



# VIRGINIA

## REGISTER OF REGULATIONS

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# THE VIRGINIA REGISTER INFORMATION PAGE

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**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](http://register.dls.virginia.gov).

During the time the emergency regulation is in effect, the agency may proceed with the adoption of permanent regulations in accordance with the Administrative Process Act. If the agency chooses not to adopt the regulations, the emergency status ends when the prescribed time limit expires.

## STATEMENT

The foregoing constitutes a generalized statement of the procedures to be followed. For specific statutory language, it is suggested that Article 2 (§ 2.2-4006 et seq.) of Chapter 40 of Title 2.2 of the Code of Virginia be examined carefully.

## CITATION TO THE VIRGINIA REGISTER

The *Virginia Register* is cited by volume, issue, page number, and date. **34:8 VA.R. 763-832 December 11, 2017**, refers to Volume 34, Issue 8, pages 763 through 832 of the *Virginia Register* issued on December 11, 2017.

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

Members of the Virginia Code Commission: **Marcus B. Simon, Chair; Russet W. Perry, Vice Chair; Katrina E. Callsen; Nicole Cheuk; Richard E. Gardiner; Ryan T. McDougle; Michael Mullin; Christopher R. Nolen; Steven Popps; Charles S. Sharp; Malfourd W. Trumbo; Amigo R. Wade.**

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

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# PUBLICATION SCHEDULE AND DEADLINES

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

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## May 2026 through May 2027

<u>Volume: Issue</u>	<u>Material Submitted By Noon*</u>	<u>Will Be Published On</u>
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 ( <b>Tuesday</b> )	November 30, 2026
43:9	November 23, 2026 ( <b>Monday</b> )	December 14, 2026
43:10	December 9, 2026	December 28, 2026
43:11	December 21, 2026 ( <b>Monday</b> )	January 11, 2027
43:12	January 5, 2027 ( <b>Tuesday</b> )	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
43:18	March 31, 2027	April 19, 2027
43:19	April 14, 2027	May 3, 2027
43:20	April 28, 2027	May 17, 2027
43:21	May 12, 2027	May 31, 2027

\*Filing deadlines are Wednesdays unless otherwise specified.

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# PETITIONS FOR RULEMAKING

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## TITLE 8. EDUCATION

### STATE BOARD OF EDUCATION

#### Agency Decision

**Title of Regulation: 8VAC20-671. Regulations Governing the Operation of Private Schools for Students with Disabilities.**

**Statutory Authority: §§ 22.1-16 and 22.1-321 of the Code of Virginia.**

**Name of Petitioner: Lucinda Jones.**

**Nature of Petitioner's Request: The petitioner requests that the State Board of Education amend 8VAC20-671-10, 8VAC20-671-30, and 8VAC20-671-50. The current term "private school for students with disabilities" should be replaced with a more accurate term that reflects funding and governance realities. Suggested alternatives include "nonpublic school for students with disabilities" or "alternative school for students with disabilities."**

**Background:** The term "private school for students with disabilities" is misleading because these schools are not private in the traditional sense. Parents do not pay tuition; placements and tuition are funded by local education agencies (LEAs) under an individualized education program (IEP). These schools are state-licensed and regulated by the Department of Education, not independent private institutions.

**Requested amendments:**

1. In 8VAC20-671-10: Replace "private school for students with disabilities" with "nonpublic school for students with disabilities" or "alternative school for students with disabilities."
2. In 8VAC20-671-30 and 8VAC20-671-50: Update references to reflect the new terminology consistently.

**Rationale for terminology consistency:** The current term suggests private funding, which is inaccurate. These schools operate under state licensure and LEA contracts.

**Rationale for regulatory precision:** Updating terminology will reduce confusion in grants, professional development eligibility, and public understanding.

**Proposed wording:** "nonpublic school for students with disabilities" or "alternative school for students with disabilities" means a school licensed under 8VAC20-671 and defined per 8VAC20-671-10, serving students placed by LEAs under an individualized education program with tuition paid by the LEA.

**Examples of current usage:** Several schools and facilities currently use the word "private" in their name or description, including: (i) Virginia Home for Boys and Girls (John G. Wood School): "GW accepts students with 'private day school' designations on their individualized education plans (IEPs) and serves individuals with a range of abilities, including autism and intellectual disabilities"; and (ii) Shineforth (formerly United Methodist Family Services): "Shineforth is a nonprofit organization in Virginia that provides

foster care, residential treatment, and private day school for students with disabilities."

These examples illustrate how the term "private" persists in branding and public perception, even though these schools are state-licensed and funded by LEAs, not by parent tuition.

**Conclusion:** Updating these sections will align the petition with department guidance, ensure legal accuracy, and clarify the nature of these schools for stakeholders.

**Agency Decision: Request denied.**

**Statement of Reason for Decision: At its meeting on March 26, 2026, the board considered the petitioner's request and voted unanimously to deny the petitioner's request for rulemaking. The board's decision was based on the following reasons:**

1. The request in the petition is merely a terminological change and does not alter existing regulatory policy as set forth in Regulations Governing the Operation of Private Schools for Students with Disabilities (8VAC20-671).
2. The terms identified in the petition have been used in 8VAC20-671 since 2015. 8VAC20-671 succeeded, Regulations Governing the Operation of Private Day Schools for Students with Disabilities (8VAC20-670), which was first promulgated in 2004. The board has neither received similar comments regarding issues with the terms as used nor received similar comments in the process of licensing and monitoring entities regulated under 8VAC20-671.
3. 8VAC20-671 is required by § 22.1-323 of the Code of Virginia. Section 22.1-323 B of the Code of Virginia specifically identifies the subject of the board's regulations to be "private school[s] for students with disabilities." Section 22.1-323 C of the Code of Virginia also uses the terms "residential school for students with disabilities" and "private day special education schools."

**Agency Contact: Jim Chapman, Director of Board Relations, Department of Education, James Monroe Building, 101 North 14th Street, 25th Floor, Richmond, VA 23219, telephone (804) 750-8750, or email [jim.chapman@doe.virginia.gov](mailto:jim.chapman@doe.virginia.gov).**

VA.R. Doc. No. PFR26-19; Filed December 22, 2025, 3:12 p.m.

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## TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

### BOARD FOR CONTRACTORS

#### Initial Agency Notice

**Title of Regulation: 18VAC50-22. Board for Contractors Regulations.**

**Statutory Authority: § 54.1-201 of the Code of Virginia.**

**Name of Petitioner: P. Tyler.**

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# Petitions for Rulemaking

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Nature of Petitioner's Request: The petitioner requests that the Board for Contractors amend 18VAC50-22-260 or another section of the regulation. 18VAC50-22-260 provides for the board's prohibited acts and includes provisions for minimum contract requirements for those engaged in residential contracting.

The petitioner requests the board consider a regulation requiring licensed residential contractors to provide a written disclosure prior to the beginning of work, stating:

1. Whether the contractor believes a permit is required for the proposed work.
2. Who will be responsible for obtaining any required permit.
3. Whether permit and inspection costs are included in the contract price.
4. A brief notice that failure to obtain required permits may affect inspections, code compliance, insurance coverage, resale disclosures, or liability.

The petitioner indicates the purpose of this proposed regulation is to address uncertainty regarding permit responsibility, including by homeowners, contractors, and others involved in residential project coordination. The petitioner indicates there have been repeated situations encountered over time across different residential projects and jurisdictions in Virginia involving misunderstandings about permit responsibility. The petitioner's understanding, based on conversations with building inspectors and building permit office staff in multiple jurisdictions, is that misunderstandings about permit responsibility can become complicated and stressful.

The petitioner contends that the current regulation may unintentionally place contractors who discuss permit requirements at a competitive disadvantage. One contractor may explain that a permit is required and includes permit costs in a proposal, while another minimizes the issue or assumes permits will not be obtained. A simple disclosure could help "level the playing field" by ensuring that permit responsibility is addressed at the contract stage for all licensed contractors. The petitioner also contends that misunderstandings about permit responsibility can create unnecessary stress for multiple parties when the misunderstandings occur. Homeowners may discover permit issues only after work is completed, contractors may face disputes or complaints about work that was assumed to be routine, and building permit office staff and building inspectors are often placed in the difficult position of explaining requirements after the fact. The petitioner further contends that, while these situations may not arise in most projects, they can be particularly complicated and stressful for those involved when they do occur. A brief written disclosure at the beginning of a project could help prevent many of these misunderstandings.

The petitioner indicates that this request does not require the board to determine when permits are required. The petitioner provides some suggested language for a disclosure provision.

A copy of the petition is available from the agency.

Agency Plan for Disposition of Request: The petition for rulemaking will be published in the Virginia Register of Regulations on May 4, 2026. The petition will also be published on the Virginia Regulatory Town Hall at [www.townhall.virginia.gov](http://www.townhall.virginia.gov). Public comment on the petition will be received from May 4, 2026, to May 25, 2026. Upon conclusion of the public comment period, the board will consider all public comments received on the petition and make a decision to either grant or deny the petitioner's request at the next available meeting. That meeting is expected to be held June 23, 2026. The petitioner will be notified in writing of the board's decision.

Public Comment Deadline: May 25, 2026.

Agency Contact: Joe Haughwout, Regulatory Affairs Manager, Department of Professional and Occupational Regulation, Perimeter Center, 9960 Mayland Drive, Suite 400, Richmond, VA 23233, telephone (804) 367-8566, fax (804) 527-4403, or email [joseph.haughwout@dpor.virginia.gov](mailto:joseph.haughwout@dpor.virginia.gov).

VA.R. Doc. No. PFR26-29; Filed April 7, 2026, 8:13 a.m.

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# PERIODIC REVIEWS AND SMALL BUSINESS IMPACT REVIEWS

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## TITLE 1. ADMINISTRATION

### DEPARTMENT OF GENERAL SERVICES

#### Agency Notice

Pursuant to §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, the following regulations are undergoing a periodic review and a small business impact review: **1VAC30-45, Certification for Noncommercial Environmental Laboratories, and 1VAC30-46, Accreditation for Commercial Environmental Laboratories.** The reviews will be guided by the principles in Executive Order 19 (2022). The purpose of these reviews is to determine whether the regulations should be repealed, amended, or retained in their current forms. Public comment is sought on the review of any issue relating to the regulations, including whether each 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 May 4, 2026, and ends May 25, 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: Kimberly Freiburger, Policy Planning Specialist III, Department of General Services, 1100 Bank Street, Suite 420, Richmond, VA 23219, telephone (804) 205-3861, or email [kimberly.freiberger@dgs.virginia.gov](mailto:kimberly.freiberger@dgs.virginia.gov).



## TITLE 9. ENVIRONMENT

### VIRGINIA WASTE MANAGEMENT BOARD

#### Agency Notice

Pursuant to §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, the following regulations are undergoing a periodic review and a small business impact review: **9VAC20-30, Technical Assistance Fund Administrative Procedures, 9VAC20-40, Administrative Procedures for Hazardous Waste Facility Site Certification, and 9VAC20-50, Hazardous Waste Facility Siting Criteria.** The reviews will be guided by the principles in Executive Order 19 (2022). The

purpose of these reviews is to determine whether the regulations should be repealed, amended, or retained in their current forms. Public comment is sought on the review of any issue relating to the regulations, including whether each 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 May 4, 2026, and ends May 25, 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: Ashby R. Scott, Hazardous Waste Program Manager, Department of Environmental Quality, 1111 East Main Street, Suite 1400, P.O. Box 1105, Richmond, VA 23218, telephone (804) 350-5623, or email [ashby.scott@deq.virginia.gov](mailto:ashby.scott@deq.virginia.gov).

