in 3VAC10-70-20 and are clearly visible to the patient.

C. No person except a pharmacist or a pharmacy technician operating under the direct supervision of a pharmacist shall alter, deface, or remove any label so affixed.

**3VAC10-70-55. Medical cannabis packaging requirements.**

A. Packaging shall be child-resistant except as provided in 3VAC10-40-20 A, tamper-resistant, and light-resistant based on the following standards:

1. A package shall be deemed child-resistant if it satisfies the standard for "special packaging" as set forth in the Poison Prevention Packaging Act of 1970 Regulations, 16 CFR 1700.1(b)(4). A pharmaceutical processor shall maintain a copy of the certificate showing that any packaging containing medical cannabis is child-resistant and complies with the requirements of 16 CFR 1700.15 and 16 CFR 1700.25.

2. A package shall be deemed tamper-resistant if it has one or more indicators or barriers to entry that would preclude its contents from being accessed or adulterated without indicating to a reasonable person that the package was breached; and

3. A package shall be deemed light-resistant if it is entirely and uniformly opaque and protects the whole of its contents from the effects of light.

B. Packaging shall not (i) bear any reasonable resemblance to a trademarked, characteristic, or product-specialized packaging of any commercially available candy, snack, baked good, or beverage [ , ] or (ii) be designed in any manner to be especially appealing to persons younger than 21 years of age.

VA.R. Doc. No. R26-8539; Filed February 17, 2026, 5:03 p.m.

# TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

## BOARD OF DENTISTRY

### Fast-Track Regulation

Title of Regulation: **18VAC60-15. Regulations Governing the Disciplinary Process (amending 18VAC60-15-20).**

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

Public Hearing Information: No public hearing is currently scheduled.

Public Comment Deadline: April 8, 2026.

Effective Date: April 23, 2026.

Agency Contact: Jamie Sacksteder, Executive Director, Board of Dentistry, 9960 Mayland Drive, Suite 300, Henrico, VA 23233, telephone (804) 367-4581, fax (804) 698-4266, or email jamie.sacksteder@dhp.virginia.gov.

Basis: Section 54.1-2400 of the Code of Virginia authorizes the Board of Dentistry to promulgate regulations that are reasonable and necessary to administer the regulatory system.

Purpose: Without this amendment, applicants must wait for an informal conference committee to convene and hear a matter pertaining to an application, which delays the entry of qualified practitioners with nonroutine applications from entering the workforce. Allowing agency subordinates to hear these matters expedites the review process, getting practitioners into the workforce faster.

Rationale for Using Fast-Track Rulemaking Process: This action is considered noncontroversial and therefore appropriate for the fast-track rulemaking process because it conforms the regulation to statute and will lead to faster adjudication of applicant cases.

Substance: The amendment removes language limiting agency subordinates to reviewing disciplinary matters, which will allow agency subordinates to hear credentials cases as well as disciplinary cases.

Issues: There are no primary advantages or disadvantages to the public. There are no primary advantages or disadvantages to the agency or the Commonwealth.

Department of Planning and Budget 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 represents DPB's best estimate of the potential economic impacts as of the date of this analysis.[1]

Summary of the Proposed Amendments to Regulation. The current Regulations Governing the Disciplinary Process in Dentistry (regulation) allows the Board of Dentistry (board) to delegate an informal fact-finding proceeding to an agency subordinate[2] only upon a determination that probable cause exists that a practitioner may be subject to a disciplinary action. Following 2023 legislation, the board proposes to remove this restriction.

Background. Subdivision 10 of § 54.1-2400 of the Code of Virginia authorizes the board to appoint a special conference committee to ascertain the fact basis for their decisions of cases through informal conference or consultation proceedings. The statute provides that this may occur upon receipt of information that a practitioner or permit holder of the appropriate board may be subject to disciplinary action or to consider an application for a license. Prior to 2023 legislation, the statute indicated that the board may delegate to an appropriately qualified agency subordinate the authority to conduct informal fact-finding proceedings, but only "upon receipt of information that a practitioner may be subject to a disciplinary action." This effectively prevented delegation from occurring to "consider an application for a license." Chapter 191 of the 2023 Acts of Assembly[3] removed the requirement that a practitioner must be subject to a disciplinary action in order for the board to make such delegation. Accordingly, the board is now proposing to remove that same restriction from the regulation as it is no longer mandated by statute.

