

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 10.1-1308 of the Code of Virginia, relating to selling of consumer*
3 *products.*

4 [H 1133]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 10.1-1308 of the Code of Virginia is amended and reenacted as follows:**

8 § 10.1-1308. Regulations.

9 A. The Board, after having studied air pollution in the various areas of the Commonwealth, its
10 causes, prevention, control and abatement, shall have the power to promulgate regulations, including
11 emergency regulations, abating, controlling and prohibiting air pollution throughout or in any part of the
12 Commonwealth in accordance with the provisions of the Administrative Process Act (§ 2.2-4000 et seq.),
13 except that a description of provisions of any proposed regulation which are more restrictive than
14 applicable federal requirements, together with the reason why the more restrictive provisions are needed,
15 shall be provided to the standing committee of each house of the General Assembly to which matters
16 relating to the content of the regulation are most properly referable. No such regulation, shall prohibit
17 the burning of leaves from trees by persons on property where they reside if the local governing body of
18 the county, city or town has enacted an otherwise valid ordinance regulating such burning. The
19 regulations shall not promote or encourage any substantial degradation of present air quality in any air
20 basin or region which has an air quality superior to that stipulated in the regulations. Any regulations
21 adopted by the Board to have general effect in part or all of the Commonwealth shall be filed in
22 accordance with the Virginia Register Act (§ 2.2-4100 et seq.).

23 B. Any regulation that prohibits the selling of any consumer product shall not restrict the continued
24 sale of the product by retailers of any existing inventories in stock at the time the regulation is
25 promulgated.

26 B C. Any regulation requiring the use of stage 1 vapor recovery equipment at gasoline dispensing
27 facilities may be applicable only in areas that have been designated at any time by the U.S.
28 Environmental Protection Agency as nonattainment for the pollutant ozone. For purposes of this section,
29 gasoline dispensing facility means any site where gasoline is dispensed to motor vehicle tanks from
30 storage tanks.

REENROLLED

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