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# NOTICES OF INTENDED REGULATORY ACTION

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## TITLE 1. ADMINISTRATION

### STATE BOARD OF ELECTIONS

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007.01 of the Code of Virginia that the State Board of Elections intends to consider amending **1VAC20-90, Campaign Finance and Political Advertisements**. Chapters 535 and 537 of the 2025 Acts of Assembly direct the Department of Elections to promulgate regulations prohibiting the use of campaign funds for personal use and establishing a procedure for requesting advisory opinions related to uses of campaign funds from the State Board of Elections. The purpose of the proposed action is to adopt for Virginia regulations substantially similar to existing federal regulations on the personal use of campaign funds and the availability of advisory opinions. The proposed regulations being considered depart from federal counterparts regarding vehicle and travel reimbursements, the likelihood of candidates and officeholders having outside income due to Virginia's part-time legislature, and other differences between the relevant federal and Virginia statutes. The goal of the regulation is to clarify the boundaries between permissible and impermissible uses of campaign funds, eliminate avenues for corruption and fraudulent self-enrichment, and provide the legal framework for enforcement.

The agency intends to hold a public hearing on the proposed action after publication in the Virginia Register.

Statutory Authority: § 24.2-103 of the Code of Virginia.

Public Comment Deadline: June 3, 2026.

Agency Contact: Nathan Joyner, Program Administrative Specialist II, Virginia Department of Elections, 1100 Bank Street, Richmond, VA 23219, telephone (804) 864-8901, or email [nathan.joyner@elections.virginia.gov](mailto:nathan.joyner@elections.virginia.gov).

VA.R. Doc. No. R26-8472; Filed April 8, 2026, 2:15 p.m.

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# REGULATIONS

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

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## Symbol Key

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

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## TITLE 1. ADMINISTRATION

### STATE BOARD OF ELECTIONS

#### Emergency Regulation

**Title of Regulation:** 1VAC20-90. Campaign Finance and Political Advertisements (amending 1VAC20-90-10; adding 1VAC20-90-50, 1VAC20-90-60).

**Statutory Authority:** § 24.2-103 of the Code of Virginia.

**Effective Dates:** July 1, 2026, through December 30, 2027.

**Agency Contact:** Nathan Joyner, Program Administrative Specialist II, Virginia Department of Elections, 1100 Bank Street, Richmond, VA 23219, telephone (804) 864-8901, or email [nathan.joyner@elections.virginia.gov](mailto:nathan.joyner@elections.virginia.gov).

#### Preamble:

*Section 2.2-4011 B of the Code of Virginia states that agencies may adopt emergency regulations in situations in which Virginia statutory law or the appropriation act or federal law or federal regulation requires that a regulation be effective in 280 days or less from its enactment, and the regulation is not exempt under the provisions of § 2.2-4006 A 4 of the Code of Virginia.*

*Chapters 535 and 537 of the 2025 Acts of Assembly direct the Department of Elections to promulgate regulations prohibiting the use of campaign funds for personal use and establishing a procedure for requesting advisory opinions related to uses of campaign funds from the State Board of Elections. The amendments adopt for Virginia regulations substantially similar to existing federal regulations on the personal use of campaign funds and the availability of advisory opinions, which depart from federal counterparts regarding vehicle and travel reimbursements, the likelihood of candidates and officeholders having outside income due to Virginia's part-time legislature, and other differences between the relevant federal and Virginia statutes. The amendments clarify the boundaries between permissible and impermissible uses of campaign funds, eliminate avenues for corruption and fraudulent self-enrichment, and provide the legal framework for enforcement.*

#### **1VAC20-90-10. Definitions (~~Reserved~~).**

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

"Board" means the State Board of Elections.

"Candidate" means the same as that term is defined in § 24.2-101 of the Code of Virginia.

"Department" means the Department of Elections.

"Personal use" means any use of funds in a campaign account of a present or former candidate to fulfill a commitment, obligation, or expense of any person that would exist irrespective of the candidate's campaign or duties as an officeholder.

#### **1VAC20-90-50. Personal use of campaign funds.**

A. Definitions. The following words and terms when used in this section shall have the following meanings unless the context clearly indicates otherwise:

"Donated funds" means all funds, including contributions as defined in § 24.2-945.1 of the Code of Virginia, gifts, loans, advances, credits, or deposits of money, goods, or services that are donated for the purpose of supporting the activities of an officeholder. "Donated funds" does not mean funds appropriated by Congress, the General Assembly, or another similar public appropriating body, or personal funds of the officeholder donated to an account containing only those personal funds.

"Member of the candidate's family" means the spouse of the candidate; any child, stepchild, parent, grandparent, sibling, half-sibling, or stepsibling of the candidate or the candidate's spouse; the spouse of any child, stepchild, parent, grandparent, sibling, half-sibling, or stepsibling of the candidate or the candidate's spouse; or any person who shares a residence with the candidate.

"Officeholder" means a person who holds an office of the Commonwealth or one of its governmental units by virtue of an election, as defined in § 24.2-101 of the Code of Virginia.

B. Personal use. Personal use includes the use of funds in a campaign account for:

1. Household food items or supplies;

2. Funeral, cremation, or burial expenses, except those incurred for a candidate or an employee or volunteer of an authorized committee whose death arises out of, or in the course of, campaign activity;

3. A clothing purchase, except for clothing of a de minimis value that is used in the campaign, such as tee shirts and caps imprinted with a campaign slogan;

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# Regulations

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4. A tuition payment other than those associated with the training of campaign staff;

5. A home, mortgage, rent, or utility payment:

a. For any part of any personal residence of the candidate or member of the candidate's family; or

b. For real or personal property that is owned by the candidate or a member of the candidate's family and used for campaign purposes, to the extent the payments exceed the fair market value of the property usage;

6. Admission to a sporting event, a concert, a theater, or any other form of entertainment not associated with an election campaign or officeholder activity;

7. Dues, fees, or other payments to a health club, recreational facility, or other nonpolitical organization, unless the payments are made in connection with a specific fundraising event that takes place on the organization's premises;

8. A country club membership;

9. Salary payments to a member of a candidate's family, unless the family member is providing bona fide services to the campaign and receives compensation that is no greater than the fair market value of the services provided;

10. A vacation or other non-campaign-related trip;

11. A non-campaign-related automobile expense; or

12. Compensation paid to the candidate or officeholder, unless otherwise permitted by law.

C. Case-by-case determinations. The board will determine on a case-by-case basis whether other uses of funds in a campaign account fulfill a commitment, obligation, or other expense that would exist irrespective of the candidate's campaign or duties as an officeholder and therefore are personal use.

Examples of other uses include:

1. Legal expenses;

2. Meal expenses;

3. Travel expenses, including subsistence expenses incurred during travel. If a committee uses campaign funds to pay reasonable expenses associated with travel that involves both personal activities and campaign or officeholder-related activities, the incidental expenses that result from personal activities are personal use, unless the person benefiting from this use reimburses the campaign account within 30 days for the amount of the incremental expenses;

4. Vehicle expenses, unless the expense is a de minimis amount. If a campaign uses campaign funds to pay expenses associated with a vehicle that is used for both personal activities beyond a de minimis amount and campaign or officeholder related activities, the portion of the vehicle expenses associated with the personal activities is personal use, unless the person using the vehicle for personal

activities reimburses the campaign account within 30 days for the expenses associated with the personal activities. Campaign funds may not be used to pay for or reimburse vehicle expenses otherwise provided for under Virginia law; and

5. Dependent care expenses that are incurred as a direct result of the person seeking, holding, or maintaining public office.

D. Non-personal uses. The following uses of donated funds are not considered personal use:

1. Charitable donations to an organization described in 26 USC § 170(c) are not personal use, unless the candidate receives compensation from the organization before the organization has expended the entire amount donated for purposes unrelated to the candidate's personal benefit.

2. Transfers of campaign assets, so long as the transfer is for fair market value. Any depreciation before the transfer must be allocated between the committee and the purchaser based on the useful life of the asset.

3. Gifts of a nominal value made on a special occasion, such as a holiday, graduation, marriage, retirement, or death, unless made to a member of the candidate's family.

4. The use of campaign funds for a political or officially connected expense to the extent the expense is an expenditure that is provided for under Virginia law or an ordinary and necessary expense incurred in connection with the duties of an officeholder. Any use of funds that would be personal under subsection B of this section will not be considered a qualified expenditure or an ordinary and necessary expense incurred in connection with the duties of a state or local officeholder.

E. Permissible non-campaign use of funds. In addition to defraying expenses in connection with a campaign for an office of the Commonwealth, funds in a campaign account:

1. May be used to defray any ordinary and necessary expenses incurred in connection with the recipient's duties as an officeholder or candidate, if applicable, including:

a. The costs of travel by the recipient officeholder and an accompanying spouse to participate in a function directly connected to bona fide official responsibilities, such as a fact-finding meeting or an event at which the officeholder's services are provided through a speech or appearance in an official capacity; or

b. The costs of winding down the office of a former officeholder for a period of six months after the officeholder leaves office;

2. May be disposed of or used in accordance with §§ 24.2-948.4 and 24.2-948.6 of the Code of Virginia; and

3. May be used for any other lawful purpose, unless the use is a personal use under subsection B or C of this section.

Nothing in this subsection modifies or supersedes other federal statutory restrictions or relevant state laws that may apply to the use of campaign or donated funds by candidates or officeholders.

F. Third-party payments. Notwithstanding that the use of funds for a particular expense would be a personal use under this section, payment of that expense by any person other than the candidate or the campaign committee shall be a contribution, as defined in § 24.2-945.1 of the Code of Virginia, to the candidate unless the payment would have been made irrespective of the candidate's candidacy. Examples of payments considered to be irrespective of candidacy include situations where:

1. The payment is made from funds that are the candidate's personal funds, including an account jointly held by the candidate and a member of the candidate's family; and
2. Payments for that expense were made by the person making the payment before the candidate became a candidate or would be made irrespective of the candidate's candidacy. Payments that are compensation shall be considered contributions unless:
  - a. The compensation results from bona fide employment that is genuinely independent of the candidacy;
  - b. The compensation is exclusively in consideration of services provided by the employee as part of the employee's employment; and
  - c. The compensation does not exceed the amount of compensation that would be paid to any other similarly qualified person for the same work over the same period of time.

G. Candidate and officeholder security. The use of campaign funds to pay for the reasonable costs of security measures for a candidate, officeholder, member of the candidate's or officeholder's family, and employees of the candidate's campaign or the officeholder's office is not personal use so long as the security measures address ongoing dangers or threats that would not exist irrespective of the individual's status or duties as a candidate or officeholder.

1. Disbursements for security measures must be for the usual and normal charge for the goods or services. Usual and normal charge means, in the case of goods, the price of those goods in the market in which the goods are ordinarily purchased and, in the case of services, the hourly or piecework charge for the services at a commercially reasonable rate prevailing at the time the services were rendered.
2. Examples of security measures include:
  - a. Nonstructural security devices, such as security hardware, locks, alarm systems, motion detectors, and security camera systems;

- b. Structural security devices, such as wiring, lighting, gates, doors, and fencing, so long as the devices are intended solely to provide security and not to improve the property or increase its value;
- c. Security personnel and services that are bona fide, legitimate, and professional; and
- d. Cybersecurity software, devices, and services.

H. Recordkeeping. For the use of campaign funds described in subsections B and C of this section that involve both personal use and either campaign or officeholder use, a contemporaneous log or other record must be kept to document the dates and expenses related to the personal use of the campaign funds. The log must be updated whenever campaign funds are used for personal expenses, as described in subsections B and C of this section, rather than for campaign or officeholder expenses. The log or other record must also be maintained and preserved in accordance with the requirements of § 24.2-947.3 of the Code of Virginia.

I. Exemption. Candidates and federal officeholders subject to 52 USC § 30114 are exempt from this section.

J. Violations.

1. A person may file a complaint for violations of § 24.2-948.6 of the Code of Virginia and this section if the person:
  - a. Contributes to a candidate or campaign committee that has allegedly committed the violation; or
  - b. Is qualified to vote in the election for the office for which the candidate is running.
2. A complaint must be filed with the department on a form prescribed by the department in accordance with the requirements of § 24.2-948.7 of the Code of Virginia.
3. The department must provide a copy of a submitted complaint to the respondent within 24 hours of receipt.
4. The department must review complaints and transmit complaints it deems credible, complete, and from a qualified complainant to the board within 10 days of receipt. The department must provide written notice to the complainant and respondent of the department's determination of complaint disposition.
5. For complaints transmitted by the department or pursuant to an inquiry initiated upon the board's own motion, the board will conduct a preliminary investigation and, if necessary, a public hearing in accordance with the requirements of § 24.2-948.7 of the Code of Virginia and procedures developed by the board.
6. The department's complaint form and board's procedures must be posted on the department's website.

