

**BOARD OF AGRICULTURE AND CONSUMER SERVICES**

**Patrick Henry Building  
East Reading Room  
1111 E. Broad Street  
Richmond, Virginia**

**Thursday, May 18, 2023**

**9 A.M.**

1. Call to order
2. Roll call
3. Approval of draft Board meeting minutes from March 23, 2023
4. Election of officers
5. Board member reports
6. Commissioner's report to Board – Joseph Guthrie, Commissioner of Agriculture and Consumer Services
7. Final stage – 2 VAC 5-105 (Regulations for the Inspection of Pet Shops Selling Dogs or Cats) – Dr.Carolynn Bissett, Program Manager, Office of Veterinary Services
8. Appointment of Regulatory Advisory Panel for 2 VAC 5-675 (Regulations Governing Pesticide Fees Charged By the Department of Agriculture and Consumer Services) – Liza Fleeson Trossbach, Program Manager, Office of Pesticide Services
9. Update on VDACS audits of applicators applying fertilizer to non-agricultural land – David Gianino, Program Manager, Office of Plant Industry Services
10. Virginia Winery Distribution Company board appointee – Joseph Guthrie, Commissioner of Agriculture and Consumer Services
11. Legislative update – Kevin Schmidt, Director, Office of Policy, Planning, and Research
12. New business
13. Future Board meetings
14. Public comment period
15. Adjourn

**DRAFT MINUTES**

Board of Agriculture and Consumer Services  
Patrick Henry Building  
East Reading Room  
1111 E. Broad Street  
Richmond, Virginia

Thursday, March 23, 2023

The meeting of the Board of Agriculture and Consumer Services (Board) convened at approximately 9 a.m. on Thursday, March 23, 2023, in the East Reading Room of the Patrick Henry Building in Richmond. President Barlow called the meeting to order.

**ROLL CALL**

The Board Secretary called the roll:

**PRESENT**

O. Bryan Taliaferro, Jr.  
Donald Horsley  
Shelley Barlow  
Margaret Ann Smith  
Kailee Tkacz Buller  
James S. Huffard, III  
Tyler Wegmeyer  
Richard Sellers  
Neil Houff  
Dr. Robert Corley, III

Lonnie Johnson

**CONGRESSIONAL DISTRICT**

1<sup>st</sup>  
2<sup>nd</sup>  
4<sup>th</sup>  
6<sup>th</sup>  
8<sup>th</sup>  
9<sup>th</sup>  
10<sup>th</sup>  
11<sup>th</sup>  
Pesticides – Commercial Agricultural  
Representing Dr. Makola Abdullah, President,  
Virginia State University  
Representing Dr. Timothy D. Sands, President,  
Virginia Tech.

**ABSENT**

Clifton A. Slade  
Cecil Shell  
Jacquelin Easter  
Charles Church

3<sup>rd</sup>  
5<sup>th</sup>  
7<sup>th</sup>  
Pesticides – Commercial Structural

**STAFF PRESENT**

Joseph Guthrie, Commissioner, Virginia Department of Agriculture and Consumer Services (VDACS)  
Kevin Schmidt, Secretary, Board of Agriculture and Consumer Services  
Erin Williams, Senior Policy Analyst, Virginia Department of Agriculture and Consumer Services

**APPROVAL OF MINUTES**

Mr. Sellers moved that the draft minutes of the meeting on December 9, 2022, be approved as distributed. Mr. Taliaferro seconded the motion. The Board voted unanimously to approve the motion.

**COMMENTS FROM SECRETARY OF AGRICULTURE AND FORESTRY LOHR**

Secretary of Agriculture and Forestry Lohr provided an update to the Board regarding the recently-announced closing of the Tyson plant in Glen Allen.

**REPORT FROM BOARD MEMBERS**

**Neil Houff**

Mr. Houff first provided an update on behalf of Charles Church, highlighting the Virginia Pest Management Association's training certification schedule for 2023, work with VDACS on the online pesticide registration system, and legislative advocacy during the 2023 Session of the General Assembly and in preparation of the next federal Farm Bill. Mr. Houff then reported on the January meeting of the Virginia Crop Production Association and provided an update on fertilizer and chemical supply chains.

**Bryan Taliaferro**

Mr. Taliaferro reported about conditions in the field. The wheat crop looks great, and there is a significant acreage of malting barley. Hard wheat is being produced but cannot get the necessary premiums. The weather has been tolerable. Mr. Taliaferro also expressed support for Delegate Hodges's bill related to incentivizing the processing of blue catfish and asked that VDACS work through any red tape so that these funds can be allocated.

**Donald Horsley**

Mr. Horsley provided an update on farming activities in his district over the past few weeks. Potato planting is moving along on the Eastern Shore. The wheat crop looks pretty good, though, while prices have been decent, there has not been much demand. Timber has also not had much demand.

**Cecil Shell**

Mr. Shell was not in attendance, but he did ask Secretary Schmidt to include in the minutes that his district is currently spraying for wheat and has had a fair amount of rain. He also mentioned that the timber industry was booming.

**Margaret Ann Smith**

Ms. Smith provided an update on the weather and on cattle numbers in her district. Virginia's cattle numbers are steady at a time when the overall industry is seeing a 61-year low on cattle numbers.

**Lonnie Johnson**

Mr. Johnson provided an update on Virginia Tech events, including the Virginia Cooperative Extension (VCE) Winter Conference in February and the upcoming College of Agriculture and Life Sciences "Experience CALS" event in March and VCE VA 4-H Alumni and Friends Social at the Smithfield Center in Smithfield in April. He also mentioned the U.S. Department of Agriculture (USDA)/National Institute of Food and Agriculture (NIFA) Civil Rights Review that VCE has been working on since December 2021 and hopes to finalize in June 2023 and that Dr. Mike Gutter, Associate Dean CALS and Extension Director, is currently participating in listening session across the Commonwealth.

**Dr. Robert Corley, III**

Dr. Corley mentioned that Virginia State University sent a delegation to USDA earlier in the week to participate in the 50<sup>th</sup> anniversary of National Agriculture Day and followed this up with a visit the NIFA Director at VSU. He also mentioned VSU and Virginia Tech's efforts on Capitol Hill to secure funding for infrastructure and facilities across the country as part of the next

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federal Farm Bill and an upcoming roundtable with farmers for U.S. Representatives Spanberger and McClellan. Dr. Corley mentioned VSU's partnership with the Virginia Farmer's Market Association and an upcoming meeting in June for the National Center for Student Workforce Development.

### **Richard Sellers**

Mr. Sellers mentioned the peak of the cherry blossoms in D.C. and provided an update on urban agriculture and the spring weather.

### **Tyler Wegmeyer**

Mr. Wegmeyer provided an update on the weather in his district and the weather's impact on the 2023 strawberry crop. Strawberries in some parts of the state are two to three weeks ahead of schedule, which can put growers at risk for cold weather. The strawberry industry has also had challenges in the past year getting plugs on time, so, some growers, depending on when they received their plugs, may have lower yields. He also mentioned that the Virginia Strawberry Growers Association changed its name to the Mid-Atlantic Strawberry Growers Association and data that he recently heard regarding the changes since 1954 in acres for corn and strawberries and the number of farms.

### **James S. Huffard, III**

Mr. Huffard provided an update on his dairy operation and mentioned that Virginia dairy farmers continue to leave the business. Milk prices are lower, and labor and feed costs are higher. His milk processing is doing well, and his facility is now providing milk to Radford University's athletic program.

### **Kailee Tkacz Buller**

Ms. Buller introduced herself to the Board and provided an overview of her background and her experience at both USDA and in various agricultural industry organizations. She provided an update on numerous agricultural meetings that she has been involved with recently in Washington, D.C., including those related to the next federal Farm Bill.

### **Shelly Butler Barlow**

President Barlow provided an update on Ag Week activities, including the Ag in the Classroom strawberry book, and mentioned the need to educate children about where their food comes from. She also mentioned that March is meeting season and that she hopes members are going to meetings that are important to them. She mentioned her recent tour at the Port of Virginia and the soybean operations at the Port and highlighted the Virginia Agriculture magazine that VDACS provided. She provided an update on corn planting in her district, and she mentioned that it may be appropriate to include a seafood representative on the Board in the future. President Barlow also mentioned the strong competition for land in Virginia and the importance of elevating the value of farmland and aquaculture resources so that we hold on to them.

## **COMMISSIONER'S REPORT**

Commissioner Joseph Guthrie delivered his report to the Board. During the presentation of this report, he briefed the Board on personnel changes, recent events, and other matters relating to VDACS. A copy of the written report on which his presentation was based was included in the Board meeting agenda and materials.

**PROPOSED STAGE – 2 VAC 5-390 (RULES AND REGULATIONS FOR THE ENFORCEMENT OF THE VIRGINIA SEED LAW)**

President Barlow called on David Gianino, Program Manager, Office of Plant Industry Services. Mr. Gianino briefed the Board on the proposed stage for 2 VAC 5-390. Following Mr. Gianino's presentation and questions from the Board, Mr. Sellers moved that the Board of Agriculture and Consumer Services adopt 2 VAC 5-390, Rules and Regulations for the Enforcement of the Virginia Seed Law, as presented by staff, and that the Board authorize staff to take any and all steps necessary to file this proposed regulation for public comment.

Mr. Horsley seconded the motion. The Board voted unanimously to approve the motion.

**PROPOSED FAST-TRACK ACTION TO REPEAL 2 VAC 5-318 (RULES AND REGULATIONS FOR ENFORCEMENT OF THE VIRGINIA PEST LAW – THOUSAND CANKERS DISEASE)**

President Barlow called on David Gianino, Program Manager, Office of Plant Industry Services. Mr. Gianino briefed the Board on the proposed fast-track action to repeal 2 VAC 5-318. Following Mr. Gianino's presentation and questions from the Board, Mr. Sellers moved that the Board of Agriculture and Consumer Services repeal 2 VAC 5-318, Rules and Regulations for Enforcement of the Virginia Pest Law – Thousand Cankers Disease, as presented by staff, and that the Board authorize staff to take any and all steps necessary to repeal this regulation through a fast-track regulatory action.

Mr. Houff seconded the motion. The Board voted unanimously to approve the motion.

**VIRGINIA WINERY DISTRIBUTION COMPANY BOARD APPOINTEE**

President Barlow called on Commissioner Guthrie, who brought to the Board's attention the resignation from the board of directors of the Virginia Winery Distribution Company (VWDC) Courtney Mailey, owner of Blue Bee Cider, effective December 13, 2022. Commissioner Guthrie indicated that he received a letter dated January 24, 2023, from George Hodson, President, Virginia Wineries Association, recommending that David Drillock of Fifty-Third Winery & Vineyard be appointed to the VWDC board of directors.

This request to the Board is made pursuant to subdivision (B)(2) of Va. Code § 3.2-102, which (i) requires the Commissioner to establish and operate a nonprofit, nonstock corporation to promote, develop, and sustain markets for licensed Virginia wineries and farm wineries and (ii) authorizes the Board to appoint the four members to this board of directors who serve with the Commissioner.

Following Commissioner Guthrie's comments to the Board, Mr. Sellers moved that the Board of Agriculture and Consumer Services appoint David Drillock, owner of Fifty-Third Winery & Vineyard, to fill Courtney Mailey's unexpired term through June 30, 2025, on the board of directors of the Virginia Winery Distribution Company as an owner or manager of a winery or farm winery licensee that produces no more than 10,000 cases per year.

Mr. Horsley seconded the motion. The Board voted unanimously to approve the motion.

**UPDATE ON ELECTRONIC MEETING POLICY**

President Barlow called on Kevin Schmidt, Director, Office of Policy, Planning, and Research, to present a draft revised electronic meeting policy for the Board's consideration.

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Following Mr. Schmidt's presentation and questions from the Board and VDACS's legal counsel, Mr. Sellers moved that the Board of Agriculture and Consumer Services adopt the revised electronic meeting policy as presented by staff, effective March 24, 2023.

**NEW BUSINESS**

There was no new business brought before the Board.

**FUTURE BOARD MEETINGS**

President Barlow announced that the Board will meet on May 18 and December 7 in Richmond. Mr. Horsley announced that he will be hosting the summer meeting and tour August 3 and August 4 in Virginia Beach in conjunction with the 2023 Virginia Ag Expo, which will be held at his farm on August 3.

**PUBLIC COMMENT PERIOD**

The Board did not receive any public comments.

**ADJOURNMENT**

There being no further business, the Board adjourned at approximately 12:08 p.m.

Respectfully submitted,

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Shelley Barlow  
Board President

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Kevin Schmidt  
Board Secretary

**BOARD OF AGRICULTURE AND CONSUMER SERVICES**

**APPOINTED BOARD MEMBER TERMS**

*As of May 5, 2023*

**Elected Officers**

*For the term July 1, 2022 – June 30, 2023*

**President:** Shelley Butler Barlow  
**Vice- President:** Neil Houff  
**Secretary:** Kevin Schmidt

<b><i>MEMBER'S NAME</i></b>	<b><i>DISTRICT</i></b>	<b><i>TERM EXPIRES</i></b>
<b>O. Bryan Taliaferro, Jr.</b>	<b>1<sup>st</sup></b>	<b>June 30, 2023 (2<sup>nd</sup> term)</b>
<b>Don Horsley</b>	<b>2<sup>nd</sup></b>	<b>June 30, 2025 (2<sup>nd</sup> term)</b>
<b>Shelley S. Butler Barlow</b>	<b>3<sup>rd</sup></b>	<b>June 30, 2023 (2<sup>nd</sup> term)</b>
<b>Clifton A. Slade</b>	<b>4<sup>th</sup></b>	<b>June 30, 2025 (2<sup>nd</sup> term)</b>
<b>Cecil Shell</b>	<b>5<sup>th</sup></b>	<b>June 30, 2025 (1<sup>st</sup> term)</b>
<b>Margaret Ann Smith</b>	<b>6<sup>th</sup></b>	<b>June 30, 2023 (1<sup>st</sup> term)</b>
<b>Jacquelin Easter</b>	<b>7<sup>th</sup></b>	<b>June 30, 2025 (1<sup>st</sup> term)</b>
<b>Kailee M. Tkacz Buller</b>	<b>8<sup>th</sup></b>	<b>June 30, 2023 (Unexpired term)</b>
<b>James S. Huffard, III</b>	<b>9<sup>th</sup></b>	<b>June 30, 2025 (2<sup>nd</sup> term)</b>
<b>Tyler Wegmeyer</b>	<b>10<sup>th</sup></b>	<b>June 30, 2025 (1<sup>st</sup> term)</b>
<b>Richard Sellers</b>	<b>11<sup>th</sup></b>	<b>June 30, 2025 (2<sup>nd</sup> term)</b>
<b>Neil A. Houff</b>	<b>Pesticide – Commercial - Agricultural</b>	<b>June 30, 2024 (2<sup>nd</sup> term)</b>
<b>Charles Church</b>	<b>Pesticide – Commercial - Structural</b>	<b>June 30, 2024 (1<sup>st</sup> term)</b>

COMMISSIONER'S REPORT TO  
BOARD OF AGRICULTURE AND CONSUMER SERVICES  
May 18, 2023

PERSONNEL NEWS

Richard “Rick” Byrne joined VDACS on March 25 as the Budget Director. For the past 12 years, Byrne was a senior economist at the Virginia Department of Taxation. In that capacity, he reviewed legislation or proposed policy changes to estimate their revenue impact on the general fund, non-general fund, or local funds. Prior to that, he served in the central budget office of Virginia Commonwealth University (VCU) as senior budget and planning specialist and senior budget analyst for Provost and Academic Affairs. Prior to his time at VCU, Byrne served as a budget and policy analyst at the Virginia Department of Planning and Budget. He also has municipal bond experience from his time working at the Department of Treasury and Virginia Resources Authority. He obtained a bachelor’s degree from the College of William and Mary and MBA from University of Richmond.