Estimated Benefits and Costs. Since the legislation has been in effect, the board has already been able to delegate to an appropriately qualified agency subordinate the conducting of informal fact-finding proceedings for nonroutine applications for licensure. This change is beneficial in that it may speed the licensing of dentists and dental hygienists with nonroutine applications for licensure. Since this is optional, there do not appear to be any introduced costs. Amending the regulation to reflect the legislation may be beneficial in that it better informs the public concerning what is permitted in practice.

Businesses and Other Entities Affected. According to the Department of Health Professions, there are typically about four to five nonroutine applications for dentist and dental hygienist licensure that require evidentiary hearings each year. Such applicants, as well as potential delegated agency subordinates, are particularly affected by the legislation. The Code of Virginia requires DPB to assess whether an adverse impact may result from the proposed regulation.[4] An adverse impact is indicated if there is any increase in net cost or reduction in net benefit for any entity, even if the benefits exceed the costs for all entities combined.[5] As there is no increase in net cost nor reduction in net revenue, an adverse impact is not indicated.

Small Businesses[5] Affected.[6] The proposed amendment does not adversely affect small businesses.

Localities[7] Affected.[8] The proposed amendment neither disproportionately affects any particular locality, nor does it introduce costs for local governments.

Projected Impact on Employment. The proposed amendment does not appear to affect total employment.

Effects on the Use and Value of Private Property. Since the legislation may quicken the licensing of dentists and dental hygienists with nonroutine applications for licensure, such dentists and dental hygienists may start practicing in Virginia sooner. The proposed amendment does not affect real estate development costs.

---

[1] Section 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.

[2] The current and proposed regulations state that an agency subordinate authorized by the board to conduct an informal fact-finding proceeding may include current or past board members and professional staff or other persons deemed knowledgeable by virtue of their training and experience in administrative proceedings involving the regulation and discipline of health professionals.

[3] See https://lis.virginia.gov/cgi-bin/legp604.exe?231+ful+CHAP0191+hil.

[4] Pursuant 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.

[5] Pursuant 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."

[6] If 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.

[7] "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.

[8] Section 2.2-4007.04 defines "particularly affected" as bearing disproportionate material impact.

Agency Response to Economic Impact Analysis: The Board of Dentistry concurs with the economic impact analysis prepared by the Department of Planning and Budget.

Summary:

*Pursuant to Chapter 191 of the 2023 Acts of Assembly, the amendment removes a limitation that agency subordinates be used only for disciplinary matters and will allow boards that use agency subordinates to employ those agency subordinates to hear credentials cases as well as disciplinary cases.*

**18VAC60-15-20. Criteria for delegation of informal fact-finding proceedings to an agency subordinate.**

A. ~~Decision to delegate.~~ In accordance with subdivision 10 of § 54.1-2400 of the Code of Virginia, the board may delegate an informal fact-finding proceeding to an agency subordinate ~~at the time a determination is made that probable cause exists that a practitioner may be subject to a disciplinary action. If delegation to a subordinate is not recommended at the time of the probable cause determination, delegation may be approved by the president of the board or his designee~~.

B. Criteria for an agency subordinate.

1. An agency subordinate authorized by the board to conduct an informal fact-finding proceeding may include current or past board members and professional staff or other persons deemed knowledgeable by virtue of their training and experience in administrative proceedings involving the regulation and discipline of health professionals.

2. The executive director shall maintain a list of appropriately qualified persons to whom an informal fact-finding proceeding may be delegated.