**1VAC20-90-60. Advisory opinions for use of campaign funds.**

A. Requests for advisory opinions.

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# Regulations

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1. Any person subject to the provisions of § 24.2-948.6 of the Code of Virginia may request in writing an advisory opinion concerning the application of that section or any regulation prescribed by the board. An authorized agent of the requester may submit the advisory opinion request, but the agent shall disclose the identity of the principal.

2. The written advisory opinion request shall set forth a specific transaction or activity that the requester plans to undertake or is presently undertaking and intends to undertake in the future. Requests presenting a general question of interpretation, posing a hypothetical situation, or regarding the activities of third parties do not qualify as advisory opinion requests.

3. Advisory opinion requests shall include a complete description of all facts relevant to the specific transaction or activity with respect to which the request is made.

4. The department shall review all requests for advisory opinions submitted under this section. If the department determines that a request for an advisory opinion is incomplete or otherwise not qualified under this section, it shall, within 10 business days of receipt of the request, notify the requester and specify the deficiencies in the request.

5. Advisory opinion requests should be addressed to and filed with the department. The department shall provide qualified advisory opinion requests to the board.

6. Upon receipt and review by the department, each request which qualifies as an advisory opinion request (AOR) under this section shall be assigned an AOR number for reference purposes.

## B. Public availability of requests.

1. The department shall make advisory opinion requests, which qualify under this section, public promptly upon receipt and review.

2. A copy of the original request and any supplements to the request shall be made available for public inspection on the department website.

## C. Written comments on request.

1. Any interested person may submit written comments concerning advisory opinion requests made public at the department.

2. The written comments shall be submitted within 10 calendar days following the date the request is made public by the department. Additional time for submission of written comments may be granted upon written request for an extension by the person who wishes to submit comments or may be granted by the department or the board without an extension request.

3. Comments on advisory opinion requests should refer to the AOR number of the request.

4. Written comments and requests for additional time to comment shall be filed with the department.

5. Before it issues an advisory opinion, the board shall accept and consider all written comments submitted within the 10-calendar-day comment period or any extension of that period.

## D. Issuance of advisory opinions.

1. Within 60 calendar days after the department receives an advisory opinion request that qualifies under this section, the board shall issue to the requester a written advisory opinion or shall issue a written response stating that the board was unable to approve an advisory opinion by the required affirmative vote of four members.

2. The 60-calendar-day period of this section is reduced to 20 calendar days for an advisory opinion request qualified under this section, provided the request:

- a. Is submitted by any candidate, including any authorized committee of the candidate (or agent of either), within the 60 calendar days preceding the date of any election in which the candidate is seeking nomination or election; and
- b. Presents a specific transaction or activity related to the impending election that may invoke the 20-day period if the connection is explained in the request.

3. The 60-day and 20-day periods referred to in this section only apply when the department has received a qualified and complete advisory opinion request under this section, and when the 60th or 20th day occurs on a Saturday, Sunday, or federal holiday, the respective period ends at the close of the next business day following the weekend or holiday.

4. The board may issue advisory opinions pertaining only to § 24.2-948.6 of the Code of Virginia or rules or regulations duly prescribed under that statute.

5. No opinion of an advisory nature may be issued by the board, the department, or any employee of the board or the department, except in accordance with this section; however, this limitation does not preclude distribution by the board and the department of information consistent with Virginia law.

6. When issued by the board, each advisory opinion or other response under this section shall be made public and be provided to the person who requested the opinion.

## E. Reliance on advisory opinions.

1. An advisory opinion rendered by the board under this section may be relied upon by:

- a. Any person involved in the specific transaction or activity with respect to which the advisory opinion is rendered; and
- b. Any person involved in any specific transaction or activity that is indistinguishable in all its material aspects from the transaction or activity with respect to which the advisory opinion is rendered.

2. Notwithstanding any other provision of law, any person who relies upon an advisory opinion in accordance with subsection E of this section and who acts in good faith with that advisory opinion shall not, as a result of any such act, be subject to any sanction provided under § 24.2-948.7 of the Code of Virginia.

F. Reconsideration of advisory opinions.

1. The board may reconsider an advisory opinion previously issued if the person to whom the opinion was issued submits a written request for reconsideration within 30 calendar days of receipt of the opinion and if, upon the motion of a member of the board who voted with the majority that originally approved the opinion, the board adopts the motion to reconsider by an affirmative vote of four members.

2. The board may reconsider an advisory opinion previously issued if, upon the motion of a member of the board who voted with the majority that originally approved the opinion and within 30 calendar days after the date the board approved the opinion, the board adopts the motion to reconsider by the affirmative vote of four members.

3. In the event an advisory opinion is reconsidered pursuant to this subsection, the action taken in good faith reliance on that advisory opinion by the person to whom the opinion was issued shall not result in any sanction provided by § 24.2-948.7 of the Code of Virginia. This subdivision shall not be effective after the date when the person to whom the advisory opinion was issued has received actual notice of the board's decision to reconsider the advisory opinion.

4. Adoption of a motion to reconsider vacates the advisory opinion to which the motion relates.

G. Federal advisory opinions. The board and the parties may rely on past closed matters under review and advisory opinions of the Federal Election Commission (FEC) on matters related to the prohibited personal use of campaign funds under federal law as persuasive authority for any future decisions of the board with respect to analogous state law, except with respect to FEC interpretation that personal use restrictions apply only to a candidate committee.

**NOTICE:** The following forms used in administering the regulation have been filed by the agency. Amended or added forms are reflected in the listing and are published following the listing. Online users of this issue of the Virginia Register of Regulations may also click on the name to access a form. The forms are also available from the agency contact or may be viewed at the Office of Registrar of Regulations, General Assembly Building, 201 North Ninth Street, Fourth Floor, Richmond, Virginia 23219.

FORMS (1VAC20-90)

[Personal Use Complaint Form \(eff. 7/2026\)](#)

VA.R. Doc. No. R26-8472; Filed April 8, 2026, 2:15 p.m.

**TITLE 6. CRIMINAL JUSTICE AND CORRECTIONS**

**FORENSIC SCIENCE BOARD**

**Final Regulation**

**REGISTRAR'S NOTICE:** Pursuant to 1VAC7-10-60, the Registrar of Regulations is amending two regulations of the Forensic Science Board to update an address in the Virginia Administrative Code.

**Titles of Regulations:** **6VAC40-30. Regulations for the Approval of Field Tests for Detection of Drugs (amending 6VAC40-30-30).**

**6VAC40-50. Regulations for the Approval of Marijuana Field Tests for Detection of Marijuana Plant Material (amending 6VAC40-50-30).**

**Effective Date:** May 4, 2026.

**Agency Contact:** Amy Jenkins, Chief Deputy Director, Department of Forensic Science, 8850 Times Dispatch Boulevard, Suite 100, Mechanicsville, VA 23116, telephone (804) 786-6848, or email [amy.jenkins@dfs.virginia.gov](mailto:amy.jenkins@dfs.virginia.gov).

**Summary:**

*Pursuant to 1VAC7-10-60, the street address for the Central Laboratory of the Department of Forensic Science is changed to 8850 Times Dispatch Boulevard, Suite 100, Mechanicsville, VA 23116.*

VA.R. Doc. No. R26-8631; Filed April 3, 2026, 10:36 a.m.

**TITLE 10. FINANCE AND FINANCIAL INSTITUTIONS**

**STATE CORPORATION COMMISSION**

**Proposed Regulation**

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

**Title of Regulation:** **10VAC5-120. Money Order Sellers and Money Transmitters (amending 10VAC5-120-10 through 10VAC5-120-100; adding 10VAC5-120-15, 10VAC5-120-85).**

**Statutory Authority:** §§ 6.2-1913 and 12.1-13 of the Code of Virginia.

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

**Public Comment Deadline:** May 22, 2026.

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# Regulations

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**Agency Contact:** Dustin Physioc, Commissioner of Financial Institutions, Bureau of Financial Institutions, State Corporation Commission, P.O. Box 640, Richmond, VA 23218, telephone (804) 786-0831, fax (804) 371-9416, or email [dustin.physioc@scc.virginia.gov](mailto:dustin.physioc@scc.virginia.gov).

**Summary:**

*Chapter 214 of the 2025 Acts of Assembly repeals Chapter 19 (§ 6.2-1900 et seq.) of Title 6.2 of the Code of Virginia and replaces it with Chapter 19.1 (§ 6.2-1922 et seq.) and requires the State Corporation Commission to adopt regulations to effect the purposes of Chapter 19.1. The proposed amendments update Money Order Sellers and Money Transmitters (10VAC5-120) to conform to Chapter 19.1, including (i) updating definitions; (ii) specifying certain license application requirements and clarifying the scope of the exemptions in § 6.2-1923 of the Code of Virginia; (iii) prescribing how applicants and licensees must demonstrate that they have the tangible net worth required by Chapter 19.1; (iv) updating cross-references; and (v) implementing and clarifying various other provisions of Chapter 19.1. As part of the proposed amendments, the commission also delegates to the Commissioner of Financial Institutions the commission's authority to exercise its powers and to act for it under a variety of specified statutes in Chapter 19.1.*

AT RICHMOND, APRIL 3, 2026

COMMONWEALTH OF VIRGINIA, ex rel.

STATE CORPORATION COMMISSION

CASE NO. BFI-2026-00008

Ex Parte: In the matter of Amending the  
Rules Governing Money Order Sellers  
and Money Transmitters

**ORDER ESTABLISHING PROCEEDING**

Section 12.1-13 of the Code of Virginia (Code) provides, in relevant part, that "[i]n the administration and enforcement of all laws within its jurisdiction, the [State Corporation Commission (Commission)] shall have the power to promulgate rules and regulations[.]" Section 6.2-1913 of the Code provides that the Commission may adopt such regulations as it deems appropriate to effect the purposes of Chapter 19 (§ 6.2-1900 et seq.) of Title 6.2 of the Code (Chapter 19). The regulations issued by the Commission pursuant to Chapter 19 are set forth in Chapter 120 of Title 10 of the Virginia Administrative Code (Chapter 120).<sup>1</sup>

The Bureau of Financial Institutions (Bureau) has submitted to the Commission proposed amendments to Chapter 120 (Amended Rules). The proposed Amended Rules are prompted by Chapter 214 of the 2025 Virginia Acts of Assembly (Chapter 214), which will repeal Chapter 19 and replace it with a new Chapter 19.1 of Title 6.2 of the Code (Chapter 19.1) on July 1, 2026. The fourth enactment clause of Chapter 214 establishes that the Commission's regulations under Chapter 19 will continue in effect under Chapter 19.1 to the extent that they do not conflict with Chapter 214, and that such regulations shall be deemed to be regulations adopted under Chapter 19.1. Section 6.2-1925 of

Chapter 19.1 states that the Commission shall adopt such regulations as it deems appropriate to effect the purposes of Chapter 19.1, and the proposed Amended Rules are needed in order to conform Chapter 120 to Chapter 19.1 and implement various provisions of Chapter 19.1 once it becomes effective.

The Bureau has recommended to the Commission that the proposed Amended Rules be considered for adoption with an effective date of July 1, 2026, in order to coincide with when Chapter 19.1 will take effect.

NOW THE COMMISSION, upon consideration of this matter, is of the opinion and finds that a proceeding should be established to consider amending Chapter 120. To initiate this proceeding, the Bureau has prepared the proposed Amended Rules, which are appended to this Order Establishing Proceeding (Order). The Commission finds that notice of the proposed Amended Rules should be given to the public, and that interested persons should be provided an opportunity to file written comments on, propose modifications or supplements to, or request a hearing on the proposed Amended Rules, with a proposed effective date of July 1, 2026.

Accordingly, IT IS ORDERED THAT:

(1) This case is docketed and assigned Case No. BFI-2026-00008.