Dr. William Dewey Jennings joined VDACS April 25 as the Director of Administrative and Financial Services. He began his career with state government in 1997 with Virginia Department of Corrections (VADOC). He worked for 19 years in a variety of capacities with the VADOC, including Assistant Warden, Warden, and Director of Research and Management Services. The past eight years, Dr. Jennings worked for the Department of Behavioral Health and Development Services at Eastern State Hospital as the Director of Quality Management and then the Assistant Director of Administration. He has a master’s degree in public administration and doctorate in public policy from Virginia Commonwealth University.

The Division of Marketing has filled several regional domestic marketing vacancies that were mainly due to retirements of long-term VDACS staff. The new staff members are:

- Ursula Deitch, Eastern Shore Marketing Specialist, starting May 25
- Jim Atwell, Southwest Marketing Specialist, starting May 25
- Lindsey Anderson, Northwest Marketing Specialist, starting June 10

Jesse Phillips has been promoted to Managing Director for the Office of International Marketing. Phillips has over 15 years’ experience in international and domestic marketing in both public and private sector organizations and most recently held the position of International Marketing Specialist in VDACS OIM since May 2022. Previously Phillips served as Media and Communications Specialist, Instructor with the Virginia Department of Juvenile Justice, Director of Marketing with Image Exhibitions, Inc, Director of Marketing with GES and Senior Marketing Manager with Warner Bros. Phillips holds a Bachelor of Business Administration degree in Marketing, Hospitality and Tourism Management.

Olivia Wilson of Commodity Services recently completed Virginia Commonwealth University’s Virginia Executive Institute.

GOVERNOR’S PRIORITIES

In June 2022, the ODF Food Safety Program (FSP) sent an electronic communication to over 13,000 food manufacturers and retail food establishments in Virginia to alert them that certain products intended for human consumption and that contain cannabinoids may be considered adulterated if the products contain an ingredient that is not approved as a food under the Virginia Food and Drink Law or are not manufactured in a facility that is under inspection in accordance with the law. Since July 2022, FSP staff has performed more than 8,320 inspections and visits and has educated food manufacturers and retail food establishments and provided them with an educational handout to encourage voluntary compliance. During these visits, most businesses that were selling food products that appeared to contain cannabinoids in violation of the law voluntarily removed the food products in question from sale. During these inspections and visits, 582 firms were found to be offering for sale



non-complaint delta-8 THC ingestible products. Follow up inspections were conducted at these firms to ensure that these products were removed from sale. FSP is proceeding through the compliance and enforcement process with the firms that did not remove these products from sale when FSP conducted follow up inspections.

On March 31, Louisa County was awarded a \$200,000 Governor's Agriculture and Forestry Industry Development (AFID) Fund grant for Better Future Farms to establish a new state-of-the-art indoor farm. The project represents nearly \$66,000,000 in new investment, the creation of 35 new jobs, and the production of \$30,000,000 of Virginia-grown leafy greens. The announcement was part of the Controlled Environment Agriculture Month celebration in Virginia.

Governor Youngkin announced Virginia’s record-setting \$5 billion in exports of agricultural and forestry products in 2022 at an event at the Port of Richmond on April 10. This total surpasses the previous record of \$4 billion set in 2021.

AGENCY OPERATIONS

*Commissioner’s Office*

The 2023 edition of Virginia Agriculture magazine is hot off the presses. This magazine is the agency’s signature publication and provides a glimpse into Virginia’s largest private industry, agriculture. This year’s magazine includes a detail of the Commonwealth’s top commodities and other topics, such as controlled environment agriculture, conservation efforts, food access, Virginia grown rebrand, dairy margin coverage premium reimbursement program, investing in agriculture, Produce Safety Portal, and much more. The Communications Office has magazines at this meeting, and we encourage you to share them with stakeholders in your districts.

	<b>As of April 30, 2023</b>	<b>On July 31, 2022</b>	<b>On July 31, 2021</b>
Industrial Hemp Grower Registrations	264	253	876
Industrial Hemp Processor Registrations	159	203	290
Industrial Hemp Dealer Registrations	61	75	135

Dairy Commission has so far distributed over \$1.25 million in federal American Recovery Plan Act (ARPA) funds to over 240 Virginia class A dairy farms as part of an action from the General Assembly that approved \$2 million of ARPA funds for VDACS to establish a program to provide direct financial assistance to Grade A dairies that experienced financial losses in the spring of 2020 compared with the same period in 2019. All Virginia Grade A dairies that were in operation in the spring of 2020 are eligible to apply by demonstrating a financial loss with a maximum possible payment per farm of \$7,500.

Commissioner Guthrie joined several NASDA members and staff at the invitation of the British Embassy to a mission to the United Kingdom. The group interacted with top leaders in agriculture in government and industry and learned much about potential new ways to partner as the UK makes adjustments following its departure from the European Union.

Commissioner Guthrie was one of the featured speakers at a ceremony unveiling the “Secretariat Racing Into History” Statue on April 1 in Ashland. This 21-foot-long by 11-foot-high bronze sculpture is now touring the sites of the three Triple Crown races on the 50<sup>th</sup> anniversary of Secretariat’s victories at those races. There is a goal to raise funds for it to be permanently displayed in Ashland.

On April 11, Commissioner Guthrie participated in Farm Bill forums held by Senator Mark Warner in Berryville and by Congresswoman Abigail Spanberger at the Meadow Event Center in Doswell. Both legislators presented information and took questions and comments from interested stakeholders on the upcoming Farm Bill.

Commissioner Guthrie joined Commissioners/Secretaries of agriculture from Maryland, Delaware, and West Virginia and top staff from those states and Pennsylvania at the 7<sup>th</sup> annual Earth Day Chesapeake Bay Ag Leadership Summit at Corteva's Chesapeake Farm in Chestertown, Maryland, on April 21. They had productive discussions on several bay-related topics with officials from EPA and USDA.

Commissioner Guthrie joined over 50 volunteers in planting more than 800 trees in a riparian buffer on a dairy farm in Fauquier County on Earth Day. The event was sponsored by Maryland-Virginia Dairy Producers Coop.

### *Division of Marketing*

The Office of Food Distribution recently approved five sub-grant applications for the ARPA-funded Virginia Farms to Virginia Families Food Box Program. The five grantees will purchase locally-grown agricultural products that will be distributed to families and individuals that are food insecure. The total funding for the five programs is \$5,300,000.

The Office of Market News reports that feeder cattle trading has been active and prices continue to rise. Over 23,000 head of Virginia state-graded feeder cattle were sold during March. Monthly average prices for state-graded feeder cattle were 12 percent higher than February, 20 percent higher since the beginning of the year, and 25 percent higher than March 2022. Demand for feeder cattle has been good to very good across the nation.

In March, the Office of Domestic Marketing and Promotions (ODMP) exhibited at the Southeast Produce Council's (SEPC) Southern Exposure tradeshow in Orlando. This is SEPC's flagship tradeshow and conference, where the produce industry displays products and services from hundreds of exhibitors. Thousands of participants attend, including foodservice and retail buyers, agricultural leaders, and product innovators. ODMP staffed a Virginia Grown booth with representatives from the following Virginia produce companies: Crown Orchard, Greenswell Growers, Gotham Greens, Old Dominion Organics, C& E Family Farms, and AeroFarms.

In March and April, ODMP staff participated in the following agriculture promotional, marketing, and educational events: Tobacco Associates, Inc's Annual Meeting, Mid-Atlantic Strawberry Program, Spotsylvania Farmers Market Vendor Meeting, Experience CALS (College of Ag & Life Sciences) at Virginia Tech, the Prince George Farmers Market Vendor Meeting, and the Independence Farmers Market Vendor Meeting.

In March and April, ODMP staff worked with the Virginia Department of the Aging and Rehabilitative Services (DARS) and Virginia farmers preparing for and supporting the 2023 Senior Farmers' Market Nutrition Program WIC (SFMNP/WIC) Nutrition Program. ODMP staff has attended bi-monthly meetings and trainings to support the expansion and has been processing SFMNP applications and conducting farm visits to approve farmers.

In March, the Virginia Soybean Board and the Virginia Soybean Association were asked by the national organization to host the 2024 State/National Soybean Staff Meeting in Virginia. ODMP staff participated in a meeting with the event organizers to discuss potential venues for the meeting. At this point, the organizers are evaluating locations in the Virginia Beach area. This meeting will bring almost 300 representatives from the U.S. soybean industry. This will include representatives from the soybean checkoff states, the United Soybean Board, the American Soybean Association, the United States Soybean Export Council, the Clean Fuels Alliance America, the National Soybean Transportation Coalition, and others. The meeting is targeted for mid-April 2024.

In late March, the Office of International Marketing (OIM) was informed by a Virginia lumber company that participated with VDACS in the Dubai Wood Show 2023 of recent sales successes as a result of the show. The

company indicated that it has closed an export order of lumber valued at \$65,000 and is now working to close on a second order of \$200,000 as a direct result of connections it established during the Dubai Wood Show.

In April, the China trade representative learned that Shanghai Haoze Wood Co., Ltd., is regularly buying from a Virginia-based lumber company as a result of introductions and connections made with Shanghai Hoaze. Since being introduced in May 2020, the Virginia company has been selling lumber to Haoze Wood Company regularly, with an order of hickory lumber valued at \$40,000 having been placed in April.

International Marketing consultants remained very active promoting a number of Virginia companies and products to buyers in their markets and attended several international trade shows.

#### *Division of Commodity Services (DCS)*

In order to ensure the ongoing financial integrity of the Livestock Services program, on April 28, Commissioner Guthrie approved a fee schedule adjustment for livestock evaluation services that will take effect on July 1, 2023. The revised fees reflect the increased cost associated with performing livestock evaluation services. The last revision of the livestock grading fee schedule occurred in 2004. This is only the fourth fee revision in 52 years.

Staff conducted seed potato inspections on 77 truckloads of seed potatoes from Canada, Maine, and Wisconsin being delivered to growers on the Eastern Shore. Inspectors sample and inspect the seed potatoes for defects, such as freezing injury, rot, and nematode or tuber moth injury, as well as for minimum size.

Staff organized and implemented the Virginia Poultry Youth Judging Contest held at the Rockingham County Fairgrounds in Harrisonburg. Approximately 179 4-H and FFA Members participated. Winning teams from each contest go onto their respective national contests to represent Virginia. Youth Day is made possible by the Virginia Poultry Federation, poultry companies, VDACS, and 4-H volunteers.

Staff provided evaluation services to producers on 21,847 cattle, 606 lambs/goats, and 128 beef carcasses.

Represented VDACS at the following national trainings or conferences:

- National Egg Regulatory Officials (NERO) Meeting (Arizona)
- American Association of Grain Inspection and Weighing Agencies (AAGIWA) Conference (Nevada)
- Board of Appeals and Review (BAR) Inspection Equipment Check Testing Seminar (National Grain Center, Kansas City)
- Grain Quality Assurance Seminar (National Grain Center, Kansas City)

Participated in local, regional, and statewide meetings:

- Virginia State Cattlemen's Association Annual Meeting
- Virginia State Cattlemen's Association Industry Outlook Meeting
- Virginia Beef Expo
- Highland Co Cattlemen's Meeting
- Russell County Cattlemen's Meeting
- Culpeper/Orange Lamb Meeting

Market Animal Livestock Show Grading:

- Piedmont 4-H Market Animal Show
- Augusta Market Animal Show
- Pittsylvania County Jr Livestock Show
- Fauquier County Jr Livestock Show
- Chesapeake 4-H Livestock Show

### *Division of Consumer Protection (DCP)*

The online pesticide system received upgrades on March 22 that provide an expedited approval process for the issuance of the authorization to take the registered technician applicator exam. The upgrades are designed to allow prospective registered technicians to receive the authorization to test the day after their applications are successfully submitted online. Prospective applicators who successfully pass their exam will be issued a temporary certificate that allows the applicator to begin work immediately and is valid for 45 days, during which time Office of Pesticide Services (OPS) staff conduct a final review of the application. The same expedited process is being created for commercial applicators, with a tentative release date scheduled for mid-May.

Remote testing was made available to prospective pesticide applicators that allows applicators to take their certification exam via an online portal. VDACS contracted with Everblue for the remote testing, which requires a \$26 online testing fee per exam paid directly to Everblue. The remote testing fee is in addition to the application fee paid to VDACS. The exam can be taken 24 hours a day, seven days a week during the applicant's 90-day authorization period. Similar to the DMV's computerized testing, a temporary certificate is provided to those prospective applicators who successfully pass their exams. This allows the applicator to begin work immediately and is valid for 45 days. All pesticide applicator exams are available via the remote testing option. There is no additional fee for prospective applicators taking exams at DMV or exams proctored by OPS staff.

The week of March 20, OPS staff continued to coordinate the pick-up of containers remaining from the 2022 pesticide container recycling program. Containers were collected from Buffalo Junction, Dinwiddie, Culpeper, Charlotte Courthouse, and South Hill. Containers were also collected from two additional private collection sites. Collection of containers in 2022 was delayed due to the inability of the contractor to meet contract requirements. The collections during the week of March 20 completed the collections scheduled for 2022.

OPS staff attended the 2023 Annual Association of American Pesticide Control Officials (AAPCO) Board of Directors Meeting and Conference, March 5-8 in Alexandria. Topics of interest included preemption, Certification Plan Implementation, PFAS, Endangered Species Act, and unmanned aerial vehicles as well as updates from the EPA's Offices of Pesticide Programs and Enforcement and Compliance Assurance.

On April 13, OPS staff was an invited presenter for EPA's Enforceable Label Seminar Series. The second of three seminars, Feedback from the Field on Historical Label Language, focused on real life inspection and investigation scenarios, case development, and challenges with the enforcement of pesticide label language.