3. The board may delegate to the executive director the selection of the agency subordinate who is deemed appropriately qualified to conduct a proceeding based on the qualifications of the subordinate and the type of case being heard.

VA.R. Doc. No. R26-8038; Filed February 17, 2026, 10:50 a.m.

## BOARD OF MEDICINE

### Fast-Track Regulation

Title of Regulation: **18VAC85-20. Regulations Governing the Practice of Medicine, Osteopathic Medicine, Podiatry, and Chiropractic (amending 18VAC85-20-240).**

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

Public Hearing Information: No public hearing is currently scheduled.

Public Comment Deadline: April 8, 2026.

Effective Date: April 23, 2026.

Agency Contact: William L. Harp, M.D., Executive Director, Board of Medicine, 9960 Mayland Drive, Suite 300, Richmond, VA 23233-1463, telephone (804) 367-4621, fax (804) 527-4429, or email william.harp@dhp.virginia.gov.

Basis: Section 54.1-2400 of the Code of Virginia authorizes the Board of Medicine to promulgate regulations that are reasonable and necessary to administer the regulatory system.

Purpose: This action is essential to protect the health, safety, and welfare of citizens because it allows health care practitioners governed by 18VAC85-20 to reactivate a lapsed license in a more efficient manner, theoretically leading to more such health care practitioners available to treat patients.

Rationale for Using Fast-Track Rulemaking Process: This action is expected to be noncontroversial and therefore appropriate for the fast-track rulemaking process because it reduces a requirement for reactivation of a license and makes that process consistent with what is required during renewal of a license.

Substance: The action replaces the requirement that an individual reactivating or reinstating a license provide documentation of continuing competency hours and instead enforces a requirement that the individual attest to having completed those hours.

Issues: There are no primary advantages or disadvantages to the public. There are no primary advantages or disadvantages to the agency or the Commonwealth.

Department of Planning and Budget 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 represents DPB's best estimate of the potential economic impacts as of the date of this analysis.[1]

Summary of the Proposed Amendments to Regulation. The Board of Medicine (board) proposes to remove the requirement that applicants for reinstatement of licensure whose license has been lapsed for two successive years or more, and applicants for reactivation of an inactive license, provide documentation that continuing competency hours have been completed. The board would instead accept attestation that the continuing competency hours have been completed, as it already does for renewal of active licenses.

Background. Under the current regulation, applicants for reinstatement (when the license has been lapsed for two successive years or more) or reactivation must provide documentation to show that they have completed their required amount of continued competency hours. Also under the current regulation, active licensees must attest to having completed their required number of hours of continuing learning activities, but do not need to provide documentation. The board proposal is to no longer require documentation of completion of the hours from the applicants for reinstatement or reactivation. The board would instead require attestation, as is currently the case for license renewal.

Estimated Benefits and Costs. The proposal would be beneficial for individuals seeking licensure reinstatement (when the license has been lapsed for two successive years or more) or reactivation

in that it would save such individuals the time needed to gather and send continuing competency documentation.

Businesses and Other Entities Affected. The proposed amendments would apply to physicians, podiatrists, and chiropractors who seek to reactivate their current inactive license or who are seeking reinstatement of a license that has been lapsed for two successive years or more. According to DHP, there are currently 1,331 doctors of medicine, 92 doctors of osteopathic medicine, 27 doctors of podiatric medicine, and 85 doctors of chiropractic with inactive board licenses. The Code of Virginia requires DPB to assess whether an adverse impact may result from the proposed regulation.[2] An adverse impact is indicated if there is any increase in net cost or reduction in net benefit for any entity, even if the benefits exceed the costs for all entities combined.[3] The proposed amendment neither increases net costs nor reduces net benefit. Thus, no adverse impact is indicated.

Small Businesses[4] Affected.[5] The proposed amendments do not adversely affect small businesses.

Localities[6] Affected.[7] The proposed amendments neither disproportionally affect particular localities, nor increase costs for local governments.

Projected Impact on Employment. The proposed amendments are unlikely to substantively affect employment.