(2) All comments and other documents and pleadings filed in this matter shall be submitted electronically to the extent authorized by Rule 5VAC5-20-150, Copies and format, of the Commission's Rules of Practice and Procedure (Rules of Practice).<sup>2</sup> Confidential and Extraordinarily Sensitive Information shall not be submitted electronically and shall comply with Rule 5VAC5-20-170, Confidential information, of the Rules of Practice. Any person seeking to hand deliver and physically file or submit any pleading or other document shall contact the Clerk's Office Document Control Center at (804) 371-9838 to arrange the delivery.

(3) On or before May 22, 2026, any interested person may comment on, propose modifications or supplements to, or request a hearing on the proposed Amended Rules by following the instructions on the Commission's website:

[scc.virginia.gov/case-information/submit-public-comments](https://scc.virginia.gov/case-information/submit-public-comments).

Those unable, as a practical matter, to submit such documents electronically may file such comments by U.S. mail to the Clerk of the State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218-2118. All documents shall refer to Case No. BFI-2026-00008. Any request for a hearing shall state why a hearing is necessary and why the issues raised in the request for a hearing cannot be adequately addressed in written comments.

(4) The Bureau shall file its response to any comments filed pursuant to Ordering Paragraph (3) on or before June 18, 2026.

(5) If a sufficient request for a hearing is not received, the Commission may consider the matter and enter an order based upon the comments, documents, or other pleadings filed in this proceeding.

(6) The Bureau shall provide notice of this Order to all licensees under Chapter 19 and to any other interested persons as the Bureau may designate.

(7) The Commission's Office of General Counsel shall provide a

copy of this Order, together with the proposed Amended Rules, to the Virginia Registrar of Regulations for publication in the Virginia Register of Regulations.

(8) Interested persons may download unofficial copies of the Order and the proposed Amended Rules from the Commission's website: [scc.virginia.gov/pages/case-information](http://scc.virginia.gov/pages/case-information).

(9) This matter is continued.

A COPY hereof shall be sent by the Clerk of the Commission to: John E. Farmer, Jr., Senior Assistant Attorney General, at [jfarmer@oag.state.va.us](mailto:jfarmer@oag.state.va.us), Office of Attorney General, Division of Consumer Counsel, 202 North 9th Street, Richmond, Virginia 23219-3424; and to the Commission's Office of General Counsel and Commissioner of Financial Institutions.

<sup>1</sup> Available at <https://law.lis.virginia.gov/admincode/title10/agency5/chapter120>.

<sup>2</sup> 5VAC5-20-10 et seq.

Chapter 120

Money Order Sellers and Money Transmitters

**10VAC5-120-10. Definitions.**

The following words and terms when used in Chapter 19.1 or in this chapter shall have the following meanings unless the context clearly indicates otherwise:

"Authorized delegate," "control," "group of persons acting in concert," "key individual," "licensee," "monetary value," "money," "money ~~order~~ transmission," and "NMLS," "outstanding money transmission obligations," "person," "receiving money for transmission," and "tangible net worth" shall have the meanings ascribed to them in § 6.2-1900 § 6.2-1922 of the Code of Virginia.

"Bureau," "commission," and "commissioner" shall have the meanings ascribed to them in § 6.2-100 of the Code of Virginia.

"Chapter 19" means Chapter 19 (§ 6.2-1900 et seq.) of Title 6.2 of the Code of Virginia.

"Chapter 19.1" means Chapter 19.1 (§ 6.2-1922 et seq.) of Title 6.2 of the Code of Virginia.

"Generally accepted accounting principles" ~~for purposes of Chapter 19 and this chapter~~ means standard accounting guidelines as established and administered by the American Institute of Certified Public Accountants (AICPA) and the United States Financial Accounting Standards Board (FASB).

"~~Merchant or service provider~~" means a person engaged in the business of selling goods or services, but excluding a person licensed or required to be licensed under Chapter 19.

"~~Money transmission~~" for purposes of Chapter 19 and this chapter shall have the meaning ascribed to it in § 6.2-1900 of the Code of Virginia. However, the term shall not include the actions of an agent who collects funds on behalf of a merchant or service provider, provided that (i) the agent has been

explicitly designated in a written agreement as an agent of the merchant or service provider; (ii) any funds collected by the agent shall be deemed for all purposes to be received by the merchant or service provider, regardless of whether the agent actually remits such funds to the merchant or service provider; (iii) the agent provides the Virginia resident with a dated receipt indicating that payment to the agent constitutes payment to the merchant or service provider; and (iv) there is no risk of loss to the Virginia resident if the agent fails to remit such resident's funds to the merchant or service provider. This definition shall not be construed to prohibit the merchant or service provider from seeking indemnification from its agent for any direct losses incurred due to the agent's failure to remit funds in accordance with its agreement.

"~~Nationwide Multistate Licensing System and Registry~~" and "registry" shall have the meanings ascribed to them in § 6.2-1900 of the Code of Virginia.

"~~Senior officer~~" for purposes of Chapter 19 means an individual who has significant management responsibility within an organization or otherwise has the authority to influence or control the conduct of the organization's affairs, including its compliance with applicable laws and regulations.

"Parents," for purposes of § 6.2-1931 A 12 of the Code of Virginia, means any persons that control an applicant.

"Subsidiaries," for purposes of § 6.2-1931 A 12 of the Code of Virginia, means any persons that are controlled by an applicant. For purposes of this definition, "controlled" shall be construed in accordance with the definition of "control" in § 6.2-1922 of the Code of Virginia.

**10VAC5-120-15. Licensing and applications.**

A. Applications for a license under Chapter 19.1 shall be made through the NMLS in accordance with instructions provided by the commissioner. The commissioner may provide these instructions through the NMLS, on the commissioner's website or by any other means the commissioner deems appropriate.

B. Pursuant to § 6.2-1931 A 15 of the Code of Virginia, an application for a license shall include a copy of the applicant's audited financial statements for the most recent fiscal year and for the two-year period preceding the submission of the application. An applicant that has not yet completed a full fiscal year shall submit with its license application an audited financial statement that is less than a year old as of the date that the application is filed with the bureau.

C. The unaudited financial statements required by § 6.2-1931 A 16 of the Code of Virginia shall be certified by a key individual.

D. The exemptions in § 6.2-1923 of the Code of Virginia that are available to certain persons to the extent specified shall not be construed to extend to persons in the course of providing additional services or engaging in other activities that are

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subject to Chapter 19.1 unless the services or activities are covered by a different exemption.

## **10VAC5-120-20. Surety bond standards Tangible net worth.**

A. ~~Every licensee Tangible net worth shall be bonded in a principal amount determined by the Commissioner of Financial Institutions. The bond amount shall be equal to demonstrated at initial application through the licensee's Virginia average monthly money order sales during the preceding two calendar quarters, or its Virginia average monthly money transmission volume during such periods, or both, as applicable, rounded to the next highest multiple of \$10,000, but not exceeding \$500,000. The commissioner, however, may increase the amount of bond required to a maximum of \$1 million upon the basis of the impaired financial condition of a licensee, as evidenced by net worth reduction, applicant's most recent audited and certified unaudited financial losses, or other relevant criteria statements filed in accordance with § 6.2-1931 A 15 and A 16 of the Code of Virginia and 10VAC5-120-15 B and C.~~

B. ~~The amount of bond required of a new A licensee shall be based upon the applicant's financial demonstrate tangible net worth through its audited financial statements filed pursuant to § 6.2-1939 of the Code of Virginia and reports of condition, capitalization, projected Virginia monthly money order sales and money transmission volume, experience, (i.e., call reports) filed pursuant to § 6.2-1938 of the Code of Virginia and other factors deemed pertinent 10VAC5-120-40 A.~~

C. The minimum bond required shall be \$25,000.

D. ~~The form of the bond will be prescribed and provided by the commissioner. The required bond shall be submitted prior to the issuance of a license and shall be maintained continuously thereafter as long as the licensee or former licensee has money orders outstanding or unfulfilled money transmission agreements.~~

## **10VAC5-120-30. ~~Alternative to surety bond~~ Surety bonds and alternative security devices.**

A. The form of the surety bond under § 6.2-1951 of the Code of Virginia shall be prescribed and provided by the commissioner. The bond shall be submitted prior to the issuance of a license and shall be maintained continuously thereafter as long as the licensee or former licensee has outstanding money transmission obligations.

B. The written notice of cancellation required by § 6.2-1951 F of the Code of Virginia shall be submitted to the commissioner through the NMLS.

C. As an alternative to the a surety bond required under 10VAC5-120-20 § 6.2-1951 of the Code of Virginia, in whole or in part, a licensee or applicant for a license may be permitted to substitute the deposit of certain property with a bank, trust company, or savings institution authorized to conduct business

in the Commonwealth of Virginia. Such deposited property, other than cash, shall be valued at the lower of face or market value for the purposes of this regulation chapter.

~~B. D.~~ The deposited property may consist only of cash, or securities issued or guaranteed by the United States or any agency or instrumentality thereof of the United States, or securities issued by the Commonwealth of Virginia or any political subdivision thereof of the Commonwealth. The commissioner shall determine the amount of property deposit to be required of a licensee in accordance with the factors and limitations set forth in 10VAC5-120-20.

C. ~~E.~~ The property deposit shall be made upon the commissioner's authorization, and pursuant to a written agreement using a form prescribed by the commissioner. The agreement shall provide, among other things, that the commissioner shall have the authority to permit or require the substitution or liquidation of property held under the agreement, and that interest and dividends attributable to the property will be paid to the licensee making the deposit.

D. ~~F.~~ If a licensee ceases money order sales and money transmission in the Commonwealth of Virginia activity and surrenders its license is no longer licensed under Chapter 19.1, the commissioner shall have authority to permit reduction or elimination of the surety bond or property deposit to the extent that the former licensee's obligations arising from its licensed business are reduced or eliminated, and shall have authority to permit the substitution of other means of security for the property deposit security device as permitted by § 6.2-1951 of the Code of Virginia and this section.

## **10VAC5-120-35. Nationwide Multistate Licensing System and Registry.**

~~A. Applications for a license under Chapter 19 shall be made through the registry in accordance with instructions provided by the commissioner. The commissioner may provide these instructions through the registry, on the commission's Internet website, or by any other means the commissioner deems appropriate.~~

~~B. Every licensee holding a license under Chapter 19 prior to July 1, 2019, shall register with the registry and file through the registry a transition request for its license under Chapter 19 no later than September 1, 2019.~~

C. ~~A.~~ Every licensee shall maintain current information in its records with the registry NMLS. Except as otherwise required by Chapter 19 19.1 or this chapter, a licensee shall update its information as soon as is practicable, but in no event later than 10 business days from when a change takes effect.

D. ~~B.~~ A license issued under Chapter 19 19.1 shall expire on December 31 of each calendar year unless it is renewed by a licensee on or after November 1 of the same year. However, licenses that are granted between November 1 and December 31 shall not expire until the end of the following calendar year.

A license shall be renewed upon the commissioner finding that the licensee has satisfied the requirements set forth in ~~subsection F of § 6.2-1905~~ § 6.2-1934 B of the Code of Virginia.

C. Pursuant to § 6.2-1934 C of the Code of Virginia, the commission may grant an extension of the expiration date of all licenses under Chapter 19.1 in the event of a natural disaster or such other unanticipated events or circumstances beyond the control of licensees that would prevent the licensee from renewing the license by December 31.