OPS staff was an invited participant at the CropLife America Meeting on April 18 in Arlington. The meeting focused on pesticide label considerations for unmanned aerial vehicles (UAV) in the United States. The meeting included a review of different sections of the label and the opportunity to raise comments and questions regarding the different sections related to the use of UAVs.

Office of Plant Industry Services (OPIS) staff began surveying for vascular streak dieback (VSD), an emerging plant disease associated with a fungal pathogen. The Tennessee Department of Agriculture is coordinating this survey with participation by Oregon, Kentucky, Missouri, Indiana, Virginia, South Carolina, and Alabama. The survey will consist of visually inspecting for symptomatic redbud, dogwood, and maple trees in nursery settings and performing diagnostics on the samples to better understand the distribution of the pathogen in participating states. VDACS was awarded \$10,000 through the Multi-State VSD Survey to conduct the work.

On March 3, OPIS staff discovered an unknown species of snail on boxwood plants while conducting an inspection of nursery stock at a licensed nursery dealer in Suffolk. The snail was collected, and the sample was submitted to the official identifier with USDA Animal and Plant Health Inspection Service (APHIS). No additional regulatory actions were required at the time of inspection. The species was confirmed as the rosy wolf snail, a predatory species that hunts and feeds on other snail species. It is not considered a plant pest.

On March 21-23, OPIS staff hosted in-person training for contract trappers for the 2023 Slow the Spread (STS) of the Spotted Lanternfly survey program at three locations. Training provided information on trapping procedures, data management, recording data, an overview of the national STS Project, and other contractual requirements for the contract trappers. There are 25 trapping units in Virginia that were awarded contracts for the placement of 4,671 traps, which will be funded through the STS Project. The meeting was attended by contract trappers and their staff as well as staff from Virginia Tech.

An OPIS staff member was featured and interviewed in a report on the CBS Nightly News about efforts to control the Spotted Lanternfly, and particularly by identifying and destroying egg masses.

As of April 7, OPIS has distributed 1,009 beehive units to 391 individuals, representing approximately \$198,000 worth of beehive units and associated shipping costs for the FY 2023 Beehive Distribution Program. The Beehive Distribution Program received an appropriation of \$200,000 for FY 2023. Additional funding is available for the fiscal year due to carryover funds from previous years.

OPIS received notification that a multi-state survey for the cotton seed bug (*Oxycarenus hyalinipennis*) was approved by USDA APHIS through its Cotton Program funding. The cotton seed bug is a pest of cotton and other malvaceous plants. OPIS staff will survey cotton fields and nursery settings where host material that is at risk for the cotton seed bug may be found. The cotton seed bug is currently found in California, and the survey aims to confirm that the southern region of the U.S. is free from it. The survey will be conducted during the 2023 cotton growing season, and VDACS will receive approximately \$31,000 to perform this work.

Staff from the Office of Weights and Measures (OWM) participated in the Food Safety Summit virtual meeting March 17 hosted by the Virginia Farmers Market Association (VAFMA). The VAFMA Food Safety Summit provides information on requirements to be followed by markets and vendors. OWM provided information related to labeling of products and requirements for scales used for direct sales at farmers markets.

Staff from OWM attended the 2023 Regional Measurement Assurance Program (RMAP) for the Southeastern region, held in Nashville, Tennessee, March 27-30, 2023. The meeting provides participants in the RMAP with an overview of proficiency testing program methods for evaluating laboratory performance. Attendance is required to maintain ongoing accreditation.

OWM received the second large-capacity scale truck for FY 2023. It was ordered from Kanawha Scales and Systems in October 2021. It is a 10-wheel truck that is used to transport the weights and equipment needed by OWM to inspect large capacity commercial devices, including vehicle scales, livestock market scales, warehouse scales, forklift scales, and hopper scales. It replaces a 1998 truck with over 370,000 miles.

#### *Division of Animal and Food Industry Services (AFIS)*

The Office of Meat and Poultry Services (OMPS) continues to work with new facilities all over Virginia. OMPS receives daily inquiries on the requirements to obtain a grant of inspection. Several custom slaughter facilities have expressed interest in obtaining grants of inspection. Providing inspection at new establishments could be hindered by the difficulties OMPS has experienced in hiring new employees. The industry also continues to report challenges with hiring and retaining employees at its facilities.

OMPS staff toured the new Negroni's meat processing facility in Harrisonburg. Operations at the facility are expected to begin by early May. Negroni's is one of the largest food processing companies in Italy. They produce authentic Italian delicatessen meats. Once Negroni's completes construction, it could be as large as the Boars Head facility in Petersburg. Negroni plans to expand to multiple shifts at some point and build an additional facility. At this time, it is not known if USDA or VDACS will be providing the inspection service. If

the plant is inspected by OMPS, an additional inspector will need to be hired. The finished product will be sold in the U.S. initially, and the plant plans on exporting products in the future.

OMPS received notification that a new slaughter and processing facility is being built in Abingdon, and OMPS staff has met with the owners. OMPS may need an additional position when this facility materializes. Several other establishments, some that received grant funding and some that did not, have reported that they are still struggling with contractors, equipment suppliers, and local government regulations.

The Office of Laboratory Services (OLS) is now designated as a Level 1 National Animal Health Laboratory Network (NAHLN) Laboratory System. The Harrisonburg Laboratory was previously a Level 2 NAHLN Lab and is now the main Level 1 NAHLN laboratory, with Lynchburg and Wytheville Labs added as Level 1 Branch Labs. This change comes after many years of increasing volume, participation in NAHLN activities, increasing quality standards, and broadening existing accreditation scope. The change in designation comes with substantial increase in grant funding and puts OLS in the top 25 NAHLN Labs in the country. The grant funding is provided through a Cooperative Agreement between individual labs and the USDA APHIS Veterinary Services.

For the past several months, Office of Veterinary Services (OVS) and USDA staff have been working on the Highly Pathogenic Avian Influenza (HPAI) event in the Shenandoah Valley. HPAI was detected on two turkey farms. Staff has worked to eliminate the virus, control spread, and surveil the surrounding farms.

OVS staff investigated the importation of waterfowl to a live bird market in Alexandria from a Pennsylvania hatchery that tested positive for HPAI. Birds at the market tested positive for HPAI and were depopulated. The market was disinfected and tested for presence of Avian Influenza virus. The market reopened several days later.

A Wytheville OVS Inspector met with the new owner of the Victoria Livestock Market to discuss the upcoming opening of the market. The owner stated that the market would be holding swap meets on the third Saturday of the month and plans to hold bi-weekly livestock auctions on the second and fourth Saturdays each month soon. The inspector will be in contact with the owner to provide information and to schedule the USDA market approval closer to the time of opening.

The ODF Produce Safety Program (PSP) is continuing to prioritize three focus areas: industry education and outreach, farm inventory development, and the new FDA agricultural water requirements. PSP has attended several large and numerous small-scale grower events and meetings across the state to engage producers about the FDA produce safety rule, online farm registration portal, and new harvest and post-harvest agricultural water requirements. The FDA enforcement discretion period for harvest and post-harvest agricultural water requirements ended on January 26, 2023, for large, covered farms. During this upcoming year of inspections, FDA and the National Association of State Departments of Agriculture have both advised states to take an “educate while we regulate approach,” essentially providing these farms a one-year grace period to help them come into compliance with the new water standards. Pre-harvest agricultural water requirements have still not been finalized. PSP continues to monitor and learn about FDA guidance on water issues given the concern in the produce industry about this issue. PSP has also completed inspection work planning for this coming growing season, and several inspections have already been completed.

FSP also works to ensure that food and dietary supplements manufactured, processed, stored, and sold in Virginia are safe, wholesome, and properly labeled. In February and March, FSP conducted 1,706 inspections of food establishments, which includes retail food stores, food manufacturers, and food warehouses; investigated 88 consumer complaints; and collected 135 food samples.

In February and March, FSP performed the inspections necessary to open 179 new food businesses. FSP has an inventory of 13,205 firms under inspection. Thirty-one Food Safety Specialists, four Food Safety Technical Specialists, and four Field Supervisors are responsible for the regulatory oversight of these firms.

During February and March, the ODF Dairy Services Program conducted 227 inspections of Grade "A" and manufactured-grade dairy farms and 46 cheese and ice cream manufacturing plant inspections. Dairy inspectors also performed 1,266 physical on-farm visits and extensive phone discussions with producers to review construction of dairy facilities and the installation of milking equipment as well as other related items and to offer advice and assistance to dairy farmers and manufactured milk processors.

**Project 6715**

**Department of Agriculture And Consumer Services**

**Promulgate regulation required by Chapter 1284 of the 2020 Acts of Assembly**

Chapter 105

Regulations Pertaining to Pet Shops Selling Dogs or Cats

**2VAC5-105-10. Definitions.**

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

"Animal care inspector" means the animal welfare inspector employed pursuant to § 3.2-5901.1 of the Code of Virginia, or as designated by the State Veterinarian.

"Department" means the Virginia Department of Agriculture and Consumer Services.

"Pet shop" means any retail, commercial, private, for-profit establishment that sells dogs or cats to the public and shall not include breeders, dealers, public or private animal shelters, home-based rescues, or residential establishments. Each location will constitute a separate pet shop.

**2VAC5-105-20. Registration.**

A. Each existing pet shop shall register and pay a \$250 registration fee with the department annually by July 1. A new pet shop that will sell dogs or cats shall register prior to offering dogs or cats for sale, and that registration shall be valid until July 1 of the following calendar year. A pet shop shall apply for a registration using a format developed by the State Veterinarian. A pet shop shall display its registration in a location visible to the public.

B. A pet shop that fails to register with or submit the registration fee to the department shall, upon written warning from the department, have a probationary period of 30 calendar days



within which it must register with the department. If the pet shop fails to register with the department by the conclusion of the probationary period, the pet shop shall not sell dogs or cats in the Commonwealth of Virginia.

**2VAC5-105-30. Sale limitations.**

[ **A.** ] No pet shop shall offer dogs or cats for sale to any research facility, as defined in § 3.2-6500 of the Code of Virginia.

[ **B.** No pet shop shall employ a person convicted of animal cruelty pursuant to § 3.2-6570 of the Code of Virginia. ]

**2VAC5-105-40. Standards of care.**

**A.** Each pet shop shall be kept in a clean, dry, and sanitary condition. Each pet shop shall provide enclosures that (i) can safely house dogs and cats and (ii) allow for adequate separation of animals of different sexes, ages, and temperaments. Each pet shop shall maintain dogs and cats in a manner that protects the animals against theft, injury, escape, and exposure to harmful substances.

**B.** Each pet shop shall ensure that all enclosures provide adequate shelter that is properly ventilated and that can be maintained at a comfortable temperature for the dogs and cats confined therein. An enclosure shall not be cleaned when occupied by a dog or cat unless the dog or cat can be further confined in a portion of the enclosure that precludes exposure to any cleaning agent, including water. The enclosure shall be thoroughly dry before it is returned to use. An enclosure shall be cleaned with a disinfectant or germicidal agent.

**C.** Each pet shop shall reasonably endeavor to ensure that drinking water is available to each dog or cat at all times unless otherwise ordered by a licensed veterinarian. Drinking water receptacles or bowls shall be secured to the enclosure in a fixed position or otherwise be of a design that cannot be tipped over by an animal and shall be maintained in sanitary condition.

D. Each pet shop shall ensure that dogs and cats are adequately and appropriately fed according to their age, and feed shall be stored in a manner that prevents spoilage, infestation, and contamination. All feed delivery utensils and receptacles shall be properly cleaned between uses.

E. Each pet shop shall ensure that each dog or cat is provided access to a resting platform or bedding as appropriate to its species, age, and condition.

F. Each pet shop shall provide adequate care to all dogs and cats offered for sale, including adequate exercise, adequate feed, adequate shelter, adequate space, treatment, adequate water, proper lighting, and proper cleaning, as these terms are defined in § 3.2-6500 of the Code of Virginia.

[ G. Each pet shop shall, in consultation with a veterinarian, develop protocols for veterinary care, infection and disease control, and the care of medically managed or neonatal care. ]

**2VAC5-105-50. Inspection.**

A. Each pet shop is subject to at least one unannounced annual inspection of dogs and cats during normal department business hours conducted by the animal care inspector.

B. The animal care inspector shall be granted access to the entire pet shop facility and any requested records.

C. Each pet shop shall be inspected for compliance with this chapter and Chapter 65 (§ 3.2-6500 et seq.) of Title 3.2 of the Code of Virginia.

**2VAC5-105-60. Compliance.**

A. A pet shop shall immediately correct any noncompliance that the animal care inspector identifies during an inspection. If the pet shop is not able to correct a noncompliance during the inspection, then a probationary period shall commence. If the animal care inspector identifies a

noncompliance, the animal care inspector will provide the pet shop written notification within a reasonable time after the inspection. The notification will include a copy of the inspection report and an explanation of the cited noncompliance, including the relevant section of the Code of Virginia or Virginia Administrative Code. The pet shop shall correct the noncompliance to the satisfaction of the animal care inspector.

B. Upon [ ~~gross~~ ] repeated violations or any noncompliance not corrected during a probationary period, the department may revoke a pet shop's registration following reasonable notice to the registration holder and an opportunity for an informal fact finding proceeding pursuant to § 2.2-4019 of the Code of Virginia. If the department revokes a pet shop's registration, the pet shop shall not sell dogs or cats in the Commonwealth of Virginia and must post publicly visible signage provided by the department. The revocation of registration shall remain in effect until the pet shop corrects the noncompliance to the satisfaction of the animal care inspector.

C. The department may immediately temporarily suspend a pet shop's registration whenever the department has reason to believe that an animal health hazard exists or is imminent or when a pet shop willfully refuses to permit authorized inspection. If the department suspends a pet shop's registration, the pet shop shall not sell dogs or cats in the Commonwealth of Virginia and must post publicly visible signage provided by the department. The revocation of registration shall remain in effect until the pet shop corrects the noncompliance to the satisfaction of the animal care inspector.

# VIRGINIA ACTS OF ASSEMBLY -- 2020 RECONVENED SESSION

## CHAPTER 1284

*An Act to amend and reenact § 3.2-6500 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 3.2-5901.1 and 3.2-6501.1, relating to keeping of dogs, cats, and rabbits; State Animal Welfare Inspector; regulations.*

[S 891]

Approved May 21, 2020

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

**1. That § 3.2-6500 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding sections numbered 3.2-5901.1 and 3.2-6501.1 as follows:**

**§ 3.2-5901.1. State Animal Welfare Inspector.**

*The Commissioner shall employ and direct at least two licensed veterinary technicians, each of whom shall be known as the State Animal Welfare Inspector (the Inspector) and shall have the duty to carry out the tasks assigned to him pursuant to Chapter 65 (§ 3.2-6500 et seq.). The Inspector shall have the power to carry out the laws of the Commonwealth and the regulations of the Board and the Commissioner.*

**§ 3.2-6500. Definitions.**

As used in this chapter unless the context requires a different meaning:

"Abandon" means to desert, forsake, or absolutely give up an animal without having secured another owner or custodian for the animal or by failing to provide the elements of basic care as set forth in § 3.2-6503 for a period of four consecutive days.