Effects on the Use and Value of Private Property. Firms that employ practitioners who are seeking to reinstate or reactivate their license may have such employees return to or start work moderately sooner in that their licensure reinstatement or reactivation applications could be deemed complete sooner without the documentation requirement. The proposed amendments do not affect real estate development costs.

[1] Section 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.

[2] Pursuant 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] 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. As a result, DPB has adopted a definition of adverse impact that assesses changes in net costs and benefits for each affected Virginia entity that directly results from discretionary changes to the regulation.

[4] Pursuant 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."

[5] If 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.

[6] "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.

[7] Section 2.2-4007.04 defines "particularly affected" as bearing disproportionate material impact.

Agency Response to Economic Impact Analysis: The Board of Medicine concurs with the economic impact analysis prepared by the Department of Planning and Budget.

Summary:

*The amendments replace the requirement that an applicant to reactivate or reinstate a lapsed license provide documentation of continuing competency with a requirement that the applicant attest to continuing competency hours.*

**18VAC85-20-240. Reinstatement of an inactive or lapsed license.**

A. A practitioner whose license has been lapsed for two successive years or more and who requests reinstatement of licensure shall:

1. File a completed application for reinstatement;

2. Pay the reinstatement fee prescribed in 18VAC85-20-22; and

3. ~~Provide documentation of~~ Attest to having completed continued competency hours equal to the requirement for the number of years, not to exceed four years, in which the license has been lapsed.

B. An inactive licensee may reactivate ~~his~~ a license upon submission of the required application, payment of the difference between the current renewal fee for inactive licensure and the current renewal fee for active licensure, and ~~documentation~~ an attestation of having completed continued competency hours equal to the requirement for the number of years, not to exceed four years, in which the license has been inactive.

C. If a practitioner has not engaged in active practice in ~~his~~ a profession for more than four years and wishes to reinstate or reactivate ~~his~~ the practitioner's license, the board may require the practitioner to pass one of the following examinations. For the purpose of determining active practice, the practitioner shall provide evidence of at least 640 hours of clinical practice

within the four years immediately preceding his application for reinstatement or reactivation.

1. The Special Purpose Examination (SPEX) given by the Federation of State Medical Boards.

2. The Comprehensive Osteopathic Medical Variable Purpose Examination-USA (COMVEX-USA) given by the National Board of Osteopathic Examiners.

3. The Special Purposes Examination for Chiropractic (SPEC) given by the National Board of Chiropractic Examiners.

4. A special purpose examination or other evidence of continuing competency to practice podiatric medicine as acceptable to the board.

D. The board reserves the right to deny a request for reinstatement or reactivation to any licensee who has been determined to have committed an act in violation of § 54.1-2915 of the Code of Virginia or any provisions of this chapter.

VA.R. Doc. No. R26-8105; Filed February 17, 2026, 11:00 a.m.

## Proposed Regulation

Title of Regulation: **18VAC85-50. Regulations Governing the Practice of Physician Assistants (amending 18VAC85-50-160).**

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

Public Hearing Information:

April 3, 2026 - 8:31 a.m. - Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Suite 201, Richmond, VA 23233-1463.

Public Comment Deadline: May 8, 2026.

Agency Contact: Erin Barrett, Director of Legislative and Regulatory Affairs, Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Suite 300, Henrico, VA 23233, telephone (804) 750-3912, fax (804) 915-0382, or email erin.barrett@dhp.virginia.gov.

Basis: Section 54.1-2400 of the Code of Virginia authorizes the Board of Medicine to promulgate regulations that are reasonable and necessary to administer the regulatory system.

Purpose: This regulatory change is essential to protect the health, safety, and welfare of citizens because the change will help expedite prescriptions being filled and improve speed of care.

Substance: The amendments remove the requirement that the patient care team or podiatrist name appear on prescriptions issued by physician assistants for Schedules II through V drugs.