**10VAC5-120-40. Reporting and filing requirements.**

~~A. Pursuant to subsection D of § 6.2-1905 §§ 6.2-1938 and 6.2-1940 of the Code of Virginia, every licensee shall file quarterly reports of condition (i.e., call reports) and authorized delegate reports through the registry NMLS as well as such other information pertaining to the licensee's financial condition as may be required by the registry NMLS. Reports shall be in such form, contain such information, and be submitted with such frequency and by such dates as the registry may require. Compliance with this subsection shall satisfy the requirement in subsection B of § 6.2-1917 of the Code of Virginia that a licensee file its quarterly financial statements with the commissioner.~~

~~B. Within one business day after a licensee becomes aware has reason to know of the occurrence of any of the following events, the licensee shall file a written report with the commissioner describing the event:~~

~~1. Bankruptcy, reorganization, or receivership proceedings are filed. The filing of a petition by or against the licensee under the United States Bankruptcy Code (11 USC § 101 et seq.) for bankruptcy or reorganization, the filing of a petition by or against the licensee for receivership, the commencement of any other judicial or administrative proceeding for the licensee's dissolution or reorganization, or an action by a creditor against the licensee who is not a beneficiary of a statutory trust established in accordance with § 6.2-1952 C of the Code of Virginia.~~

~~2. Any local, state, or federal governmental authority institutes revocation, suspension, or other formal administrative, regulatory, or enforcement proceedings against the licensee.~~

~~3. Any local, state, or federal governmental authority (i) revokes or suspends the licensee's money order seller license, money transmitter license, or other license for a similar business; (ii) takes formal administrative, regulatory, or enforcement action against the licensee relating to its money order sales, money transmission, or similar business; or (iii) takes any other action against the licensee relating to its money order sales, money transmission, or similar business where the total amount of restitution or other payment from the licensee exceeds \$20,000. A licensee shall not be required to provide the commissioner with~~

~~information about such event to the extent that such disclosure is prohibited by the laws of another state.~~

~~4. Based on allegations by any local, state, or federal governmental authority that the licensee violated any law or regulation applicable to the conduct of its licensed money order sales, money transmission, or similar business, the licensee enters into, or otherwise agrees to the entry of, a settlement or consent order, decree, or agreement with or by such governmental authority.~~

~~5. The licensee surrenders its money order seller license, money transmitter license, or other license for a similar business in another state in lieu of threatened or pending license revocation; license suspension; or other administrative, regulatory, or enforcement action.~~

~~6. The licensee is denied a money order seller license, money transmitter license, or other license for a similar business in another state.~~

~~7. The licensee or any of its members, partners, directors, officers, principals, employees, or authorized delegates is indicted or convicted of a felony.~~

C. A licensee shall file a report with the commissioner within three business days after the licensee has reason to know of an indictment, charge, or conviction of any of the following persons for a felony: (i) the licensee, (ii) a key individual or person in control of the licensee, (iii) an authorized delegate of the licensee, or (iv) an employee of the licensee.

~~C. D. The reports required by this section shall contain such information as the commissioner may require. The commissioner may require such additional reports as he the commissioner deems necessary.~~

~~D. Every licensee shall file the audited financial statements required by subsection D of § 6.2-1905 of the Code of Virginia within 105 days of the end of its fiscal year. For example, if a licensee's fiscal year ends on March 31, its audited financial statements must be filed by July 14 of the same year. If a licensee is unable to file its audited financial statements within 105 days of the end of its fiscal year, the licensee may request an extension, which may be granted by the commissioner for good cause shown. A licensee's audited financial statements shall cover the prior 12 month fiscal period and be prepared in accordance with generally accepted accounting principles.~~

~~E. The authorized delegate information required by subsection B of § 6.2-1917 Pursuant to § 6.2-1939 of the Code of Virginia shall be submitted to, the commissioner through the registry's agent reporting functionality may, for good cause shown, grant a licensee's request for an extension of up to 60 days to file its audited financial statements. Such request shall be made in writing, specify the reason for the request, and be submitted directly to the bureau.~~

F. Pursuant to § 6.2-1940 of the Code of Virginia, every licensee shall submit through the NMLS agent reporting

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functionality such information pertaining to its authorized delegates as the NMLS may require.

F. G. Any reports, notifications, or filings required by Chapter ~~19 19.1~~ or this chapter may be submitted to the commissioner through the ~~registry~~ NMLS, provided that the ~~registry~~ NMLS is capable of receiving such reports, notifications, or filings.

## **10VAC5-120-50. ~~Assessment schedule~~ Annual fees and expenses for the examination and supervision of ~~money order sellers and money transmitters.~~**

Pursuant to ~~subsection B of § 6.2-1905~~ § 6.2-1924 B of the Code of Virginia, ~~the commission sets the following schedule for the licensee shall pay an annual assessment fee to be paid by persons licensed under Chapter 19. The assessment defrays~~ defray the costs of the examination and supervision of licensees by the bureau.

The annual ~~assessment fee~~ shall be \$0.000047 per dollar of (i) money orders sold and money transmitted by a licensee pursuant to Chapter 19 and (ii) a licensee's money transmission activity pursuant to Chapter 19.1. The assessment shall be based on the dollar volume of business conducted by a licensee, either directly or through its authorized delegates, during the calendar year preceding the year of the assessment as reported by each licensee in (+) the quarterly reports of condition (i.e., call reports) filed through the registry or (ii) such other written reports as the commissioner may require pursuant to subsection D of § 6.2-1905 of the Code of Virginia NMLS. If a licensee fails to fully report its volume information for the prior calendar year by the assessment date, a provisional fee subject to adjustment when the information is reported; shall be assessed.

The amount calculated ~~using the schedule in~~ pursuant to this section shall be rounded down to the nearest whole dollar.

Fees shall be assessed on or before August 1 for the current calendar year. The assessment shall be paid by licensees on or before September 1.

Fees prescribed and assessed pursuant to this ~~schedule~~ section are apart from and do not include the following: (+) (a) the annual license renewal fee of \$750 authorized by subsection A of § 6.2-1905 § 6.2-1934 A of the Code of Virginia and (ii) (b) the reimbursement for expenses costs authorized by subsection C of § 6.2-1905 §§ 6.2-1926 C and 6.2-1933 C of the Code of Virginia. When it becomes necessary to examine or investigate the affairs, business, premises, or records of a licensee or any of its authorized delegates at a location outside the Commonwealth, the licensee shall be liable for and shall pay to the commission within 30 days of the presentation of an itemized statement the actual travel and reasonable living expenses incurred on account of its examination or investigation, or shall pay a reasonable per diem rate approved by the commission.

## **10VAC5-120-60. Responding to requests from the Bureau of Financial Institutions; providing false, misleading, or deceptive information.**

A. When the bureau requests a written response, ~~books,~~ records, documentation, or other information from a licensee or its authorized delegate in connection with the bureau's investigation, enforcement, or examination of compliance with applicable laws and regulations, the licensee or authorized delegate shall deliver a written response as well as any requested ~~books,~~ records, documentation, or information within the time period specified in the bureau's request. If no time period is specified, a written response as well as any requested ~~books,~~ records, documentation, or information shall be delivered by the licensee or its authorized delegate to the bureau not later than 30 days from the date of such request. In determining the specified time period for responding to the bureau and when considering a request for an extension of time to respond, the bureau shall take into consideration the volume and complexity of the requested written response, ~~books,~~ records, documentation, or information and such other factors as the bureau determines to be relevant under the circumstances. Requests made by the bureau pursuant to this subsection are deemed to be in furtherance of the ~~bureau's~~ commission's investigation and examination authority provided for in ~~§ 6.2-1910~~ § 6.2-1926 of the Code of Virginia.

B. A licensee shall not provide any false, misleading, or deceptive information to the bureau.

C. If the bureau requests information from an applicant to complete a deficient application filed under ~~§ 6.2-1903~~ § 6.2-1931 or ~~6.2-1914~~ 6.2-1936 of the Code of Virginia, and the information is not received within 60 days of the request, the application shall be deemed abandoned unless a request for an extension of time is received and approved by the bureau prior to the expiration of the 60-day period.

## **10VAC5-120-70. ~~Acquisitions; additional~~ Additional business requirements and restrictions; operating rules.**

A. Any ~~person submitting an application to acquire, directly or indirectly, 25% or more of the voting shares of a corporation or 25% or more of the ownership of any other person licensed to conduct business under Chapter 19 shall pay a nonrefundable application fee of \$500~~ money remitted by an authorized delegate pursuant to § 6.2-1944 D 4 of the Code of Virginia shall be (i) paid directly to a licensee or the licensee's representative authorized to receive money or (ii) deposited in a bank account specified by the licensee, which shall be solely owned and controlled by and held in the name of the licensee.

B. A licensee shall not permit an authorized delegate to use a ~~subdelegate or otherwise designate or appoint a subdelegate another person to sell money orders or engage in money transmission business on behalf of the licensee.~~

C. A licensee shall comply with Chapter ~~19 19.1~~, this chapter, and all other state and federal laws and regulations applicable

to the conduct of its business. For purposes of Chapter ~~19~~ 19.1 and this chapter, the acts and omissions of a licensee's authorized delegates shall be deemed acts and omissions of such licensee.

D. In addition to the records specified in ~~subsection B of § 6.2-1916~~ § 6.2-1943 A of the Code of Virginia, a licensee shall maintain in its principal place of business such other ~~books, accounts, and~~ records as the commissioner may reasonably require in order to determine whether such licensee is complying with the provisions of Chapter ~~19~~ 19.1, this chapter, and other laws and regulations applicable to the conduct of its business.

E. If a licensee, authorized delegate, or former licensee disposes of records containing a consumer's personal financial information or copies of a consumer's identification documents, such records and copies shall be shredded, incinerated, or otherwise disposed of in a secure manner. A licensee, authorized delegate, or former licensee may arrange for service from a business record destruction vendor.

F. A licensee or former licensee shall provide the following information to the bureau within 10 days after such person's license ~~is~~ has expired or been surrendered or revoked or the licensed business is otherwise closed: (i) the names, addresses, telephone numbers, ~~fax numbers,~~ and email addresses of a designated contact person and the person who consumers may contact regarding outstanding ~~money orders or~~ money transmission ~~transactions~~ obligations; (ii) the location of the licensee's or former licensee's ~~money order and~~ money transmission records; and (iii) any additional information that the bureau may reasonably require. A licensee or former licensee shall maintain current information with the bureau until the licensee or former licensee has no outstanding ~~money orders and~~ money transmission ~~transactions~~ obligations.

G. A person shall remain subject to the provisions of Chapter ~~19~~ 19.1 and this chapter applicable to licensees in connection with all money orders sold and money or monetary value received for transmission ~~while licensed under~~ pursuant to Chapter 19 or Chapter 19.1 notwithstanding the occurrence of any of the following events:

1. The person's license ~~is~~ has expired or been surrendered or revoked; or
2. The person ceases ~~selling money orders or transmitting money or monetary value~~ transmission activity.

H. A licensee shall not provide any information to a ~~Virginia resident~~ person located in the Commonwealth that is false, misleading, or deceptive.

I. A licensee shall not engage in any activity that directly or indirectly results in an evasion of the provisions of Chapter ~~19~~ 19.1 or this chapter.

J. A licensee shall continuously maintain the requirements and standards for licensure prescribed in ~~§ 6.2-1906~~ § 6.2-1933 of the Code of Virginia.

K. Pursuant to § 6.2-1945 A of the Code of Virginia, a licensee shall enter into an agreement with each sender that specifies the date the funds will be available to the recipient. The agreement shall be in writing and a copy shall be furnished to the sender on or before the execution of the transaction.

L. The expiration, surrender, or revocation of a license under Chapter 19.1 shall not affect any pre-existing legal right or obligation of the licensee.

M. Pursuant to § 6.2-1947 B of the Code of Virginia, a licensee or a licensee's authorized delegate shall provide each sender with a receipt upon receiving money for transmission.

**10VAC5-120-80. Permissible investments.**

A. Permissible investments maintained by a licensee pursuant to ~~§ 6.2-1918~~ § 6.2-1952 of the Code of Virginia shall be unencumbered and held solely in the name of the licensee.

B. In addition to the investments specified in ~~§ 6.2-1919~~ § 6.2-1953 of the Code of Virginia, the following investments shall be considered permissible under ~~§ 6.2-1918~~ § 6.2-1952 of the Code of Virginia: ~~any debit card-funded or credit card-funded transmission receivables that are (i) payable to a licensee from owed by~~ any bank, savings institution, or credit union ~~that is chartered under the laws of the United States or any state thereof;~~ (ii) comprised of funds that have been ~~tendered by residents of the United States for money transmission transactions;~~ and (iii) ~~no more than seven days old.~~

C. The receivables specified in ~~§ 6.2-1919 A 5~~ § 6.2-1953 B 1 of the Code of Virginia shall be limited to funds that have been collected by a licensee's authorized delegates directly from residents of the United States for money transmission transactions.