"Adequate care" or "care" means the responsible practice of good animal husbandry, handling, production, management, confinement, feeding, watering, protection, shelter, transportation, treatment, and, when necessary, euthanasia, appropriate for the age, species, condition, size and type of the animal and the provision of veterinary care when needed to prevent suffering or impairment of health.

"Adequate exercise" or "exercise" means the opportunity for the animal to move sufficiently to maintain normal muscle tone and mass for the age, species, size, and condition of the animal.

"Adequate feed" means access to and the provision of food that is of sufficient quantity and nutritive value to maintain each animal in good health; is accessible to each animal; is prepared so as to permit ease of consumption for the age, species, condition, size and type of each animal; is provided in a clean and sanitary manner; is placed so as to minimize contamination by excrement and pests; and is provided at suitable intervals for the species, age, and condition of the animal, but at least once daily, except as prescribed by a veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the species.

"Adequate shelter" means provision of and access to shelter that is suitable for the species, age, condition, size, and type of each animal; provides adequate space for each animal; is safe and protects each animal from injury, rain, sleet, snow, hail, direct sunlight, the adverse effects of heat or cold, physical suffering, and impairment of health; is properly lighted; is properly cleaned; enables each animal to be clean and dry, except when detrimental to the species; during hot weather, is properly shaded and does not readily conduct heat; during cold weather, has a windbreak at its entrance and provides a quantity of bedding material consisting of straw, cedar shavings, or the equivalent that is sufficient to protect the animal from cold and promote the retention of body heat; and, for dogs and cats, provides a solid surface, resting platform, pad, floormat, or similar device that is large enough for the animal to lie on in a normal manner and can be maintained in a sanitary manner. Under this chapter, shelters whose wire, grid, or slat floors (i) permit the animals' feet to pass through the openings, (ii) sag under the animals' weight, or (iii) otherwise do not protect the animals' feet or toes from injury are not adequate shelter.

"Adequate space" means sufficient space to allow each animal to (i) easily stand, sit, lie, turn about, and make all other normal body movements in a comfortable, normal position for the animal and (ii) interact safely with other animals in the enclosure. When an animal is tethered, "adequate space" means that the tether to which the animal is attached permits the above actions and is appropriate to the age and size of the animal; is attached to the animal by a properly applied collar, halter, or harness that is configured so as to protect the animal from injury and prevent the animal or tether from becoming entangled with other objects or animals, or from extending over an object or edge that could result in the strangulation or injury of the animal; is at least ten feet in length or three times the length of the animal, as measured from the tip of its nose to the base of its tail, whichever is greater, except when the animal is being walked on a leash or is attached by a tether to a lead line; does not, by its material, size, or weight or any other characteristic, cause injury or pain to the animal; does not weigh more than one-tenth of the animal's body weight; and does not have weights or other heavy objects attached to it.

The walking of an animal on a leash by its owner shall not constitute the tethering of the animal for the purpose of this definition. When freedom of movement would endanger the animal, temporarily and appropriately restricting movement of the animal according to professionally accepted standards for the species is considered provision of adequate space. The provisions of this definition that relate to tethering shall not apply to agricultural animals.

"Adequate water" means provision of and access to clean, fresh, potable water of a drinkable temperature that is provided in a suitable manner, in sufficient volume, and at suitable intervals appropriate for the weather and temperature, to maintain normal hydration for the age, species, condition, size and type of each animal, except as prescribed by a veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the species; and is provided in clean, durable receptacles that are accessible to each animal and are placed so as to minimize contamination of the water by excrement and pests or an alternative source of hydration consistent with generally accepted husbandry practices.

"Adoption" means the transfer of ownership of a dog or a cat, or any other companion animal, from a releasing agency to an individual.

"Agricultural animals" means all livestock and poultry.

"Ambient temperature" means the temperature surrounding the animal.

"Animal" means any nonhuman vertebrate species except fish. For the purposes of § 3.2-6522, animal means any species susceptible to rabies. For the purposes of § 3.2-6570, animal means any nonhuman vertebrate species including fish except those fish captured and killed or disposed of in a reasonable and customary manner.

"Animal control officer" means a person appointed as an animal control officer or deputy animal control officer as provided in § 3.2-6555.

"Boarding establishment" means a place or establishment other than a public or private animal shelter where companion animals not owned by the proprietor are sheltered, fed, and watered in exchange for a fee. "Boarding establishment" shall not include any private residential dwelling that shelters, feeds, and waters fewer than five companion animals not owned by the proprietor.

"Collar" means a well-fitted device, appropriate to the age and size of the animal, attached to the animal's neck in such a way as to prevent trauma or injury to the animal.

"Commercial dog breeder" means any person who, during any 12-month period, maintains 30 or more adult female dogs for the primary purpose of the sale of their offspring as ~~companion animals~~, *provided that a person who breeds an animal regulated under federal law as a research animal shall not be deemed to be a commercial dog breeder.*

"Companion animal" means any domestic or feral dog, domestic or feral cat, nonhuman primate, guinea pig, hamster, rabbit not raised for human food or fiber, exotic or native animal, reptile, exotic or native bird, or any feral animal or any animal under the care, custody, or ownership of a person or any animal that is bought, sold, traded, or bartered by any person. ~~Agricultural animals~~ *No agricultural animal, game species, or any animal regulated under federal law as a research animal shall not be considered a companion animal for the purposes of this chapter.*

"Consumer" means any natural person purchasing an animal from a dealer or pet shop or hiring the services of a boarding establishment. The term "consumer" shall not include a business or corporation engaged in sales or services.

"Dealer" means any person who in the regular course of business for compensation or profit buys, sells, transfers, exchanges, or barter companion animals. The following shall not be considered dealers: (i) any person who transports companion animals in the regular course of business as a common carrier or (ii) any person whose primary purpose is to find permanent adoptive homes for companion animals.

"Direct and immediate threat" means any clear and imminent danger to an animal's health, safety or life.

"Dump" means to knowingly desert, forsake, or absolutely give up without having secured another owner or custodian any dog, cat, or other companion animal in any public place including the right-of-way of any public highway, road or street or on the property of another.

"Emergency veterinary treatment" means veterinary treatment to stabilize a life-threatening condition, alleviate suffering, prevent further disease transmission, or prevent further disease progression.

"Enclosure" means a structure used to house or restrict animals from running at large.

"Euthanasia" means the humane destruction of an animal accomplished by a method that involves instantaneous unconsciousness and immediate death or by a method that involves anesthesia, produced by an agent that causes painless loss of consciousness, and death during such loss of consciousness.

"Exhibitor" means any person who has animals for or on public display, excluding an exhibitor licensed by the U.S. Department of Agriculture.

"Facility" means a building or portion thereof as designated by the State Veterinarian, other than a private residential dwelling and its surrounding grounds, that is used to contain a primary enclosure or enclosures in which animals are housed or kept.

"Farming activity" means, consistent with standard animal husbandry practices, the raising, management, and use of agricultural animals to provide food, fiber, or transportation and the breeding,

exhibition, lawful recreational use, marketing, transportation, and slaughter of agricultural animals pursuant to such purposes.

"Foster care provider" means a person who provides care or rehabilitation for companion animals through an affiliation with a public or private animal shelter, home-based rescue, releasing agency, or other animal welfare organization.

"Foster home" means a private residential dwelling and its surrounding grounds, or any facility other than a public or private animal shelter, at which site through an affiliation with a public or private animal shelter, home-based rescue, releasing agency, or other animal welfare organization care or rehabilitation is provided for companion animals.

"Groomer" means any person who, for a fee, cleans, trims, brushes, makes neat, manicures, or treats for external parasites any animal.

"Home-based rescue" means an animal welfare organization that takes custody of companion animals for the purpose of facilitating adoption and houses such companion animals in a foster home or a system of foster homes.

"Humane" means any action taken in consideration of and with the intent to provide for the animal's health and well-being.

"Humane investigator" means a person who has been appointed by a circuit court as a humane investigator as provided in § 3.2-6558.

"Humane society" means any incorporated, nonprofit organization that is organized for the purposes of preventing cruelty to animals and promoting humane care and treatment or adoptions of animals.

"Incorporated" means organized and maintained as a legal entity in the Commonwealth.

*"Inspector" means a State Animal Welfare Inspector employed pursuant to § 3.2-5901.1 or his representative.*

"Kennel" means any establishment in which five or more canines, felines, or hybrids of either are kept for the purpose of breeding, hunting, training, renting, buying, boarding, selling, or showing.

"Law-enforcement officer" means any person who is a full-time or part-time employee of a police department or sheriff's office that is part of or administered by the Commonwealth or any political subdivision thereof and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth. Part-time employees are compensated officers who are not full-time employees as defined by the employing police department or sheriff's office.

"Livestock" includes all domestic or domesticated: bovine animals; equine animals; ovine animals; porcine animals; cervidae animals; caprae animals; animals of the genus *Lama* or *Vicugna*; ratites; fish or shellfish in aquaculture facilities, as defined in § 3.2-2600; enclosed domesticated rabbits or hares raised for human food or fiber; or any other individual animal specifically raised for food or fiber, except companion animals.

"New owner" means an individual who is legally competent to enter into a binding agreement pursuant to subdivision B 2 of § 3.2-6574, and who adopts or receives a dog or cat from a releasing agency.

"Ordinance" means any law, rule, regulation, or ordinance adopted by the governing body of any locality.

"Other officer" includes all other persons employed or elected by the people of Virginia, or by any locality, whose duty it is to preserve the peace, to make arrests, or to enforce the law.

"Owner" means any person who: (i) has a right of property in an animal; (ii) keeps or harbors an animal; (iii) has an animal in his care; or (iv) acts as a custodian of an animal.

"Pet shop" means a retail establishment where companion animals are bought, sold, exchanged, or offered for sale or exchange to the general public.

"Poultry" includes all domestic fowl and game birds raised in captivity.

"Primary enclosure" means any structure used to immediately restrict an animal or animals to a limited amount of space, such as a room, pen, cage, compartment, or hutch. For tethered animals, the term includes the shelter and the area within reach of the tether.

"Private animal shelter" means a facility operated for the purpose of finding permanent adoptive homes for animals that is used to house or contain animals and that is owned or operated by an incorporated, nonprofit, and nongovernmental entity, including a humane society, animal welfare organization, society for the prevention of cruelty to animals, or any other similar organization.

"Properly cleaned" means that carcasses, debris, food waste, and excrement are removed from the primary enclosure with sufficient frequency to minimize the animals' contact with the above-mentioned contaminants; the primary enclosure is sanitized with sufficient frequency to minimize odors and the hazards of disease; and the primary enclosure is cleaned so as to prevent the animals confined therein from being directly or indirectly sprayed with the stream of water, or directly or indirectly exposed to hazardous chemicals or disinfectants.

"Properly lighted" when referring to a facility means sufficient illumination to permit routine inspections, maintenance, cleaning, and housekeeping of the facility, and observation of the animals; to provide regular diurnal lighting cycles of either natural or artificial light, uniformly diffused throughout

the facility; and to promote the well-being of the animals.

"Properly lighted" when referring to a private residential dwelling and its surrounding grounds means sufficient illumination to permit routine maintenance and cleaning thereof, and observation of the companion animals; and to provide regular diurnal lighting cycles of either natural or artificial light to promote the well-being of the animals.

"Public animal shelter" means a facility operated by the Commonwealth, or any locality, for the purpose of impounding or sheltering seized, stray, homeless, abandoned, unwanted, or surrendered animals or a facility operated for the same purpose under a contract with any locality.

"Releasing agency" means (i) a public animal shelter or (ii) a private animal shelter, humane society, animal welfare organization, society for the prevention of cruelty to animals, or other similar entity or home-based rescue that releases companion animals for adoption.

"Research facility" means any place, laboratory, or institution licensed by the U.S. Department of Agriculture at which scientific tests, experiments, or investigations involving the use of living animals are carried out, conducted, or attempted.

"Sanitize" means to make physically clean and to remove and destroy, to a practical minimum, agents injurious to health.

"Sore" means, when referring to an equine, that an irritating or blistering agent has been applied, internally or externally, by a person to any limb or foot of an equine; any burn, cut, or laceration that has been inflicted by a person to any limb or foot of an equine; any tack, nail, screw, or chemical agent that has been injected by a person into or used by a person on any limb or foot of an equine; any other substance or device that has been used by a person on any limb or foot of an equine; or a person has engaged in a practice involving an equine, and as a result of such application, infliction, injection, use, or practice, such equine suffers, or can reasonably be expected to suffer, physical pain or distress, inflammation, or lameness when walking, trotting, or otherwise moving, except that such term does not include such an application, infliction, injection, use, or practice in connection with the therapeutic treatment of an equine by or under the supervision of a licensed veterinarian. Notwithstanding anything contained herein to the contrary, nothing shall preclude the shoeing, use of pads, and use of action devices as permitted by 9 C.F.R. Part 11.2.

"Sterilize" or "sterilization" means a surgical or chemical procedure performed by a licensed veterinarian that renders a dog or cat permanently incapable of reproducing.

"Treasurer" includes the treasurer and his assistants of each county or city or other officer designated by law to collect taxes in such county or city.

"Treatment" or "adequate treatment" means the responsible handling or transportation of animals in the person's ownership, custody or charge, appropriate for the age, species, condition, size and type of the animal.

"Veterinary treatment" means treatment by or on the order of a duly licensed veterinarian.

"Weaned" means that an animal is capable of and physiologically accustomed to ingestion of solid food or food customary for the adult of the species and has ingested such food, without nursing, for a period of at least five days.

**§ 3.2-6501.1. Regulations for the keeping of certain animals.**

A. The Board shall, by July 1, 2022, and pursuant to the provisions of the Administrative Process Act (§ 2.2-4000 et seq.), adopt comprehensive regulations governing the keeping of dogs and cats by any pet shop. Such regulations shall not apply to agricultural animals.

B. The regulations adopted pursuant to subsection A shall require every regulated person or facility to register annually with the Department and shall prohibit operation without such registration. The fee for such annual registration shall be \$250 for any private, for-profit entity required to register. Such regulations shall provide that a pet shop shall not sell a dog or cat to any research facility.