Issues: The primary advantage to the public is ensuring quick and efficient access to care. There are no disadvantages to the public. There are no primary advantages or disadvantages to the agency or the Commonwealth.

Department of Planning and Budget 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 represents DPB's best estimate of the potential economic impacts as of the date of this analysis.[1]

Summary of the Proposed Amendments to Regulation. Following a petition for rulemaking,[2] the Board of Medicine (board) proposes to remove the requirement that the name of the patient care team physician or podiatrist must appear on prescriptions issued by physician assistants for Schedules II through V drugs.

Background. This regulation currently requires that the prescriptions issued by physician assistants (PAs) for Schedules II through V drugs disclose the name of the patient care team physician or podiatrist supervising the PA. However, according to the Department of Health Professions (DHP), this requirement has been causing some unnecessary procedural delays in filling prescriptions. Although the collaborative practice agreements allow PAs to write prescriptions for Schedules II through V drugs without the direct knowledge of the patient care team physician or podiatrist, inclusion of this information has been known to generate calls to supervisors about patients they have not seen, causing unnecessary delays. This issue has been brought to the attention of the board through a petition for rulemaking and the board feels the requested change would help expedite prescriptions being filled and improve speed of care. Accordingly, the board proposes to no longer require that the name of the PA supervisor appear on prescriptions written by a PA.

Estimated Benefits and Costs. The removal of the name of the supervising patient care team physician or podiatrist from the prescriptions written by PAs is expected to eliminate delays deemed unnecessary by the board in filling prescriptions and benefit PAs, supervisors, and patients. DHP is not aware of any potential unintended adverse consequences.

Businesses and Other Entities Affected. According to DHP, there are currently 7,274 licensed PAs in the Commonwealth.[3] No PA appears to be disproportionately affected. The Code of Virginia requires DPB to assess whether an adverse impact may result from the proposed regulation.[4] An adverse impact is indicated if there is any increase in net cost or reduction in net benefit for any entity, even if the benefits exceed the costs for all entities combined.[5] The proposal does not raise costs or reduce benefits for any entity. Thus, no adverse impact is indicated.

Small Businesses[6] Affected.[7] The proposal does not appear to adversely affect small businesses.

Localities[8] Affected.[9] The proposed amendment does not create costs or other effects for localities.

Projected Impact on Employment. No significant impact on employment is expected.

Effects on the Use and Value of Private Property. No significant effect on the use and value of private property nor on real estate development costs is expected.

[1] Section 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.

[2] https://townhall.virginia.gov/L/viewpetition.cfm?petitionid=388.

[3] https://www.dhp.virginia.gov/about/stats/2026Q1/ 04CurrentLicenseCount Q1FY2026.pdf.

[4] Pursuant 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.

[5] 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. As a result, DPB has adopted a definition of adverse impact that assesses changes in net costs and benefits for each affected Virginia entity that directly results from discretionary changes to the regulation.

[6] Pursuant 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."

[7] If 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.

[8] "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.

[9] Section 2.2-4007.04 defines "particularly affected" as bearing disproportionate material impact.

Agency Response to Economic Impact Analysis: The Board of Medicine concurs with the economic impact analysis prepared by the Department of Planning and Budget.

Summary:

*In response to a petition for rulemaking, the proposed amendments remove the requirement that the patient care team or podiatrist name appear on prescriptions issued by physician assistants for Schedules II through V drugs.*

**18VAC85-50-160. Disclosure.**

~~A. Each prescription for a Schedule II through V drug shall bear the name of the patient care team physician or podiatrist and of the physician assistant.~~

~~B.~~ The physician assistant shall disclose to the patient that he is a licensed physician assistant, and also the name, address, and telephone number of the patient care team physician or podiatrist. Such disclosure shall ~~either be included on the prescription or~~ be given in writing to the patient.

VA.R. Doc. No. R24-04; Filed February 17, 2026, 11:50 a.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, Fourth Floor, Richmond, Virginia 23219.