D. For purposes of § 6.2-1953 A 4 a (1) of the Code of Virginia, the following shall be deemed United States federal or state authorities having regulatory authority over banks, credit unions, and trust companies:

1. Office of the Comptroller of the Currency.
2. Federal Reserve Board.
3. Federal Deposit Insurance Corporation.
4. National Credit Union Administration.
5. State regulatory agencies that supervise banks, credit unions, or trust companies.

E. For purposes of § 6.2-1953 B 4 of the Code of Virginia, a licensee is required to have received a satisfactory or better rating in its most recent examination conducted (i) directly by the bureau or (ii) by an agency of another state if the

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examination report is accepted by the bureau pursuant to a multistate agreement.

## **10VAC5-120-85. Acquisitions of control.**

A. A person or group of persons acting in concert that have obtained commission approval to acquire control of a licensee pursuant to § 6.2-1936 H of the Code of Virginia shall notify the commissioner within 15 days after the acquisition of control.

B. For purposes of § 6.2-1936 K 6 of the Code of Virginia, a public offering of securities of a licensee or a person in control of a licensee refers to a person or group of persons acting in concert who acquire such securities in a public offering.

C. A person shall be deemed to satisfy § 6.2-1936 M 1 of the Code of Virginia if the person has (i) never had a professional license revoked or suspended or (ii) not controlled a licensee that has had a professional license revoked or suspended while the person was in control of the licensee in the previous five years.

D. The notice required by § 6.2-1936 M 5 of the Code of Virginia shall be provided by a licensee or person in control of a licensee, and the notice shall be furnished at least 30 days in advance of the acquisition of control. The commissioner shall have the power and authority to make all findings and disapprove the notice if the commissioner has reason to believe that the criteria in § 6.2-1936 M of the Code of Virginia have not been met.

## **10VAC5-120-90. Enforcement.**

A. Failure to comply with any provision of Chapter ~~19~~ 19.1 or this chapter may result in civil penalties, license suspension or revocation, the entry of a cease and desist order, or other appropriate enforcement action.

B. Pursuant to ~~§ 6.2-1920~~ § 6.2-1955 of the Code of Virginia, a person required to be licensed under Chapter ~~19~~ 19.1 shall be subject to a civil penalty of up to \$2,500 for every violation of Chapter ~~19~~ 19.1, this chapter, or other law or regulation applicable to the conduct of the person's business. Furthermore, if a person violates any provision of Chapter ~~19~~ 19.1, this chapter, or other law or regulation applicable to the conduct of the person's business in connection with multiple ~~money order sales or~~ money transmission transactions, the person shall be subject to a separate civil penalty for each ~~money order sale or~~ money transmission transaction. For example, if a person ~~sells~~ conducts five money ~~orders~~ transmission transactions and the person violates two provisions of this chapter in connection with each of the five money ~~order sales~~ transmission transactions, there would be a total of 10 violations and the person would be subject to a maximum civil penalty of \$25,000.

## **10VAC5-120-100. Commission authority.**

~~The~~ A. Except as otherwise provided in § 6.2-1927 B of the Code of Virginia, the commission may, at its discretion, waive or grant exceptions to any provision of this chapter for good cause shown.

B. In addition to the powers and duties delegated elsewhere in this chapter and in 10VAC5-10-10, the commission delegates to the commissioner the authority to exercise its powers and to act for it under the following provisions of Chapter 19.1:

1. Section 6.2-1924 A of the Code of Virginia.
2. Section 6.2-1927 A 2 of the Code of Virginia.
3. Section 6.2-1936 M 2, N, and O of the Code of Virginia.
4. Section 6.2-1937 B and E of the Code of Virginia.
5. Section 6.2-1938 A of the Code of Virginia.
6. Section 6.2-1939 C of the Code of Virginia.
7. Section 6.2-1951 E of the Code of Virginia.

In exercising the powers and performing the duties hereby delegated to the commissioner, the commissioner shall have the power and authority to make all findings and determinations permitted or required by law.

VA.R. Doc. No. R26-8628; Filed April 3, 2026, 3:24 p.m.



## **TITLE 12. HEALTH**

### **STATE BOARD OF HEALTH**

#### **Final Regulation**

<p><b>REGISTRAR'S NOTICE:</b> The State Board of Health is claiming an exemption from Article 2 of the Administrative Process Act in accordance with § 32.1-46 C of the Code of Virginia, which exempts amendments to Regulations for the Immunization of School Children (12VAC5-110) if the Department of Health provides (i) a Notice of Intended Regulatory Action and (ii) for a 60-day public comment period prior to the board's adoption of the regulations.</p>
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Title of Regulation: **12VAC5-110. Regulations for the Immunization of School Children (amending 12VAC5-110-10, 12VAC5-110-20, 12VAC5-110-50, 12VAC5-110-70, 12VAC5-110-90).**

Statutory Authority: §§ 22.1-271.2, 32.1-46, and 32.1-47 of the Code of Virginia.

Effective Date: June 6, 2026.

Agency Contact: Laurie Forlano, State Epidemiologist, Virginia Department of Health, 109 Governor Street, Richmond, VA 23219, telephone (804) 864-7097, or email [epi-comments@vdh.virginia.gov](mailto:epi-comments@vdh.virginia.gov).

#### Summary:

*Pursuant to Chapter 1223 of the 2020 Acts of Assembly, the action updates the minimum requirements for school immunizations. Specifically, the amendments (i) clarify*

*that a child must receive two properly spaced doses of varicella vaccine and that the first dose shall be administered at age 12 months or older; (ii) clarify that a child must receive two properly spaced doses of HPV vaccine, regardless of gender, and that the first dose must be administered before the child enters grade seven; (iii) add requirements for rotavirus, hepatitis A, and meningococcal conjugate vaccines; (iv) update definitions; and (v) incorporate by reference the most recent version of the Recommended Immunization Schedule for Children and Adolescents Aged 18 Years or Younger.*

**12VAC5-110-10. Definitions.**

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

"Adequate immunization" or "adequately immunized" means the immunization requirements prescribed under 12VAC5-110-70.

"Admit" or "admission" means the official enrollment or reenrollment for attendance at any grade level, whether full-time or part-time, of any student by any school.

"Admitting official" means the school principal or ~~his~~ the principal's designated representative if a public school; if a nonpublic school or child care center, the principal, headmaster, or director of the school or center.

"Board" means the State Board of Health.

"Commissioner" means the State Health Commissioner.

"Compliance" means the completion of the immunization requirements prescribed under 12VAC5-110-70.

"Conditional enrollment" means the enrollment of a student for a period of 90 days contingent upon the student having received at least one dose of each of the required vaccines and the student possessing a plan, from a physician or local health department, for completing ~~his~~ immunization requirements within the ensuing 90 calendar days. If the student requires more than two doses of hepatitis B vaccine, the conditional enrollment period, for hepatitis B vaccine only, shall be 180 calendar days.

"Documentary proof" means an appropriately completed copy of the most current version of Form MCH 213G signed by a physician or ~~his~~ the physician's designee, registered nurse, or an official of a local health department. A copy of the immunization record signed or stamped by a physician or ~~his~~ the physician's designee, registered nurse, or an official of a local health department indicating the dates of administration including month, day, and year of the required vaccines, shall be acceptable in lieu of recording these dates on Form MCH 213G, as long as the record is attached to Form MCH 213G and the remainder of Form MCH 213G has been appropriately

completed. A printout of an immunization record from the provider's electronic health record can be accepted without a signature or stamp. For a new student transferring from an out-of-state school, any immunization record, ~~which~~ that contains the exact date (month/day/year) of administration of each of the required doses of vaccines, is signed by a physician or ~~his~~ the physician's designee or registered nurse, and complies fully with the requirements prescribed under 12VAC5-110-70 shall be acceptable.

"Immunization" means the administration of a product licensed by the FDA to confer protection against one or more specific pathogens.

"Immunization ~~schedules~~ schedule" means the ~~2017~~ 2022 Recommended Immunization Schedules for Children and Adolescents Aged 18 Years or Younger developed and published by the Centers for Disease Control and Prevention (CDC), the Advisory Committee on Immunization Practices (ACIP), the American Academy of Pediatrics (AAP), and the American Academy of Family Physicians (AAFP).

"Physician" means any person licensed to practice medicine in any of the 50 states or the District of Columbia.

"School" means:

1. Any public school from kindergarten through grade 12 operated under the authority of any locality within ~~this~~ the Commonwealth;
2. Any private or religious school that offers instruction at any level or grade from kindergarten through grade 12;
3. Any private or religious nursery school or preschool, or any private or religious child care center required to be licensed by ~~this~~ the Commonwealth;
4. Any preschool classes or Head Start classes operated by the school divisions within ~~this~~ the Commonwealth; and
5. Any family day home or developmental center.

"Student" means any person who seeks admission to a school, or for whom admission to a school is sought by a parent or guardian, and who will not have ~~attained the age of~~ reached 20 years of age by the start of the school term for which admission is sought.

"Twelve months of age" means the 365th day following the date of birth. For the purpose of evaluating records, vaccines administered up to four days prior to the first birthday (361 days following the date of birth) will be considered valid.

**12VAC5-110-20. Purpose.**

This chapter is designed to ensure that all students attending any public or private elementary, middle, or secondary school, child care center, nursery school, family day care home, or developmental center in the Commonwealth; are adequately immunized and protected against ~~diphtheria, pertussis, tetanus, poliomyelitis, rubeola, rubella, mumps, haemophilus~~

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influenzae type b, hepatitis B, varicella, pneumococcal, and human papillomavirus disease as appropriate for the age of the student vaccine-preventable diseases as specified in this chapter.

## 12VAC5-110-50. Application of the Administrative Process Act.

~~The provisions of Article 2 (§ 2.2-4006 et seq.) of the Virginia Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia); however, the Virginia Department of Health shall govern the adoption, amendment, modification and revision of this chapter, and the conduct of all proceedings and appeals hereunder provide (i) a Notice of Intended Regulatory Action and (ii) for a 60-day public comment period prior to the board's adoption of the regulations.~~

## 12VAC5-110-70. Immunization requirements.

Every student enrolling in a school shall provide documentary proof of adequate immunization with the prescribed number of doses of each of the vaccines and toxoids listed in ~~the following subdivisions~~ this section, as appropriate for the child's age according to the immunization schedules. Spacing, minimum ages, and minimum intervals shall be in accordance with the immunization schedules. A copy of every student's immunization record shall be on file in ~~his~~ the student's school record.

1. Diphtheria Toxoid. A minimum of four properly spaced doses of diphtheria toxoid. One dose shall be administered on or after the fourth birthday and prior to entering kindergarten.
2. Tetanus Toxoid. A minimum of four properly spaced doses of tetanus toxoid. One dose shall be administered on or after the fourth birthday and prior to entering kindergarten.
3. Pertussis Vaccine. A minimum of four properly spaced doses of pertussis vaccine. One dose shall be administered on or after the fourth birthday. A booster dose shall be administered prior to entering the ~~seventh~~ grade seven.
4. Poliomyelitis Vaccine. A minimum of four doses of poliomyelitis vaccine with one dose administered on or after the fourth birthday and prior to entering kindergarten.
5. Measles (Rubeola) Vaccine. One dose of live measles vaccine administered at age 12 months or older, and a second dose administered prior to entering kindergarten.
6. Rubella Vaccine. A minimum of one dose of rubella virus vaccine administered at age 12 months or older.
7. Mumps Vaccine. One dose of mumps virus vaccine administered at age 12 months or older and a second dose administered prior to entering kindergarten.