C. The regulations adopted pursuant to subsection A shall establish standards consistent with the provisions of this chapter for the keeping of animals, including (i) standards of adequate care, exercise, feed, shelter, space, treatment, and water and (ii) standards of proper cleaning and lighting. Where necessary, the Board shall adopt specific regulations that apply only to a particular category of currently unregulated entity; however, the standards established for any two similar categories of regulated entity shall not differ significantly.

D. The Board shall issue guidance setting out the compliance requirements for each regulatory standard adopted pursuant to this section, providing information on what an entity in each category is expected to do to comply with a given regulatory standard.

E. Regulations adopted pursuant to this section shall require a State Animal Welfare Inspector employed pursuant to § 3.2-5901.1 to annually conduct at least one unannounced drop-in inspection of each pet shop.

F. Regulations adopted pursuant to this section shall establish remedies for each finding in a given inspection. Such remedies may include the cancellation of the registration granted pursuant to subsection B; the institution of a conditional probationary period, during which the regulated facility shall be allowed to continue to operate; the renewal of such registration for a limited period; or other actions.

*G. Nothing in this section or in any regulation adopted pursuant to this section shall be interpreted to limit the authority of any entity to punish or prosecute a person for a violation of any law or regulation or to prevent any person from alerting an animal control officer or law-enforcement officer regarding the condition or treatment of any animal.*



Code of Virginia

Title 3.2. Agriculture, Animal Care, and Food

Subtitle I. General Provisions; Protection and Promotion of Agriculture

Chapter 1. General Provisions

Article 1. Department and Commissioner of Agriculture and Consumer Services

## § 3.2-102. General powers and duties of the Commissioner

A. The Commissioner shall be vested with the powers and duties set out in § 2.2-601, the powers and duties herein provided, and such other powers and duties as may be prescribed by law, including those prescribed in Title 59.1. He shall be the executive officer of the Board, and shall see that its orders are carried out. He shall see to the proper execution of laws relating to the Department. Unless the Governor expressly reserves such power to himself, the Commissioner shall promote, protect, and develop the agricultural interests of the Commonwealth. The Commissioner shall develop, implement, and maintain programs within the Department including those that promote the development and marketing of the Commonwealth's agricultural products in domestic and international markets, including promotions, market development and research, marketing assistance, market information, and product grading and certification; promote the creation of new agribusiness including new crops, biotechnology and new uses of agricultural products, and the expansion of existing agribusiness within the Commonwealth; develop, promote, and maintain consumer protection programs that protect the safety and quality of the Commonwealth's food supply through food and dairy inspection activities, industry and consumer education, and information on food safety; preserve the Commonwealth's agricultural lands; ensure animal health and protect the Commonwealth's livestock industries through disease control and surveillance, maintaining animal health diagnostic laboratories, and encouraging the humane treatment and care of animals; protect public health and the environment through regulation and proper handling of pesticides, agricultural stewardship, and protection of endangered plant and insect species; protect crop and plant health and productivity; ensure consumer protection and fair trade practices in commerce; develop plans and emergency response protocols to protect the agriculture industry from bioterrorism, plant and animal diseases, and agricultural pests; assist as directed by the Governor in the Commonwealth's response to natural disasters; develop and implement programs and inspection activities to ensure that the Commonwealth's agricultural products move freely in trade domestically and internationally; and enter into agreements with federal, state, and local governments, land grant universities, and other organizations that include marketing, plant protection, pest control, pesticides, and meat and poultry inspection.

B. In addition, the Commissioner shall:

1. Establish and maintain a farm-to-school website. The purpose of the website shall be to facilitate and promote the purchase of Virginia farm products by schools, universities, and other educational institutions under the jurisdiction of the State Department of Education. The website shall present such current information as the availability of Virginia farm products, including the types and amount of products, and the names of and contact information for farmers, farm organizations, and businesses marketing such products;
2. Establish and operate a nonprofit, nonstock corporation under Chapter 10 (§ 13.1-801 et seq.) of Title 13.1 as a public instrumentality exercising public and essential governmental functions to promote, develop, and sustain markets for licensed Virginia wineries and farm wineries, as

defined in § 4.1-100. Such corporation shall provide wholesale wine distribution services for wineries and farm wineries licensed in accordance with § 4.1-206.1. The board of directors of such corporation shall be composed of the Commissioner and four members appointed by the Board, including one owner or manager of a winery or farm winery licensee that is not served by a wholesaler when the owner or manager is appointed to the board; one owner or manager of a winery or farm winery licensee that produces no more than 10,000 cases per year; and two owners or managers of wine wholesaler licensees. In making appointments to the board of directors, the Board shall consider nominations of winery and farm winery licensees submitted by the Virginia Wineries Association and wine wholesale licensees submitted by the Virginia Wine Wholesalers Association. The Commissioner shall require such corporation to report to him at least annually on its activities, including reporting the quantity of wine distributed for each winery and farm winery during the preceding year. The provisions of the Virginia Public Procurement Act shall not apply to the establishment of such corporation nor to the exercise of any of its powers granted under this section; and

3. Promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) not inconsistent with the laws of Virginia necessary to carry out the provisions of Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2. Such regulations may include penalties for violations.

Code 1950, §§ 3-7, 3-9, 3-13; 1966, c. 702, §§ 3.1-8, 3.1-10, 3.1-14; 1971, Ex. Sess., c. 34; 1975, c. 260; 1977, c. 186; 1978, cc. 219, 540; 1982, c. 150; 1985, c. 397; 1993, c. 455; 1994, cc. 261, 370; 1995, c. 10; 1996, c. 996; 2005, c. 633; 2007, cc. 352, 870, 932, §§ 3.1-14.4, 3.1-14.01; 2008, c. 860; 2012, cc. 803, 835; 2020, cc. 1113, 1114; 2022, cc. 554, 609.

The chapters of the acts of assembly referenced in the historical citation at the end of this section(s) may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.



**Virginia Wineries Association**

250 West Main Street, Suite 100  
Charlottesville, VA 22902  
Office: (434) 326-9815  
www.vawine.org

April 27, 2023

VDACS

102 Governor Street  
Richmond, VA 23219

Dear Commissioner Guthrie,

The Virginia Wineries Association (VWA) is writing to endorse Stan Joynes of Valley Road Vineyards to be reappointed to Virginia Winery Distribution Company (VWDC) Board.

Stan is the CEO and Co-Founder of Valley Road Vineyards located in Afton, VA, in the heart of the Monticello American Viticulture Area (AVA). They have the added bonus of being at the head of the Rockfish Valley on Virginia's famed craft beverage route Nelson 151. They planted their first vines in the spring of 2016, bottled their first wines that same year, and opened the tasting room that summer. Since that time, have added two additional vineyards for a total of 17 acres under vine.

Stan is active with the VWA and serves on the VWA Legislative Committee.

We feel that Stan is an excellent candidate for another term on the VWDC Board.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "George Hodson", written over a circular stamp or watermark.

George Hodson  
President, Virginia Wineries Association

## Board: Items for May 2023 Board meeting

Composite view

Bills	Committee	Last action	Date
<b>HB 1544</b> - Campbell, J.L. - Virginia Credit Services Businesses Act; definitions, credit reports.	(H) Committee on Commerce and Energy (S) Committee on Commerce and Labor	(G) Acts of Assembly Chapter text (CHAP0110)	03/21/23
<b>HB 1563</b> - Fowler - Sales and use tax; agricultural exemptions.	(H) Committee on Finance (S) Committee on Finance and Appropriations	(G) Acts of Assembly Chapter text (CHAP0516)	03/26/23
<b>HB 1660</b> - Wilt - Dairy Producer Margin Coverage Premium Assistance Program Fund; created, extends sunset provision.	(H) Committee on Appropriations (S) Committee on Finance and Appropriations	(G) Acts of Assembly Chapter text (CHAP0146)	03/21/23
<b>HB 1664</b> - Hodges - Blue Catfish Processing, Flash Freezing, and Infrastructure Grant Program; created.	(H) Committee on Appropriations (S) Committee on Finance and Appropriations	(G) Acts of Assembly Chapter text (CHAP0133)	03/21/23
<b>HB 1748</b> - Willett - Solicitation of contributions; expands definition of "solicitation," terms of contracts.	(H) Committee on General Laws (S) Committee on General Laws and Technology	(G) Acts of Assembly Chapter text (CHAP0289)	03/23/23
<b>HB 1806</b> - Bloxom - Farm use placards; permanent placards for any pickup or panel truck, etc.	(H) Committee on Appropriations (S) Committee on Finance and Appropriations	(G) Acts of Assembly Chapter text (CHAP0085)	03/21/23
<b>HB 1998</b> - Krizek - Native plant species; state agencies to prioritize use on state properties.	(H) Committee on Appropriations (S) Committee on Agriculture, Conservation and Natural Resources	(G) Acts of Assembly Chapter text (CHAP0193)	03/22/23
<b>HB 2096</b> - Bulova - Noxious weeds; invasive plant species.	(H) Committee on Agriculture, Chesapeake and Natural Resources (S) Committee on Agriculture, Conservation and Natural Resources	(G) Acts of Assembly Chapter text (CHAP0153)	03/22/23
<b>HB 2258</b> - Robinson - Alcoholic beverage control; beer distribution.	(H) Committee on Appropriations (S) Committee on Finance and Appropriations	(G) Acts of Assembly Chapter text (CHAP0597)	03/26/23
<b>HB 2294</b> - Kilgore - Industrial hemp; regulated hemp products, etc.	(H) Committee for Courts of Justice (S) Committee on Finance and Appropriations	(G) Acts of Assembly Chapter text (CHAP0794)	04/12/23
<b>HB 2297</b> - Ware - Cattle Industry Board; collection and disposition of assessment by handler.	(H) Committee on Agriculture, Chesapeake and Natural Resources (S) Committee on Finance and Appropriations	(G) Acts of Assembly Chapter text (CHAP0262)	03/22/23
<b>HB 2325</b> - Bloxom - Agricultural land; definitions, ownership by foreign adversaries prohibited, report.	(H) Committee on Agriculture, Chesapeake and Natural Resources	(G) Acts of Assembly Chapter text (CHAP0796)	04/12/23

	(S) Committee on Agriculture, Conservation and Natural Resources		
<b>HB 2348</b> - Webert - Animal testing facilities; public notifications, definitions.	(H) Committee on Appropriations (S) Committee on Agriculture, Conservation and Natural Resources	(G) Acts of Assembly Chapter text (CHAP0532)	03/26/23
<b>HB 2428</b> - Wilt - Marijuana; advertising restrictions, penalties.	(H) Committee for Courts of Justice (S) Committee on Rehabilitation and Social Services	(G) Acts of Assembly Chapter text (CHAP0711)	03/27/23
<b>HB 2445</b> - Bennett-Parker - Wholesome food donation; tax credit renewed.	(H) Committee on Finance (S) Committee on Finance and Appropriations	(G) Acts of Assembly Chapter text (CHAP0165)	03/22/23
<b>SB 795</b> - Hanger - Cattle Industry Board; collection and disposition of assessment by handler.	(H) Committee on Agriculture, Chesapeake and Natural Resources (S) Committee on Agriculture, Conservation and Natural Resources	(G) Acts of Assembly Chapter text (CHAP0263)	03/22/23
<b>SB 897</b> - Stuart - Blue Catfish Processing, Flash Freezing, and Infrastructure Grant Program; created.	(H) Committee on Appropriations (S) Committee on Finance and Appropriations	(G) Acts of Assembly Chapter text (CHAP0134)	03/21/23
<b>SB 903</b> - Hanger - Industrial hemp; regulated hemp products, etc.	(H) Committee for Courts of Justice (S) Committee on Finance and Appropriations	(G) Acts of Assembly Chapter text (CHAP0744)	04/12/23
<b>SB 1057</b> - Hanger - Farm use placards; permanent placards for any pickup or panel truck, etc.	(H) Committee on Transportation (S) Committee on Finance and Appropriations	(G) Acts of Assembly Chapter text (CHAP0086)	03/21/23
<b>SB 1233</b> - Obenshain - Marijuana; advertising restrictions, penalties.	(H) Committee for Courts of Justice (S) Committee on Rehabilitation and Social Services	(G) Acts of Assembly Chapter text (CHAP0712)	03/27/23
<b>SB 1239</b> - Obenshain - Dairy Producer Margin Coverage Premium Assistance Program Fund; created, extends sunset provision.	(H) Committee on Agriculture, Chesapeake and Natural Resources (S) Committee on Finance and Appropriations	(G) Acts of Assembly Chapter text (CHAP0147)	03/21/23
<b>SB 1271</b> - Boysko - Animal testing facilities; public notifications, definitions.	(H) Committee on Agriculture, Chesapeake and Natural Resources (S) Committee on Finance and Appropriations	(G) Acts of Assembly Chapter text (CHAP0533)	03/26/23
<b>SB 1438</b> - Stuart - Agricultural land; definitions, ownership by foreign adversaries prohibited, report.	(H) Committee on Agriculture, Chesapeake and Natural Resources (S) Committee on Agriculture, Conservation and Natural Resources	(G) Acts of Assembly Chapter text (CHAP0765)	04/12/23
<b>SB 1511</b> - Hanger - Land use classifications; property qualifications.	(H) Committee on Finance	(G) Acts of Assembly Chapter text	03/23/23

	(S) Committee on Finance and Appropriations	(CHAP0345)	
<b>SB 1525</b> - Rouse - Wholesome food donation; tax credit renewed.	(H) Committee on Appropriations	(G) Acts of Assembly Chapter text (CHAP0166)	03/22/23
	(S) Committee on Finance and Appropriations		
<b>SB 1540</b> - Pillion - Consumer protection; automatic renewal or continuous service offer to consumer, exemptions.	(H) Committee on Commerce and Energy	(G) Acts of Assembly Chapter text (CHAP0288)	03/23/23
	(S) Committee on General Laws and Technology		

(Board) Items for May 2023 Board meeting

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### **HB 1544 Virginia Credit Services Businesses Act; definitions, credit reports.**

*Chief patron:* Campbell, J.L.

*Patron:* Campbell, J.L.

An Act to amend and reenact §§ 59.1-335.2 and 59.1-335.7 of the Code of Virginia, relating to Virginia Credit Services Businesses Act; definitions; credit reports.

*Summary as introduced:*

**Virginia Credit Services Businesses Act; definitions; credit reports.** Amends the definitions of "consumer reporting agency" and "credit services business" as they are used in the Virginia Credit Services Businesses Act and requires that the information statement provided to a consumer by a credit services business under the Act include a complete and accurate statement of a customer's right to receive a free copy of the consumer's credit report annually from each of the three nationwide consumer reporting agencies. The bill contains technical amendments.