## STATE AIR POLLUTION CONTROL BOARD

Title of Document: Diesel Engine-Generator Set Procedure for Writing New and Modified Permits.

Public Comment Deadline: April 8, 2026.

Effective Date: April 9, 2026.

Agency Contact: Stanley Faggert, Department of Environmental Quality, P.O. Box 1105, Richmond, VA 23218, telephone (804) 664-3464, or email stanley.faggert@deq.virginia.gov.

The following guidance documents have been submitted for deletion and the listed agency has opened up a 30-day public comment period. The listed agency may have 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.

## MOTOR VEHICLE DEALER BOARD

Titles of Documents: Advertising Display and Show versus Display for Sale.

Advertising Policy - Deviations from Standard Practices.

Board Meeting Cancellation and Inclement Weather Policy.

Freedom of Information Act (FOIA) Policy.

Guidance Memorandum for Virginia Dealers Having Internet Connection and Email Address.

Guidelines for Review of Applicants Who Have a Criminal History.

Internet Privacy Policy.

Maximum Civil Penalty for Unlicensed Salespersons.

Meeting Documentation Policy.

Meeting Dates and Times Policy.

Public Comment Policy.

TrueCar, Dealix, and Insurance.

Wholesale Sales Agreement Policy.

Public Comment Deadline: April 8, 2026.

Effective Date: April 9, 2026.

Agency Contact: Ann Majors, Operations Manager, Motor Vehicle Dealer Board, 2201 West Broad Street, Suite 104, Richmond, VA 23220, telephone (804) 367-1100 ext. 3016, or email ann.majors@mvdb.virginia.gov.

## DEPARTMENT OF ENVIRONMENTAL QUALITY

### Proposed Enforcement Action for City of Hopewell

The Department of Environmental Quality (DEQ) is proposing an enforcement action for the City of Hopewell for violations of State Water Control Law, regulations, and applicable permit at the Hopewell water renewal facility located in Hopewell, Virginia. The proposed order is available from the DEQ contact or at https://www.deq.virginia.gov/news-info/shortcuts/public-notices/enforcement-actions. The DEQ contact will accept written comments from March 9, 2026, to April 8, 2026.

Contact Information: Kristen Sadtler, Director, Division of Enforcement, Department of Environmental Quality, Central Office, P.O. Box 1105, Richmond, VA 23218, or email kristen.sadtler@deq.virginia.gov.

### Proposed Enforcement Action for JSSY LLC

The Department of Environmental Quality (DEQ) is proposing an enforcement action for JSSY LLC for violations of State Water Control Law, regulations, and applicable permit at the JSSY facility located in Portsmouth, Virginia. The proposed order is available from the DEQ contact or at https://www.deq.virginia.gov/news-info/shortcuts/public-notices/enforcement-actions. The DEQ contact will accept written comments from March 9, 2026, to April 8, 2026.

Contact Information: Russell Deppe, Enforcement Specialist, Department of Environmental Quality, 5636 Southern Boulevard, Virginia Beach, VA 23462, or email russell.deppe@deq.virginia.gov.

### Proposed Enforcement Action for City of Richmond

The Department of Environmental Quality (DEQ) is proposing an enforcement action for the City of Richmond for violations of State Water Control Law, regulations, and applicable permit at the Richmond wastewater treatment plant facility located in Richmond, Virginia. The proposed order is available from the DEQ contact or at https://www.deq.virginia.gov/news-info/shortcuts/public-notices/enforcement-actions. The DEQ contact will accept written comments from March 9, 2026, to April 8, 2026.

Contact Information: Kristen Sadtler, Director, Division of Enforcement, Department of Environmental Quality, Central Office, P.O. Box 1105, Richmond, VA 23218, or email kristen.sadtler@deq.virginia.gov.