8. Haemophilus Influenzae Type b (Hib) Vaccine. A complete series of Hib vaccine (i.e., up to a maximum of four doses of vaccine as appropriate for the age of the child and the age at which the immunization series was initiated). The number of doses administered shall be in accordance with current immunization schedule recommendations. Attestation by the physician or ~~his~~ the physician's designee, registered nurse, or an official of a local health department on that portion of Form MCH 213G pertaining to Hib vaccine shall mean that the child has satisfied the requirements of this ~~section~~ subdivision. This ~~section~~ subdivision shall not apply to children older than 60 months of age or for admission to any grade level, kindergarten through grade 12.

9. Hepatitis B Vaccine. A minimum of three doses of hepatitis B vaccine for all children. The FDA has approved a two-dose schedule only for adolescents 11 through 15 years of age and only when the Merck brand (RECOMBIVAX HB) Adult Formulation Hepatitis B vaccine is used. The two RECOMBIVAX HB adult doses must be separated by a minimum of four months. The ~~two dose two-dose~~ schedule using the adult formulation must be clearly documented in the Hepatitis B section on Form MCH 213G.

10. Varicella (Chickenpox) Vaccine. ~~All children born on and after January 1, 1997, shall be required to have one dose of chickenpox on or after.~~ Two properly spaced doses of varicella vaccine on or after. The first dose shall be administered at 12 months of age or older and a second dose administered prior to entering kindergarten.

11. Pneumococcal Conjugate Vaccine (PCV). A complete series of PCV (i.e., up to a maximum of four doses of vaccine as appropriate for the age of the child and the age at which the immunization series was initiated). The number of doses administered shall be in accordance with current immunization schedule recommendations. Attestation by the physician or ~~his~~ the physician's designee, registered nurse, or an official of a local health department on that portion of Form MCH 213G pertaining to PCV vaccine shall mean that the child has satisfied the requirements of this ~~section~~ subdivision. This ~~section~~ subdivision shall not apply to children older than 60 months of age or for admission to any grade level, kindergarten through grade 12.

12. Human Papillomavirus (HPV) Vaccine. ~~Three~~ Two doses of properly spaced HPV vaccine ~~for females, effective October 1, 2008.~~ The first dose shall be administered before the child enters the ~~sixth~~ grade seven.

13. Rotavirus Vaccine. Two or three properly spaced doses of rotavirus vaccine, depending on the manufacturer, for children up to eight months of age.

14. Hepatitis A Vaccine. Two properly spaced doses of hepatitis A vaccine (HAV). The first dose shall be

administered at age 12 months or older and a second dose administered prior to entering kindergarten.

15. Meningococcal Conjugate Vaccine. Two properly spaced doses of meningococcal conjugate vaccine (MenACWY). The first dose shall be administered prior to entry to grade seven and a second dose shall be administered prior to entry to grade 12.

#### **12VAC5-110-90. Responsibilities of admitting officials.**

A. Procedures for determining the immunization status of students. Each admitting official or ~~his~~ the official's designee shall review, before the first day of each school year, the school medical record of every new student seeking admission to ~~his~~ the school; and that of every student enrolling in grade ~~six~~ seven or 12 for compliance with the requirements prescribed in 12VAC5-110-70. Such review shall determine into which one of the following categories each student falls:

1. Students whose immunizations are adequately documented and complete in conformance with 12VAC5-110-70. Students with documentation of existing immunity to mumps, measles, rubella, or varicella as defined in 12VAC5-110-80 B shall be considered to be adequately immunized for such disease.
2. Students who are exempt from the immunization requirements of 12VAC5-110-70 because of medical contraindications or religious beliefs provided for by 12VAC5-110-80.
3. Students whose immunizations are inadequate according to the requirements of 12VAC5-110-70.
4. Students without any documentation of having been adequately immunized.

B. Notification of deficiencies. Upon identification of the students described in subdivisions A 3 and A 4 of this section, the admitting official shall notify the parent or guardian of the student:

1. That there is no, or insufficient, documentary proof of adequate immunization in the student's school records.
2. That the student cannot be admitted to school unless ~~he~~ the student has documentary proof that ~~he~~ the student is exempted from immunization requirements pursuant to 12VAC5-110-70.
3. That the student may be immunized and receive certification by a licensed physician, registered nurse, or an official of a local health department.
4. How to contact the local health department to receive the necessary immunizations.

C. Conditional enrollment. Any student whose immunizations are incomplete may be admitted conditionally if that student provides documentary proof at the time of enrollment of having received at least one dose of the required

immunizations accompanied by a schedule for completion of the required doses within 90 calendar days, during which time ~~that~~ the student shall complete the immunizations required under 12VAC5-110-70. If the student requires more than two doses of hepatitis B vaccine, the conditional enrollment period, for hepatitis B vaccine only, shall be 180 calendar days. If a student is a homeless child or youth and does not have documentary proof of necessary immunizations or has incomplete immunizations and is not exempted from immunization as described in 12VAC5-110-80, the school administrator shall immediately admit such student and shall immediately refer the student to the local school division liaison, who shall assist in obtaining the documentary proof of, or completing, immunizations. The admitting official should examine the records of any conditionally enrolled student at regular intervals to ensure that such a student remains on schedule with ~~his~~ the plan of completion.

D. Exclusion. The admitting official shall, at the end of the conditional enrollment period, exclude any student who is not in compliance with the immunization requirements under 12VAC5-110-70 and who has not been granted an exemption under 12VAC5-110-80 until that student provides documentary proof that ~~his~~ the immunization ~~schedule has~~ requirements have been completed, unless documentary proof that a medical contraindication developed during the conditional enrollment period is submitted.

E. Transfer of records. The admitting official of every school shall be responsible for sending a student's immunization records or a copy thereof, along with ~~his~~ the student's permanent academic or scholastic records, to the admitting official of the school to which a student is transferring within 10 days of ~~his~~ the student's transfer to the new school.

F. Report of student immunization status. Each admitting official shall, within 30 days of the beginning of each school year or entrance of a student, or by October 15 of each school year, file with the State Virginia Department of Health Department through the health department for ~~his~~ the admitting official's locality, a report summarizing the immunization status of the students in ~~his~~ the official's school as of the first day of school. This report shall be filed using the web-enabled reporting system or on the most current version of Form SIS, the Student Immunization Status Report, and shall contain the number of students admitted to that school with documentary proof of immunization, the number of students who have been admitted with a medical or religious exemption, and the number of students who have been conditionally admitted.

G. Immunization records shall be open to inspection by health department officials.

H. Each admitting official shall ensure that the parent or guardian of a female child to be enrolled in ~~the sixth~~ seven grade receives educational materials describing the link between the human papillomavirus and cervical cancer. Materials shall be approved by the board and provided to the

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parent or guardian prior to the child's enrollment in ~~the sixth~~ grade seven.

DOCUMENTS INCORPORATED BY REFERENCE  
(12VAC5-110)

~~Recommended Immunization Schedule for Children and Adolescents Aged 18 Years or Younger, United States 2017, Centers for Disease Control and Prevention, U.S. Department of Health and Human Services, effective January 1, 2017~~

[Recommended Immunization Schedule for Children and Adolescents Aged 18 Years or Younger, United States 2022, Centers for Disease Control and Prevention, U.S. Department of Health and Human Services](#)

VA.R. Doc. No. R22-7086; Filed April 2, 2026, 12:40 p.m.



## TITLE 22. SOCIAL SERVICES

### DEPARTMENT FOR AGING AND REHABILITATIVE SERVICES

#### Forms

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

Title of Regulation: **22VAC30-130. Adult Services Standards.**

Agency Contact: Charlotte Arbogast, Senior Policy Analyst and Regulatory Coordinator, Department for Aging and Rehabilitative Services, 5620 Cox Road, Glen Allen, VA 23060, telephone (804) 662-7093, fax (804) 662-7663, or email [charlotte.arbogast@dars.virginia.gov](mailto:charlotte.arbogast@dars.virginia.gov).

FORMS (22VAC30-130)

~~Application for Adult Services Form, 032-26-0001-01 eng, (rev. 5/2017)~~

[Application for Adult Services Form \(rev. 2/2026\)](#)

[Virginia Uniform Assessment Instrument, UAI, \(eff. 1994\)](#)

VA.R. Doc. No. R26-8629; Filed April 1, 2026, 3:58 p.m.



## TITLE 24. TRANSPORTATION AND MOTOR VEHICLES

### COMMONWEALTH TRANSPORTATION BOARD

#### Action Withdrawn

Title of Regulation: **24VAC30-200. Vegetation Control Regulations on State Rights-of-Way (amending 24VAC30-200-20).**

Statutory Authority: § 33.2-210 of the Code of Virginia.

The Commonwealth Transportation Board has WITHDRAWN the regulatory action for **24VAC30-200, Vegetation Control Regulations on State Rights of Way**, which was published as a Fast-Track Rulemaking Action in **38:10 VA.R. 892-895 January 3, 2022**. The purpose of the proposed action was to allow cutting of larger trees and pruning of larger branches to make a business more visible from a highway. The board received more than the requisite 10 objections to the fast-track rulemaking process. That objection was published in **38:14 VA.R. 2108 February 28, 2022**. Instead of proceeding with a three-step regulatory action for the amendments in this action, the board included the amendments in a regulatory action resulting from a periodic review of 24VAC30-200. The board adopted those final amendments on January 16, 2024, and those amendments became effective July 2, 2025. Therefore, this action is unnecessary and should be withdrawn.

Agency Contact: Steven Jack, Regulatory Manager, Department of Transportation, 1221 East Broad Street, Richmond, VA 23219, telephone (804) 786-3885, or email [steven.jack@vdot.virginia.gov](mailto:steven.jack@vdot.virginia.gov).

VA.R. Doc. No. R22-6261; Filed April 15, 2026, 7:53 a.m.

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# GUIDANCE DOCUMENTS

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## 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.

### DEPARTMENT FOR AGING AND REHABILITATIVE SERVICES

Title of Document: [Farm Market Fresh for Seniors Handbook for Farmers.](#)

Public Comment Deadline: June 3, 2026.

Effective Date: June 4, 2026.

Agency Contact: Charlotte Arbogast, Senior Policy Analyst and Regulatory Coordinator, Department for Aging and Rehabilitative Services, 5620 Cox Road, Glen Allen, VA 23060, telephone (804) 662-7093, or email [charlotte.arbogast@dars.virginia.gov](mailto:charlotte.arbogast@dars.virginia.gov).

**BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, CERTIFIED INTERIOR DESIGNERS AND LANDSCAPE ARCHITECTS**  
**VIRGINIA BOARD FOR ASBESTOS, LEAD, AND HOME INSPECTORS**  
**AUCTIONEERS BOARD**  
**BOARD FOR BARBERS AND COSMETOLOGY**  
**BOARD FOR BRANCH PILOTS**  
**CEMETERY BOARD**  
**COMMON INTEREST COMMUNITY BOARD**  
**BOARD FOR CONTRACTORS**  
**FAIR HOUSING BOARD**  
**BOARD FOR HEARING AID SPECIALISTS AND OPTICIANS**  
**DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION**  
**BOARD FOR PROFESSIONAL SOIL SCIENTISTS, WETLAND PROFESSIONALS, AND GEOLOGISTS**  
**REAL ESTATE APPRAISER BOARD**  
**REAL ESTATE BOARD**  
**BOARD FOR WASTE MANAGEMENT FACILITY OPERATORS**  
**BOARD FOR WATERWORKS AND WASTEWATER WORKS OPERATORS AND ONSITE SEWAGE SYSTEM PROFESSIONALS**

Titles of Documents: [Criminal History and Online Public Records Information.](#)

[Expedited Licensing of Military Spouses.](#)

[Filing of Complaints against Regulants.](#)

[Regulant Name and Address Changes.](#)

Public Comment Deadline: June 3, 2026.

Effective Date: June 4, 2026.

Agency Contact: Joe Haughwout, Regulatory Affairs Manager, Department of Professional and Occupational Regulation, Perimeter Center, 9960 Mayland Drive, Suite 400, Richmond, VA 23233, telephone (804) 367-8566, or email [joseph.haughwout@dpor.virginia.gov](mailto:joseph.haughwout@dpor.virginia.gov).

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# Guidance Documents

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## BOARD OF PHARMACY

Title of Document: [Pharmacy Inspection Deficiency Monetary Penalty Guide.](#)

Public Comment Deadline: June 3, 2026.