02/23/23 Senate: Signed by President

03/02/23 House: Enrolled Bill communicated to Governor on March 2, 2023

03/02/23 Governor: Governor's Action Deadline 11:59 p.m., March 27, 2023

03/21/23 Governor: Approved by Governor-Chapter 110 (effective 7/1/23)

03/21/23 Governor: Acts of Assembly Chapter text (CHAP0110)

### **HB 1563 Sales and use tax; agricultural exemptions.**

*Chief patron:* Fowler

*Patrons:* Fowler and Robinson

An Act to amend and reenact §§ 58.1-609.2 and 58.1-610 of the Code of Virginia, relating to sales and use tax; agricultural exemptions.

*Summary as passed House:*

**Sales and use tax; agricultural exemptions.** Provides a sales and use tax exemption for property used to produce agricultural products for market in an indoor, closed, controlled-environment commercial agricultural facility. The property exempted includes (i) internal structural components required to create the necessary growing environment for plants, including watering systems, towers for growing plants, and lighting and air systems, and (ii) transparent elements of external structural components of such facilities, including windows, walls, and roofs, that allow sunlight in for the commercial production of agricultural products. The exemption shall not apply to property used in producing cannabis. The bill allows contractors working on behalf of owners of facilities exempt under these new provisions to use the exemption when purchasing materials that would otherwise qualify for the exemption. This bill is identical to SB 1240.

02/16/23 House: Impact statement from TAX (HB1563ER)

02/27/23 House: Enrolled Bill communicated to Governor on February 27, 2023

02/27/23 Governor: Governor's Action Deadline 11:59 p.m., March 27, 2023

03/26/23 Governor: Approved by Governor-Chapter 516 (effective 7/1/23)

03/26/23 Governor: Acts of Assembly Chapter text (CHAP0516)

### **HB 1660 Dairy Producer Margin Coverage Premium Assistance Program Fund; created, extends sunset provision.**

*Chief patron:* Wilt



*Patrons:* Wilt, Gooditis, Lopez and Campbell, E.H.

An Act to amend and reenact §§ 3.2-3304 and 3.2-3307 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 3.2-3305.1, relating to Dairy Producer Margin Coverage Premium Assistance Program and Fund.

*Summary as passed:*

**Dairy Producer Margin Coverage Premium Assistance Program; Fund; sunset.** Creates the Dairy Producer Margin Coverage Premium Assistance Program Fund. The bill extends the expiration date of the provisions of the Dairy Producer Margin Coverage Premium Assistance Program from July 1, 2023, to July 1, 2028. This bill is identical to SB 1239.

03/08/23 Senate: Signed by President

03/13/23 House: Enrolled Bill communicated to Governor on March 13, 2023

03/13/23 Governor: Governor's Action Deadline 11:59 p.m., March 27, 2023

03/21/23 Governor: Approved by Governor-Chapter 146 (effective 7/1/23)

03/21/23 Governor: Acts of Assembly Chapter text (CHAP0146)

### **HB 1664 Blue Catfish Processing, Flash Freezing, and Infrastructure Grant Program; created.**

*Chief patron:* Hodges

*Patrons:* Hodges, Lopez and Simonds

An Act to amend and reenact § 3.2-304 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 3.1 of Title 3.2 a section numbered 3.2-312, relating to Blue Catfish Processing, Flash Freezing, and Infrastructure Grant Program; created.

*Summary as passed House:*

**Governor's Blue Catfish Processing, Flash Freezing, and Infrastructure Grant Program.** Establishes the Governor's Blue Catfish Processing, Flash Freezing, and Infrastructure Grant Program and authorizes the Governor to award grants to political subdivisions from the Governor's Agriculture and Forestry Industries Development Fund as part of the Program. Such grants, in amounts up to \$250,000, shall be awarded as reimbursable grants to support blue catfish processing, flash freezing, and infrastructure projects. The bill directs the Secretary of Agriculture and Forestry to develop certain guidelines as provided in the bill on behalf of the Governor to facilitate the Program. This bill is identical to SB 897.

02/25/23 House: Impact statement from DPB (HB1664ER)

03/02/23 House: Enrolled Bill communicated to Governor on March 2, 2023

03/02/23 Governor: Governor's Action Deadline 11:59 p.m., March 27, 2023

03/21/23 Governor: Approved by Governor-Chapter 133 (effective 7/1/23)

03/21/23 Governor: Acts of Assembly Chapter text (CHAP0133)

### **HB 1748 Solicitation of contributions; expands definition of "solicitation," terms of contracts.**

*Chief patron:* Willett

*Patrons:* Willett, Helmer and Kory

An Act to amend and reenact §§ 57-48, 57-51, 57-52, 57-52.1, 57-54, and 57-60 of the Code of Virginia, relating to solicitation of contributions; professional solicitors; definition of "solicitation"; terms of contracts.

*Summary as passed House:*

**Solicitation of contributions; professional solicitors; definition of "solicitation"; terms of contracts.** Expands the definition of "solicitation" with respect to requesting contributions to include requests made by email. The bill outlines specific terms to be included in any contract between a professional solicitor and a charitable or civic organization, including the requirement to specify the percentage



of gross contributions that such organization will receive or the terms upon which a determination can be made as to the amount of the gross revenue from the solicitation campaign that such organization will receive.

02/25/23 Senate: Signed by President

03/02/23 House: Enrolled Bill communicated to Governor on March 2, 2023

03/02/23 Governor: Governor's Action Deadline 11:59 p.m., March 27, 2023

03/23/23 Governor: Approved by Governor-Chapter 289 (effective 7/1/23)

03/23/23 Governor: Acts of Assembly Chapter text (CHAP0289)

### **HB 1806 Farm use placards; permanent placards for any pickup or panel truck, etc.**

*Chief patron:* Bloxom

*Patron:* Bloxom

An Act to amend and reenact §§ 46.2-665, as it is currently effective and as it shall become effective, 46.2-666, as it is currently effective and as it shall become effective, 46.2-667, 46.2-670, as it is currently effective and as it shall become effective, 46.2-672, as it shall become effective, 46.2-673, as it is currently effective and as it shall become effective, 46.2-684.2, 58.1-2403, and 58.1-3505 of the Code of Virginia and to amend and reenact the second enactment of Chapter 51 and the second enactment of Chapter 52 of the Acts of Assembly of 2022, relating to farm use placards.

*Summary as passed:*

**Farm use placards.** Delays from July 1, 2023, to July 1, 2024, the date by which vehicles claiming a farm use exemption are required to obtain a farm use placard from the Department of Motor Vehicles and display such placard at all times. The bill provides that the requirement to display a farm use placard only applies to pickup or panel trucks and sport utility vehicles. The bill removes certain requirements on the application for a farm use placard, prohibits requesting additional information on such application, and prohibits disclosure of application information. The bill authorizes the use of an agricultural or horticultural vehicle for disposing of incidental refuse and a seasonal transportation vehicle for driving to a storage house, packing plant, or market regardless of distance. The bill clarifies that the exemption for transporting back to a farm essential food includes procuring a meal for a farmer or his employees and that such exemption applies while engaged in authorized farm vehicle uses. The bill exempts vehicles required to obtain a farm use placard from the motor vehicle sales and use tax and authorizes localities to exempt such vehicles from personal property tax. This bill incorporates HB 1883 and is identical to SB 1057.

02/24/23 Senate: Signed by President

03/02/23 House: Enrolled Bill communicated to Governor on March 2, 2023

03/02/23 Governor: Governor's Action Deadline 11:59 p.m., March 27, 2023

03/21/23 Governor: Approved by Governor-Chapter 85 (effective 7/1/23)

03/21/23 Governor: Acts of Assembly Chapter text (CHAP0085)

### **HB 1998 Native plant species; state agencies to prioritize use on state properties.**

*Chief patron:* Krizek

*Patrons:* Krizek, Bulova, Subramanyam and Carr

An Act to amend and reenact § 2.2-220.2 of the Code of Virginia, relating to native plant species; state agencies.

*Summary as passed House:*

**Native plant species; state agencies.** Directs the Secretaries of Natural and Historic Resources, Agriculture and Forestry, and Administration to coordinate the development of strategic actions for state agencies to take to prioritize the use of native plant species on state properties.

02/24/23 Senate: Signed by President  
03/02/23 House: Enrolled Bill communicated to Governor on March 2, 2023  
03/02/23 Governor: Governor's Action Deadline 11:59 p.m., March 27, 2023  
03/22/23 Governor: Approved by Governor-Chapter 193 (effective 7/1/23)  
03/22/23 Governor: Acts of Assembly Chapter text (CHAP0193)

### **HB 2096 Noxious weeds; invasive plant species.**

*Chief patron:* Bulova

*Patrons:* Bulova, Carr, Kory and Subramanyam

An Act to amend and reenact §§ 3.2-800, 3.2-802, and 3.2-804 of the Code of Virginia and to amend the Code of Virginia by adding in Article 1 of Chapter 1 of Title 10.1 a section numbered 10.1-104.6:2, relating to noxious weeds; invasive plant species.

*Summary as passed House:*

**Noxious weeds; invasive plant species; report.** Removes the current prohibition on the movement, transportation, delivery, shipment, or offering for shipment of any noxious weed into or within the Commonwealth without a permit from the Commissioner of Agriculture and Consumer Services and grants the Board of Agriculture and Consumer Services the authority to adopt regulations governing the conditions under which a permit will be required for such actions. The bill also adds requirements related to invasive plant species, including directing the Department of Conservation and Recreation to create an invasive plant species list and update it quadrennially. The bill directs the Department of Conservation and Recreation to convene the Virginia Invasive Species Working Group to develop industry resources and recommendations to be submitted to the Chairmen of the Senate Committees on Agriculture, Conservation and Natural Resources and Finance and Appropriations and the House Committees on Agriculture, Chesapeake and Natural Resources and Appropriations.

02/24/23 Senate: Signed by President  
03/02/23 House: Enrolled Bill communicated to Governor on March 2, 2023  
03/02/23 Governor: Governor's Action Deadline 11:59 p.m., March 27, 2023  
03/22/23 Governor: Approved by Governor-Chapter 153 (effective 7/1/23)  
03/22/23 Governor: Acts of Assembly Chapter text (CHAP0153)

### **HB 2258 Alcoholic beverage control; beer distribution.**

*Chief patron:* Robinson

*Patrons:* Robinson and Wilt

An Act to amend and reenact §§ 3.2-102, 4.1-206.2, 4.1-223, 4.1-225.1, 4.1-231.1, and 4.1-310.1 of the Code of Virginia, relating to alcoholic beverage control; beer distribution.

*Summary as passed:*

**Alcoholic beverage control; beer distribution.** Creates a restricted wholesale beer license that authorizes the licensee to provide wholesale beer distribution services to brewery and limited brewery licensees, provided that no more than 500 barrels of beer shall be distributed by the corporation to each licensee in any one calendar year. The bill requires the Commissioner of Agriculture and Consumer Services to establish and operate a nonprofit, nonstock corporation to hold such license to promote, develop, and sustain markets for brewery and limited brewery licensees. The bill prohibits the Board of Directors of the Virginia Alcoholic Beverage Control Authority from (i) granting a wholesale wine license to any entity that is owned, in whole or in part, by any manufacturer of alcoholic beverages, any subsidiary or affiliate of such manufacturer, or any person under common control with such manufacturer and (ii) granting a wholesale beer license to any officer, director, or principal stockholder of a manufacturer of alcoholic beverages or to the spouse of such person; however, the bill exempts from such prohibition any spouse of an officer, director, or principal stockholder of a

brewery or limited brewery licensee that was granted such license prior to January 1, 2024. The bill has a delayed effective date of July 1, 2024.

03/09/23 House: Impact statement from DPB (HB2258ER)

03/13/23 House: Enrolled Bill communicated to Governor on March 13, 2023

03/13/23 Governor: Governor's Action Deadline 11:59 p.m., March 27, 2023

03/26/23 Governor: Approved by Governor-Chapter 597 (effective 7/1/24)

03/26/23 Governor: Acts of Assembly Chapter text (CHAP0597)

## **HB 2294 Industrial hemp; regulated hemp products, etc.**

*Chief patron:* Kilgore

*Patrons:* Kilgore, Leftwich and Rasoul

An Act to amend and reenact §§ 3.2-4112, 3.2-4113, 3.2-4114, 3.2-4114.2, 3.2-4115, 3.2-4116, 3.2-4118, 3.2-4119, 3.2-4121, 3.2-5100, 3.2-5145.1, 3.2-5145.2:1, 3.2-5145.4, 3.2-5145.5, 4.1-600, 18.2-247, 18.2-251.1:3, 18.2-371.2, 54.1-3401, 54.1-3408.3, 54.1-3423, 54.1-3442.6, 54.1-3442.7, 54.1-3443, 54.1-3446, 59.1-200, 59.1-203, and 59.1-206 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 41.1 of Title 3.2 an article numbered 4, consisting of sections numbered 3.2-4122 through 3.2-4126, and by adding a section numbered 3.2-5145.4:1, relating to tetrahydrocannabinol; industrial hemp; regulated hemp products.

*Summary as enacted with Governor's Recommendations:*

**Tetrahydrocannabinol; hemp products; packaging, labeling, and testing; penalties.** Limits the amount of tetrahydrocannabinol (THC) that can be included in a hemp product or industrial hemp extract to 0.3 percent and two milligrams per package. The bill limits the application of such THC limits to retail sales and allows a hemp product or industrial hemp extract to contain more than two milligrams of THC if the product or extract contains an amount of cannabidiol (CBD) that is at least 25 times greater than the amount of THC; however, the bill prohibits hemp processors from selling industrial hemp or a substance containing an industrial hemp extract to a person if the processor knows or has reason to know that such person will use the industrial hemp or substance in a substance that violates the aforementioned THC limits.

The bill creates a regulated hemp product retail facility registration, which carries an annual fee of \$1,000, and requires persons to obtain such registration from the Commissioner (the Commissioner) of the Department of Agriculture and Consumer Services (the Department) prior to offering for sale or selling regulated hemp products, as defined in the bill, or any substance intended for consumption that is advertised or labeled as containing an industrial hemp-derived cannabinoid. The bill creates certain packaging, labeling, and testing requirements for regulated hemp products and requires that topical hemp products bear a label stating that the product is not intended for human consumption. The bill provides the Commissioner with the authority to access registered regulated hemp product retail facilities and any business that offers for sale or sells at retail a substance intended for human consumption that is advertised or labeled as containing a cannabinoid for the purpose of inspections and securing samples. The bill also imposes a civil penalty of up to \$10,000 per day for the following violations: (i) offering for sale or selling at retail without a regulated hemp product retail facility registration a regulated hemp product or a substance intended for human consumption, orally or by inhalation, that is advertised or labeled as containing an industrial hemp-derived cannabinoid, (ii) continuing to offer for sale or selling at retail a regulated hemp product after revocation or suspension of such registration, (iii) offering for sale or selling at retail a substance intended for human consumption, orally or by inhalation, that contains THC in excess of the applicable limits, or (iv) offering for sale or selling at retail a regulated hemp product that does not meet the applicable packaging, labeling, and testing requirements. The bill (i) clarifies that persons who manufacture, store, sell, or offer for sale an industrial hemp extract or food containing an industrial hemp extract are subject to the existing food and drink permit requirement and (ii) requires such persons to indicate their intent to manufacture, store, sell, or offer for sale an industrial hemp extract or food containing an industrial hemp extract on such permit application. The bill also creates labeling, packaging, and testing requirements for industrial hemp extracts and foods containing an industrial hemp extract.