### Proposed Enforcement Action for Royall Pump and Well Company Inc.

The Department of Environmental Quality (DEQ) is proposing an enforcement action for Royall Pump and Well Company Inc. for violations of State Water Control Law, regulations, and applicable permit at the Royall Pump and Well Connector Road project located in Powhatan County, Virginia. The proposed order is available from the DEQ contact or at https://www.deq.virginia.gov/news-info/shortcuts/public-notices/enforcement-actions. The DEQ contact will accept written comments from March 9, 2026, to April 8, 2026.

Contact Information: Cara Witte, Enforcement Specialist, Department of Environmental Quality, Piedmont Regional Office, 4949 Cox Road, Suite A, Glen Allen, VA 23260, or email cara.witte@deq.virginia.gov.

### Proposed Enforcement Action for RVA Used Auto Parts LLC

The Department of Environmental Quality (DEQ) is proposing an enforcement action for RVA Used Auto Parts LLC for violations of State Water Control Law, regulations, and applicable permit at the RVA Used Auto Parts facility located in Richmond, Virginia. The proposed order is available from the DEQ contact or at https://www.deq.virginia.gov/news-info/shortcuts/public-notices/enforcement-actions. The DEQ contact will accept written comments from March 9, 2026, to April 8, 2026.

Contact Information: Russell Deppe, Enforcement Specialist, Department of Environmental Quality, 5636 Southern Boulevard, Virginia Beach, VA 23462, or email russell.deppe@deq.virginia.gov.

### Proposed Enforcement Action for S.B. Cox Ready Mix Inc.

The Department of Environmental Quality (DEQ) is proposing an enforcement action for S.B. Cox Ready Mix Inc. for violations of State Water Control Law, regulations, and applicable permit at the S.B. Cox Ready Mix Chesapeake plant located in Chesapeake, Virginia. The proposed order is available from the DEQ contact or at https://www.deq.virginia.gov/news-info/shortcuts/public-notices/enforcement-actions. The DEQ contact will accept written comments from March 9, 2026, to April 8, 2026.

Contact Information: Russell Deppe, Enforcement Specialist, Department of Environmental Quality, 5636 Southern Boulevard, Virginia Beach, VA 23462, or email russell.deppe@deq.virginia.gov.

### Proposed Enforcement Action for Summit General Contractors Inc.

The Department of Environmental Quality (DEQ) is proposing an enforcement action for Summit General Contractors Inc. for violations of State Water Control Law, regulations, and applicable permit at the Dollar Tree facility located in Isle of Wight County, Virginia. The proposed order is available from the DEQ contact or at https://www.deq.virginia.gov/news-info/shortcuts/public-notices/enforcement-actions. The DEQ

contact will accept written comments from March 9, 2026, to April 8, 2026.

Contact Information: Russell Deppe, Enforcement Specialist, Department of Environmental Quality, 5636 Southern Boulevard, Virginia Beach, VA 23462, or email russell.deppe@deq.virginia.gov.

### Pine Branch Solar LLC Notice of Intent for a Small Renewable Energy Project (Hybrid) - Permit by Rule - Carroll County

Pine Branch Solar LLC has provided the Department of Environmental Quality a notice of intent to submit the necessary documentation for a permit by rule for a small renewable energy project in Carroll County pursuant to 9VAC15-100-120. The project number is RE0000377. The proposed project location is 878 Senior Road, Woodlawn, VA 24381, and the project will consist of up to 40 megawatts of alternating current solar-generated power and 20 megawatts alternating current rated power storage capacity. The total project site is 362 acres with a disturbance area of 259 acres. The solar array will be comprised of approximately 74,304 modules and the energy storage component will consist of approximately 24 battery enclosures. The project developer is Samsung based in Cerritos, California.

Contact Information: Amber Foster, Renewable Energy Permit by Rule Coordinator, Department of Environmental Quality, 1111 East Main Street, Suite 1400, Richmond, VA 23218, or telephone (804) 774-8474.

## VIRGINIA CODE COMMISSION

### Notice to State Agencies

**Contact Information:** *Mailing Address:* Virginia Code Commission, Pocahontas Building, 900 East Main Street, 8th 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.