Effective Date: June 4, 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, or email [erin.barrett@dhp.virginia.gov](mailto:erin.barrett@dhp.virginia.gov).

## STATE BOARD OF SOCIAL SERVICES

Title of Document: [Child and Family Services Manual, Chapter D: Local Department Resource, Foster, and Adoptive Home Approval.](#)

Public Comment Deadline: June 3, 2026.

Effective Date: June 4, 2026.

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

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Titles of Documents: [Child and Family Services Manual, Chapter A: Practice Foundations.](#)

[Child and Family Services Manual, Chapter B: Prevention and In-Home Services.](#)

[Division of Child Support Enforcement Program Manual.](#)

Public Comment Deadline: June 3, 2026.

Effective Date: June 4, 2026.

Agency Contact: Karin Clark, Regulatory Coordinator, Department of Social Services, 5600 Cox Road, Glen Allen, VA 23060, telephone (804) 840-3679, or email [karin.clark@dss.virginia.gov](mailto:karin.clark@dss.virginia.gov).

## COMMONWEALTH TRANSPORTATION BOARD

Title of Document: [Public Involvement Manual.](#)

Public Comment Deadline: June 3, 2026.

Effective Date: June 4, 2026.

Agency Contact: Joshua Heslinga, Director, Governance and Legislative Affairs, Department of Transportation, 1221 East Broad Street, Richmond, VA 23219, telephone (804) 551-2902, or email [joshua.heslinga@vdot.virginia.gov](mailto:joshua.heslinga@vdot.virginia.gov).

## STATE WATER CONTROL BOARD

Title of Document: [2026 Water Quality Assessment Guidance.](#)

Public Comment Deadline: June 3, 2026.

Effective Date: June 4, 2026.

Agency Contact: Amanda Shaver, Department of Environmental Quality, P.O. Box 1105, Richmond, VA 23218, telephone (804) 774-8416, or email [amanda.shaver@deq.virginia.gov](mailto:amanda.shaver@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 had previously identified these documents as certified guidance documents, pursuant to § 2.2-4002.1 of the Code of Virginia. Online users of this issue of the Virginia Register of Regulations may click on the name of a guidance document to view the deleted document and comment. This information is also available on the Virginia Regulatory Town Hall (<http://www.townhall.virginia.gov>) or from the agency contact.

### **MOTOR VEHICLE DEALER BOARD**

Title of Document: [Salesperson and Dealer-Operator Test](#).

Public Comment Deadline: June 3, 2026.

Effective Date: June 4, 2026.

Agency Contact: Ann Majors, Operations Manager, Motor Vehicle Dealer Board, 2201 West Broad Street, Richmond, VA 23220, telephone (804) 367-1100 ext. 3002, or email [ann.majors@mvdv.virginia.gov](mailto:ann.majors@mvdv.virginia.gov).

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# GENERAL NOTICES

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## DEPARTMENT OF CONSERVATION AND RECREATION

### Public Comment Opportunity for the Virginia Land Conservation Foundation's Fiscal Year 2027 Grant Manual

Purpose of notice: The Department of Conservation and Recreation and the Virginia Land Conservation Foundation are accepting public comment on the proposed FY27 Grant Manual.

After reviewing public comment and making any necessary and appropriate amendments to the draft, the Virginia Land Conservation Foundation will meet on June 9, 2026, and, upon the board's review and approval, the fiscal year 2027 grant round will open.

Public comment period: The public comment period for this forum opens April 10, 2026, and closes May 11, 2026.

Document for public comment: The document may be accessed at <https://www.dcr.virginia.gov/land-conservation/document/fy2027-vlcf-grant-manual-draft-04-08-2026.pdf>.

Contact Information: Suzan Bulbulkaya, Land Conservation Manager, Department of Conservation and Recreation, 600 East Main Street, 24th Floor, Richmond, VA 23219, telephone (804) 371-5218, or email [suzan.bulbulkaya@dcr.virginia.gov](mailto:suzan.bulbulkaya@dcr.virginia.gov).

### Public Comment Opportunity for the Resilient Virginia Revolving Fund Draft Notice of Funding Opportunity

Purpose of notice: The Department of Conservation and Recreation is accepting public comment on the Resilient Virginia Revolving Loan Fund Draft Notice of Funding Opportunity (NOFO) 2026.

After reviewing public comment and making any necessary and appropriate amendments to the draft, the department will finalize the NOFO no later than June 1, 2026. The finalized guidance will inform the development of flood resilient recovery projects.

Public comment period: In accordance with statutory requirements, a 30-day public comment period begins April 14, 2026, and ends May 14, 2026.

Document for public comment: The document may be accessed at <https://dcr.virginia.gov/dam-safety-and-floodplains/rvrf>.

Contact Information: Angela Davis, Division Director, Floodplain Management, Department of Conservation and Recreation, 600 East Main Street, 24th Floor, Richmond, VA 23219, telephone (804) 371-6135, fax (804) 786-6141, or email [angela.davis@dcr.virginia.gov](mailto:angela.davis@dcr.virginia.gov).

## DEPARTMENT OF ENVIRONMENTAL QUALITY

### Proposed Enforcement Action for the Bedford Regional Water Authority

The Virginia Department of Environmental Quality (DEQ) is proposing an enforcement action for the Bedford Regional Water Authority for violations of State Water Control Law, regulations, and applicable permit at the Bedford wastewater treatment plant, pump stations one through five, and the Lake Vista pump station located in Bedford, 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 May 4, 2026, to June 3, 2026.

Contact Information: Joseph Heller, Enforcement Specialist, Department of Environmental Quality, Blue Ridge Regional Office, 901 Russell Drive, Salem, VA 24153, or email [joseph.r.heller@deq.virginia.gov](mailto:joseph.r.heller@deq.virginia.gov).

### Proposed Enforcement Action for Earthcore Industries LLC

The Virginia Department of Environmental Quality (DEQ) is proposing an enforcement action for Earthcore Industries LLC for violations of State Water Control Law, regulations, and applicable permit at the Earthcore Industries LLC facility 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 May 4, 2026, to June 3, 2026.

Contact Information: Katherine Mann, Enforcement Specialist, Department of Environmental Quality, Northern Regional Office, 13901 Crown Court, Woodbridge, VA 22193, or email [katherine.mann@deq.virginia.gov](mailto:katherine.mann@deq.virginia.gov).

### Proposed Enforcement Action for EZ Properties of VA LLC

The Virginia Department of Environmental Quality (DEQ) is proposing an enforcement action for EZ Properties of VA LLC for violations of State Water Control Law and regulations at Orange County Tax Map 12-52b and 12-52c, located in Locust Grove, 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 May 4, 2026, to June 3, 2026.

Contact Information: DJ Haskin, Enforcement Specialist, Department of Environmental Quality, Central Office, P.O. Box 1105, Richmond, VA 23218, or email [dennis.e.haskin@deq.virginia.gov](mailto:dennis.e.haskin@deq.virginia.gov).

### **Proposed Enforcement Action for Fork Union Skilled Nursing Facility Operations LLC**

The Virginia Department of Environmental Quality (DEQ) is proposing an enforcement action for Fork Union SNF Operations LLC for violations of State Water Control Law, regulations, and applicable permit at the Oakhurst Health and Rehabilitation facility located in Fork Union, 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 May 4, 2026, to June 4, 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](mailto:russell.deppe@deq.virginia.gov).

### **Proposed Enforcement Action for M. B. Kahn Construction Co. Inc.**

The Virginia Department of Environmental Quality (DEQ) is proposing an enforcement action for M. B. Kahn Construction Co. Inc. for violations of State Water Control Law, regulations, and applicable permit at the Brunswick County new public school K through grade 8 project located in Lawrenceville, 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 May 4, 2026, to June 3, 2026.

Contact Information: Cara Witte, Enforcement Specialist, Department of Environmental Quality, Piedmont Regional Office, 4949 Cox Road, Suite A, Glen Allen, VA 23060, or email [cara.witte@deq.virginia.gov](mailto:cara.witte@deq.virginia.gov).

### **Proposed Enforcement Action for Perdue Agribusiness LLC**

The Virginia Department of Environmental Quality (DEQ) is proposing an enforcement action for Perdue Agribusiness LLC for violations of State Water Control Law, regulations, and applicable permit at the Perdue Agribusiness Chesapeake facility 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 May 4, 2026, to June 4, 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](mailto:russell.deppe@deq.virginia.gov).

### **Public Meeting and Opportunity for Public Comment on the Development of a Cleanup Plan for Back Creek, Eidson Creek, and Jennings Branch in Augusta County, Virginia**

Purpose of notice: The Virginia Department of Environmental Quality (DEQ) seeks public comment on the development of a cleanup study, also known as a total maximum daily load (TMDL) report, for Back Creek, Eidson Creek, and Jennings Branch in Augusta County, Virginia. These streams are listed as impaired waters and require a cleanup study since monitoring data indicates that the waters do not meet Virginia's water quality standards for aquatic life (benthics). Section 303(d) of the Clean Water Act and § 62.1-44.19:7 C of the Code of Virginia require DEQ to develop cleanup studies to address pollutants responsible for causing waters to be on Virginia's § 303(d) list of impaired waters. A component of a cleanup study is the wasteload allocation (WLA); therefore, this notice is provided pursuant to § 2.2-4006 A 14 of the Code of Virginia for any future adoption of the WLA into the Water Quality Management Planning Regulation (9VAC25-720) after completion of the study. The adoption of the WLA may require new or additional requirements for entities holding a Virginia Pollutant Discharge Elimination System (VPDES) permit in these watersheds.

At the meeting, DEQ will introduce the community to the process used in Virginia to improve stream water quality and invite the public to participate in the study by attending community engagement meetings or through a TMDL Advisory Group (TAG). DEQ will also present the results of a draft stressor analysis for the creeks.

Cleanup study location: The cleanup study addresses the following impaired stream segments: Back Creek, located in Augusta County, is impaired from its headwaters, located south of Middlebrook, to its confluence with Middle River 10.7 miles downstream. Eidson Creek, also located in Augusta County, is impaired from its headwaters north of Middlebrook to its confluence with Middle River 8.9 miles downstream. The benthic impairment on Jennings Branch extends from its confluence with McKittricks Branch 4.1 miles downstream to its confluence with Middle River.

TAG: DEQ invites public comment on the establishment of a TAG to assist in development of this cleanup study. A TAG is a standing group of interested parties established by DEQ for the purpose of advising DEQ during developing of the cleanup study. Any member of the public may attend and observe proceedings. However, only group members who have been invited by DEQ to serve on the TAG may actively participate in the group's discussions. Persons requesting DEQ to use a TAG and those interested in participating should notify the DEQ contact person by the end of the comment period and provide the person's name, address, telephone number, email address, and organization (if any). If DEQ convenes a TAG, all individuals who wish to participate on the TAG will be

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## General Notices

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considered on a case-by-case basis. TAG members will be expected to attend all TAG meetings. Notification of the composition of the panel will be sent to all individuals who requested participation.

If DEQ receives no requests to establish a TAG, DEQ will not establish a standing group but will still solicit public feedback by conducting community engagement meetings during cleanup study development. At these community meetings, which are open to the public and at which any person may participate, DEQ will present its progress on the cleanup study and solicit feedback from those present.

**Public meeting:** The first public meeting on the development of the cleanup study will be held May 11, 2026, at 6 p.m. at Buffalo Gap High School, 1800 Buffalo Gap Highway, Swoope, Virginia. In the event of inclement weather, the meeting will be held May 13, 2026, at 5 p.m. at the Virginia Department of Environmental Quality, Valley Regional Office, 4411 Early Road, Harrisonburg, Virginia.

**Public comment period:** May 11, 2026, to June 10, 2026.

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

**Contact Information:** Nesha McRae, Department of Environmental Quality, Valley Regional Office, 4411 Early Road, Harrisonburg, VA 22801, telephone (540) 217-7173, or email [nesha.mcrae@deq.virginia.gov](mailto:nesha.mcrae@deq.virginia.gov).

### 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](mailto: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.