The bill creates a civil penalty of \$10,000 for the following: (a) manufacturing, selling, or offering for sale an industrial hemp extract or food containing an industrial hemp extract without a permit; (b) continuing to manufacture, sell, or offer for sale an industrial hemp

extract or food containing an industrial hemp extract after revocation or suspension of such permit; (c) failing to disclose on a form prescribed by the Commissioner of the Virginia Department of Agriculture and Consumer Services that he intends to manufacture, sell, or offer for sale a substance intended to be consumed orally that contains an industrial hemp-derived cannabinoid; (d) manufacturing, selling, or offering for sale a food that contains more than 0.3 percent of THC or more than two milligrams of THC per package; (e) manufacturing, offering for sale, or selling in violation of food and drink laws or regulations a substance intended to be consumed orally that is advertised or labeled as containing an industrial hemp-derived cannabinoid; or (f) otherwise violating any provision of the Commonwealth's food and drink laws or regulations. The bill also makes it a Class 1 misdemeanor to engage in such actions, except for those set forth in clause (d). The bill makes it unlawful under the Consumer Protection Act to (1) sell or offer for sale any substance intended for human consumption that contains a synthetic derivative of THC or (2) sell or offer for sale a topical hemp product that does not include a label stating that the product is not intended for human consumption. The bill also increases existing civil penalties for certain hemp-related violations.

The bill provides that certain regulated hemp product provisions related to retail facility registrations, packaging, labeling, and testing and associated civil penalty provisions shall become effective when the Commissioner provides notice to the Virginia Code Commission that the Department has established the registration process. The bill removes tetrahydrocannabinol from the list of Schedule I controlled substances and contains other technical amendments.

04/12/23 House: Reenrolled bill text (HB2294ER2)

04/12/23 House: Signed by Speaker as reenrolled

04/12/23 Senate: Signed by President as reenrolled

04/12/23 House: Enacted, Chapter 794 (effective - see bill)

04/12/23 Governor: Acts of Assembly Chapter text (CHAP0794)

### **HB 2297 Cattle Industry Board; collection and disposition of assessment by handler.**

*Chief patron:* Ware

*Patrons:* Ware and Gooditis

An Act to amend and reenact § 3.2-1306 of the Code of Virginia, relating to Cattle Industry Board; collection and disposition of assessment by handler.

*Summary as introduced:*

**Cattle Industry Board; collection and disposition of assessment by handler.** Extends from July 1, 2023, to July 1, 2028, the \$0.50 per head assessment from the sale of cattle in the Commonwealth that is collected and deposited in the Virginia Cattle Industry Fund to support the activities of the Cattle Industry Board. This bill is identical to SB 795.

02/21/23 Senate: Signed by President

03/02/23 House: Enrolled Bill communicated to Governor on March 2, 2023

03/02/23 Governor: Governor's Action Deadline 11:59 p.m., March 27, 2023

03/22/23 Governor: Approved by Governor-Chapter 262 (effective 7/1/23)

03/22/23 Governor: Acts of Assembly Chapter text (CHAP0262)

### **HB 2325 Agricultural land; definitions, ownership by foreign adversaries prohibited, report.**

*Chief patron:* Bloxom

*Patrons:* Bloxom, Avoli, Ballard, Campbell, E.H., Cordoza, Durant, Fariss, Fowler, Freitas, Head, Hodges, Kilgore, LaRock, Leftwich, March, McNamara, O'Quinn, Robinson, Runion, Scott, P.A., Tata, Taylor, Wachsmann, Walker, Ware, Wiley and Williams

An Act to amend and reenact § 3.2-102 of the Code of Virginia and to amend the Code of Virginia by adding in Title 55.1 a chapter numbered 5.1, consisting of sections numbered 55.1-507, 55.1-508, and 55.1-509, relating to agricultural land; ownership by foreign adversaries prohibited.

*Summary as passed:*

**Agricultural land; acquisition or transfer by foreign adversaries prohibited; report.** Prohibits any foreign adversary, as defined in the bill, from acquiring or transferring any interest in agricultural land, as defined in federal law, beginning January 1, 2023, and requires the Department of Agriculture and Consumer Services to compile a report annually with certain information regarding agricultural land that is under foreign ownership and submit such report to the Governor and General Assembly. This bill is identical to SB 1438.

04/12/23 House: Reenrolled bill text (HB2325ER2)

04/12/23 House: Signed by Speaker as reenrolled

04/12/23 Senate: Signed by President as reenrolled

04/12/23 House: Enacted, Chapter 796 (effective 7/1/23)

04/12/23 Governor: Acts of Assembly Chapter text (CHAP0796)

### **HB 2348 Animal testing facilities; public notifications, definitions.**

*Chief patron:* Webert

*Patrons:* Webert and Kory

An Act to amend the Code of Virginia by adding in Article 13 of Chapter 65 of Title 3.2 a section numbered 3.2-6593.2, relating to animal testing facilities; public notification.

*Summary as passed:*

**Animal testing facilities; public notification.** Requires any animal testing facility, contract testing facility, or manufacturer, as defined in the bill, that uses an animal test method to display a link to its annual report (APHIS Form 7023) on the homepage or landing page of the facility's or manufacturer's website on or before December 1 for the preceding federal fiscal year. The bill requires an animal testing facility to make certain inspection reports publicly available by displaying a link to access such reports on the home page or landing page of the animal testing facility's website or, if such animal testing facility does not have a website, making such information available by means of a press release or other similar publication. The bill requires any animal testing facility operated by an institution of higher education that receives a citation for critical noncompliance, as defined in the bill, under the Animal Welfare Act or regulations adopted thereunder to notify the leadership of such institution, including the president, dean, and board of visitors or board of trustees. The provisions of the bill do not apply to any federal facility or privately owned licensed veterinary practice. This bill is identical to SB 1271.

03/08/23 Senate: Signed by President

03/13/23 House: Enrolled Bill communicated to Governor on March 13, 2023

03/13/23 Governor: Governor's Action Deadline 11:59 p.m., March 27, 2023

03/26/23 Governor: Approved by Governor-Chapter 532 (effective 7/1/23)

03/26/23 Governor: Acts of Assembly Chapter text (CHAP0532)

### **HB 2428 Marijuana; advertising restrictions, penalties.**

*Chief patron:* Wilt

*Patrons:* Wilt, Adams, D.M. and Carr

An Act to amend the Code of Virginia by adding a section numbered 4.1-1116 and by adding in Chapter 14 of Title 4.1 sections numbered 4.1-1400, 4.1-1401, and 4.1-1402, relating to marijuana; advertising restrictions; penalties.

*Summary as passed:*

**Marijuana; advertising restrictions; penalties.** Makes it a Class 1 misdemeanor to advertise in or send any advertising matter into the Commonwealth regarding marijuana, marijuana products, or any substance containing a synthetic tetrahydrocannabinol or synthetic derivative of tetrahydrocannabinol other than those that may be legally sold in the Commonwealth. The bill provides that for violations of certain distance and zoning restrictions on outdoor advertising, as set forth in the bill, the Board of Directors of the Virginia

Cannabis Control Authority must give the advertiser written notice to take corrective action and that, if such corrective action is not taken within 30 days, the advertiser is guilty of a Class 4 misdemeanor. The bill establishes numerous restrictions on marijuana advertisements, including provisions that prohibit advertisements from (i) targeting minors; (ii) being placed near schools, playgrounds, and certain other places; (iii) being displayed at a sporting event or on a billboard; (iv) being misleading, deceptive, or false; (v) referencing the intoxicating effects of marijuana; or (vi) promoting overconsumption or consumption by minors. This bill is identical to SB 1233.

03/10/23 House: Impact statement from DPB (HB2428ER)

03/13/23 House: Enrolled Bill communicated to Governor on March 13, 2023

03/13/23 Governor: Governor's Action Deadline 11:59 p.m., March 27, 2023

03/27/23 Governor: Approved by Governor-Chapter 711 (effective 7/1/23)

03/27/23 Governor: Acts of Assembly Chapter text (CHAP0711)

### **HB 2445 Wholesome food donation; tax credit renewed.**

*Chief patron:* Bennett-Parker

*Patrons:* Bennett-Parker, Seibold, Sewell and Williams Graves; Senator: Rouse

An Act to amend and reenact § 58.1-439.12:12 of the Code of Virginia, relating to food donation tax credit.

*Summary as passed:*

**Wholesome food donation tax credit.** Renews the wholesome food donation tax credit for taxable years beginning on or after January 1, 2023, but before January 1, 2028. The bill allows any person engaged in the business of farming that donates food crops or wholesome food, defined in the bill, produced by the person in the Commonwealth to a nonprofit food bank to claim a tax credit for the taxable year of the donation in the amount of 50 percent of the fair market value of such donation, not to exceed \$10,000 for all such donations made by the person during such year.

03/08/23 Senate: Signed by President

03/13/23 House: Enrolled Bill communicated to Governor on March 13, 2023

03/13/23 Governor: Governor's Action Deadline 11:59 p.m., March 27, 2023

03/22/23 Governor: Approved by Governor-Chapter 165 (effective 7/1/23)

03/22/23 Governor: Acts of Assembly Chapter text (CHAP0165)

### **SB 795 Cattle Industry Board; collection and disposition of assessment by handler.**

*Chief patron:* Hanger

*Patron:* Hanger

An Act to amend and reenact § 3.2-1306 of the Code of Virginia, relating to Cattle Industry Board; collection and disposition of assessment by handler.

*Summary as introduced:*

**Cattle Industry Board; collection and disposition of assessment by handler.** Extends from July 1, 2023, to July 1, 2028, the \$0.50 per head assessment from the sale of cattle in the Commonwealth that is collected and deposited in the Virginia Cattle Industry Fund to support the activities of the Cattle Industry Board. This bill is identical to HB 2297.

02/16/23 Senate: Signed by President

02/27/23 Senate: Enrolled Bill Communicated to Governor on February 27, 2023

02/27/23 Governor: Governor's Action Deadline 11:59 p.m., March 27, 2023

03/22/23 Governor: Approved by Governor-Chapter 263 (effective 7/1/23)

03/22/23 Governor: Acts of Assembly Chapter text (CHAP0263)



**SB 897 Blue Catfish Processing, Flash Freezing, and Infrastructure Grant Program; created.**

*Chief patron:* Stuart

*Patron:* Stuart

An Act to amend and reenact § 3.2-304 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 3.1 of Title 3.2 a section numbered 3.2-312, relating to Blue Catfish Processing, Flash Freezing, and Infrastructure Grant Program; created.

*Summary as passed Senate:*

**Governor's Blue Catfish Processing, Flash Freezing, and Infrastructure Grant Program.** Establishes the Governor's Blue Catfish Processing, Flash Freezing, and Infrastructure Grant Program and authorizes the Governor to award grants to political subdivisions from the Governor's Agriculture and Forestry Industries Development Fund as part of the Program. Such grants, in amounts up to \$250,000, shall be awarded as reimbursable grants to support blue catfish processing, flash freezing, and infrastructure projects. The bill directs the Secretary of Agriculture and Forestry to develop certain guidelines as provided in the bill on behalf of the Governor to facilitate the Program. This bill is identical to HB 1664.

03/08/23 House: Signed by Speaker

03/13/23 Senate: Enrolled Bill Communicated to Governor on March 13, 2023

03/13/23 Governor: Governor's Action Deadline 11:59 p.m., March 27, 2023

03/21/23 Governor: Approved by Governor-Chapter 134 (effective 7/1/23)

03/21/23 Governor: Acts of Assembly Chapter text (CHAP0134)

**SB 903 Industrial hemp; regulated hemp products, etc.**

*Chief patron:* Hanger

*Patrons:* Hanger and Reeves; Delegate: Avoli

An Act to amend and reenact §§ 3.2-4112, 3.2-4113, 3.2-4114, 3.2-4114.2, 3.2-4115, 3.2-4116, 3.2-4118, 3.2-4119, 3.2-4121, 3.2-5100, 3.2-5145.1, 3.2-5145.2:1, 3.2-5145.4, 3.2-5145.5, 4.1-600, 18.2-247, 18.2-251.1:3, 18.2-371.2, 54.1-3401, 54.1-3408.3, 54.1-3423, 54.1-3442.6, 54.1-3442.7, 54.1-3443, 54.1-3446, 59.1-200, 59.1-203, and 59.1-206 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 41.1 of Title 3.2 an article numbered 4, consisting of sections numbered 3.2-4122 through 3.2-4126, and by adding a section numbered 3.2-5145.4:1, relating to tetrahydrocannabinol; industrial hemp; regulated hemp products.

*Summary as enacted with Governor's Recommendations:*

**Tetrahydrocannabinol; hemp products; packaging, labeling, and testing; penalties.** Limits the amount of tetrahydrocannabinol (THC) that can be included in a hemp product or industrial hemp extract to 0.3 percent and two milligrams per package. The bill limits the application of such THC limits to retail sales and allows a hemp product or industrial hemp extract to contain more than two milligrams of THC if the product or extract contains an amount of cannabidiol (CBD) that is at least 25 times greater than the amount of THC; however, the bill prohibits hemp processors from selling industrial hemp or a substance containing an industrial hemp extract to a person if the processor knows or has reason to know that such person will use the industrial hemp or substance in a substance that violates the aforementioned THC limits.

The bill creates a regulated hemp product retail facility registration, which carries an annual fee of \$1,000, and requires persons to obtain such registration from the Commissioner (the Commissioner) of the Department of Agriculture and Consumer Services (the Department) prior to offering for sale or selling regulated hemp products, as defined in the bill, or any substance intended for consumption that is advertised or labeled as containing an industrial hemp-derived cannabinoid. The bill creates certain packaging, labeling, and testing requirements for regulated hemp products and requires that topical hemp products bear a label stating that the product is not intended for human consumption. The bill provides the Commissioner with the authority to access registered regulated hemp product retail facilities and any business that offers for sale or sells at retail a substance intended for human consumption that is advertised or labeled as containing a cannabinoid for the purpose of inspections and securing samples. The bill also imposes a civil

penalty of up to \$10,000 per day for the following violations: (i) offering for sale or selling at retail without a regulated hemp product retail facility registration a regulated hemp product or a substance intended for human consumption, orally or by inhalation, that is advertised or labeled as containing an industrial hemp-derived cannabinoid, (ii) continuing to offer for sale or selling at retail a regulated hemp product after revocation or suspension of such registration, (iii) offering for sale or selling at retail a substance intended for human consumption, orally or by inhalation, that contains THC in excess of the applicable limits, or (iv) offering for sale or selling at retail a regulated hemp product that does not meet the applicable packaging, labeling, and testing requirements. The bill (i) clarifies that persons who manufacture, store, sell, or offer for sale an industrial hemp extract or food containing an industrial hemp extract are subject to the existing food and drink permit requirement and (ii) requires such persons to indicate their intent to manufacture, store, sell, or offer for sale an industrial hemp extract or food containing an industrial hemp extract on such permit application. The bill also creates labeling, packaging, and testing requirements for industrial hemp extracts and foods containing an industrial hemp extract.

The bill creates a civil penalty of \$10,000 for the following: (a) manufacturing, selling, or offering for sale an industrial hemp extract or food containing an industrial hemp extract without a permit; (b) continuing to manufacture, sell, or offer for sale an industrial hemp extract or food containing an industrial hemp extract after revocation or suspension of such permit; (c) failing to disclose on a form prescribed by the Commissioner of the Virginia Department of Agriculture and Consumer Services that he intends to manufacture, sell, or offer for sale a substance intended to be consumed orally that contains an industrial hemp-derived cannabinoid; (d) manufacturing, selling, or offering for sale a food that contains more than 0.3 percent of THC or more than two milligrams of THC per package; (e) manufacturing, offering for sale, or selling in violation of food and drink laws or regulations a substance intended to be consumed orally that is advertised or labeled as containing an industrial hemp-derived cannabinoid; or (f) otherwise violating any provision of the Commonwealth's food and drink laws or regulations. The bill also makes it a Class 1 misdemeanor to engage in such actions, except for those set forth in clause (d). The bill makes it unlawful under the Consumer Protection Act to (1) sell or offer for sale any substance intended for human consumption that contains a synthetic derivative of THC or (2) sell or offer for sale a topical hemp product that does not include a label stating that the product is not intended for human consumption. The bill also increases existing civil penalties for certain hemp-related violations.

The bill provides that certain regulated hemp product provisions related to retail facility registrations, packaging, labeling, and testing and associated civil penalty provisions shall become effective when the Commissioner provides notice to the Virginia Code Commission that the Department has established the registration process. The bill removes tetrahydrocannabinol from the list of Schedule I controlled substances and contains other technical amendments.

04/12/23 Senate: Reenrolled bill text (SB903ER2)

04/12/23 Senate: Signed by President as reenrolled

04/12/23 House: Signed by Speaker as reenrolled

04/12/23 House: Enacted, Chapter 744 (effective 7/1/23)

04/12/23 Governor: Acts of Assembly Chapter text (CHAP0744)

## **SB 1057 Farm use placards; permanent placards for any pickup or panel truck, etc.**

*Chief patron:* Hanger

*Patrons:* Hanger and Ruff

An Act to amend and reenact §§ 46.2-665, as it is currently effective and as it shall become effective, 46.2-666, as it is currently effective and as it shall become effective, 46.2-667, 46.2-670, as it is currently effective and as it shall become effective, 46.2-672, as it shall become effective, 46.2-673, as it is currently effective and as it shall become effective, 46.2-684.2, 58.1-2403, and 58.1-3505 of the Code of Virginia and to amend and reenact the second enactment of Chapter 51 and the second enactment of Chapter 52 of the Acts of Assembly of 2022, relating to farm use placards.

*Summary as passed Senate:*

**Farm use placards.** Delays from July 1, 2023, to July 1, 2024, the date by which vehicles claiming a farm use exemption are required to obtain a farm use placard from the Department of Motor Vehicles and display such placard at all times. The bill provides that the



requirement to display a farm use placard only applies to pickup or panel trucks and sport utility vehicles. The bill removes certain requirements on the application for a farm use placard, prohibits requesting additional information on such application, and prohibits disclosure of application information. The bill authorizes the use of an agricultural or horticultural vehicle for disposing of incidental refuse and a seasonal transportation vehicle for driving to a storage house, packing plant, or market regardless of distance. The bill clarifies that the exemption for transporting back to a farm essential food includes procuring a meal for a farmer or his employees and that such exemption applies while engaged in authorized farm vehicle uses. The bill exempts vehicles required to obtain a farm use placard from the motor vehicle sales and use tax and authorizes localities to exempt such vehicles from personal property tax. This bill is identical to HB 1806.

02/23/23 Senate: Signed by President

03/02/23 Senate: Enrolled Bill Communicated to Governor on March 2, 2023

03/02/23 Governor: Governor's Action Deadline 11:59 p.m., March 27, 2023

03/21/23 Governor: Approved by Governor-Chapter 86 (effective 7/1/23)

03/21/23 Governor: Acts of Assembly Chapter text (CHAP0086)

### **SB 1233 Marijuana; advertising restrictions, penalties.**

*Chief patron:* Obenshain

*Patron:* Obenshain

An Act to amend the Code of Virginia by adding a section numbered 4.1-1116 and by adding in Chapter 14 of Title 4.1 sections numbered 4.1-1400, 4.1-1401, and 4.1-1402, relating to marijuana; advertising restrictions; penalties.

*Summary as passed:*

**Marijuana; advertising restrictions; penalties.** Makes it a Class 1 misdemeanor to advertise in or send any advertising matter into the Commonwealth regarding marijuana, marijuana products, or any substance containing a synthetic tetrahydrocannabinol or synthetic derivative of tetrahydrocannabinol other than those that may be legally sold in the Commonwealth. The bill provides that for violations of certain distance and zoning restrictions on outdoor advertising, as set forth in the bill, the Board of Directors of the Virginia Cannabis Control Authority must give the advertiser written notice to take corrective action and that, if such corrective action is not taken within 30 days, the advertiser is guilty of a Class 4 misdemeanor. The bill establishes numerous restrictions on marijuana advertisements, including provisions that prohibit advertisements from (i) targeting minors; (ii) being placed near schools, playgrounds, and certain other places; (iii) being displayed at a sporting event or on a billboard; (iv) being misleading, deceptive, or false; (v) referencing the intoxicating effects of marijuana; or (vi) promoting overconsumption or consumption by minors. This bill is identical to HB 2428.

03/10/23 Senate: Impact statement from DPB (SB1233ER)

03/13/23 Senate: Enrolled Bill Communicated to Governor on March 13, 2023

03/13/23 Governor: Governor's Action Deadline 11:59 p.m., March 27, 2023

03/27/23 Governor: Approved by Governor-Chapter 712 (effective 7/1/23)

03/27/23 Governor: Acts of Assembly Chapter text (CHAP0712)

### **SB 1239 Dairy Producer Margin Coverage Premium Assistance Program Fund; created, extends sunset provision.**

*Chief patron:* Obenshain

*Patron:* Obenshain

An Act to amend and reenact §§ 3.2-3304 and 3.2-3307 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 3.2-3305.1, relating to Dairy Producer Margin Coverage Premium Assistance Program and Fund.

*Summary as passed Senate:*

**Dairy Producer Margin Coverage Premium Assistance Program; Fund; sunset.** Creates in the state treasury a special nonreverting fund to be known as the Dairy Producer Margin Coverage Premium Assistance Program Fund. The bill extends the expiration date of the provisions of the Dairy Producer Margin Coverage Premium Assistance Program from July 1, 2023, to July 1, 2028. This bill is identical to HB 1660.

02/25/23 Senate: Signed by President

03/02/23 Senate: Enrolled Bill Communicated to Governor on March 2, 2023

03/02/23 Governor: Governor's Action Deadline 11:59 p.m., March 27, 2023

03/21/23 Governor: Approved by Governor-Chapter 147 (effective 7/1/23)

03/21/23 Governor: Acts of Assembly Chapter text (CHAP0147)

### **SB 1271 Animal testing facilities; public notifications, definitions.**

*Chief patron:* Boysko

*Patrons:* Boysko, Stanley, Morrissey and Surovell

An Act to amend the Code of Virginia by adding in Article 13 of Chapter 65 of Title 3.2 a section numbered 3.2-6593.2, relating to animal testing facilities; public notification.

*Summary as passed:*

**Animal testing facilities; public notification.** Requires any animal testing facility, contract testing facility, or manufacturer, as defined in the bill, that uses an animal test method to display a link to its annual report (APHIS Form 7023) on the homepage or landing page of the facility's or manufacturer's website on or before December 1 for the preceding federal fiscal year. The bill requires an animal testing facility to make certain inspection reports publicly available by displaying a link to access such reports on the home page or landing page of the animal testing facility's website or, if such animal testing facility does not have a website, making such information available by means of a press release or other similar publication. The bill requires any animal testing facility operated by an institution of higher education that receives a citation for critical noncompliance, as defined in the bill, under the Animal Welfare Act or regulations adopted thereunder to notify the leadership of such institution, including the president, dean, and board of visitors or board of trustees. The provisions of the bill do not apply to any federal facility or privately owned licensed veterinary practice. This bill is identical to HB 2348.

03/08/23 House: Signed by Speaker

03/13/23 Senate: Enrolled Bill Communicated to Governor on March 13, 2023

03/13/23 Governor: Governor's Action Deadline 11:59 p.m., March 27, 2023

03/26/23 Governor: Approved by Governor-Chapter 533 (effective 7/1/23)

03/26/23 Governor: Acts of Assembly Chapter text (CHAP0533)

### **SB 1438 Agricultural land; definitions, ownership by foreign adversaries prohibited, report.**

*Chief patron:* Stuart

*Patrons:* Stuart, McDougle, Pillion, Reeves, Ruff and Stanley

An Act to amend and reenact § 3.2-102 of the Code of Virginia and to amend the Code of Virginia by adding in Title 55.1 a chapter numbered 5.1, consisting of sections numbered 55.1-507, 55.1-508, and 55.1-509, relating to agricultural land; ownership by foreign adversaries prohibited.

*Summary as passed Senate:*

**Agricultural land; acquisition or transfer by foreign adversaries prohibited; report.** Prohibits any foreign adversary, as defined in the bill, from acquiring or transferring any interest in agricultural land, as defined in federal law, beginning January 1, 2023, and requires the Department of Agriculture and Consumer Services to compile a report annually with certain information regarding agricultural land that is under foreign ownership and submit such report to the Governor and General Assembly. This bill is identical to HB 2325.

04/12/23 Senate: Reenrolled bill text (SB1438ER2)  
04/12/23 Senate: Signed by President as reenrolled  
04/12/23 House: Signed by Speaker as reenrolled  
04/12/23 House: Enacted, Chapter 765 (effective 7/1/23)  
04/12/23 Governor: Acts of Assembly Chapter text (CHAP0765)

### **SB 1511 Land use classifications; property qualifications.**

*Chief patron:* Hanger

*Patron:* Hanger

An Act to amend and reenact §§ 58.1-3230 and 58.1-3234 of the Code of Virginia, relating to land use classifications; property qualifications.

*Summary as introduced:*

**Land use classifications; property qualifications.** Allows a property that formerly participated in and continues to meet the qualifications of a state or federal soil and water conservation program but is no longer receiving payments or other compensation as a result of such program to continue to be eligible for designation as real estate devoted to agricultural use and real estate devoted to horticultural use. The bill further states that the presence of noxious weeds or woody growth shall not be the sole basis for denial of a property's designation as real estate devoted to agricultural use. Further, the bill requires that the application form for taxation on the basis of a use assessment allow a landowner who received payments or compensation as a result of the former participation of his property in a state or federal soil and water conservation program, and whose property continues to meet the qualifications of such program but is no longer receiving such payments or compensation, to certify that the land continues to meet the requirements of such program for the purposes of classification.

02/27/23 Senate: Impact statement from TAX (SB1511ER)  
03/02/23 Senate: Enrolled Bill Communicated to Governor on March 2, 2023  
03/02/23 Governor: Governor's Action Deadline 11:59 p.m., March 27, 2023  
03/23/23 Governor: Approved by Governor-Chapter 345 (effective 7/1/23)  
03/23/23 Governor: Acts of Assembly Chapter text (CHAP0345)

### **SB 1525 Wholesome food donation; tax credit renewed.**

*Chief patron:* Rouse

*Patrons:* Rouse, Deeds, Lewis and Mason

An Act to amend and reenact § 58.1-439.12:12 of the Code of Virginia, relating to food donation tax credit.

*Summary as passed:*

**Wholesome food donation tax credit.** Renews the wholesome food donation tax credit for taxable years beginning on or after January 1, 2023, but before January 1, 2028. The bill allows any person engaged in the business of farming that donates food crops or wholesome food, defined in the bill, produced by the person in the Commonwealth to a nonprofit food bank to claim a tax credit for the taxable year of the donation in the amount of 50 percent of the fair market value of such donation, not to exceed \$10,000 for all such donations made by the person during such year. This bill is identical to HB 2445.

03/08/23 House: Signed by Speaker  
03/13/23 Senate: Enrolled Bill Communicated to Governor on March 13, 2023  
03/13/23 Governor: Governor's Action Deadline 11:59 p.m., March 27, 2023  
03/22/23 Governor: Approved by Governor-Chapter 166 (effective 7/1/23)  
03/22/23 Governor: Acts of Assembly Chapter text (CHAP0166)

**SB 1540 Consumer protection; automatic renewal or continuous service offer to consumer, exemptions.**

*Chief patron:* Pillion

*Patron:* Pillion

An Act to amend and reenact §§ 59.1-207.45 and 59.1-207.48 of the Code of Virginia, relating to consumer protection; automatic renewal offers and continuous service offers; exemptions.

*Summary as introduced:*

**Consumer protection; automatic renewal or continuous service offer to consumer; exemptions.** Exempts extended service contract providers, and their affiliates, regulated by the Department of Agriculture and Consumer Services and insurers or entities regulated by Title 38.2 (Insurance) from provisions of law governing automatic renewal and continuous service offers to consumers. The bill also amends the definition of "automatic renewal" to mean a plan or arrangement in which a paid subscription or purchasing agreement is automatically renewed at the end of a definite term for a subsequent term of more than one month. Current law does not specify the length of the subsequent renewal term.

02/23/23 Senate: Signed by President

03/02/23 Senate: Enrolled Bill Communicated to Governor on March 2, 2023

03/02/23 Governor: Governor's Action Deadline 11:59 p.m., March 27, 2023

03/23/23 Governor: Approved by Governor-Chapter 288 (effective 7/1/23)

03/23/23 Governor: Acts of Assembly Chapter text (CHAP0288)

**Counts:** HB: 15 SB: 11

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**BOARD OF AGRICULTURE AND CONSUMER SERVICES  
Future Meeting Dates**

**MARK YOUR CALENDARS**

**Friday, August 4, 2023**

TBD

Virginia Beach

**Thursday, December 7, 2023**

TBD

Richmond