

# VIRGINIA ACTS OF ASSEMBLY -- 2016 SESSION

## CHAPTER 91

*An Act to amend and reenact § 54.1-2731 of the Code of Virginia, relating to dietitians and nutritionists.*

[H 574]

Approved March 1, 2016

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

**1. That § 54.1-2731 of the Code of Virginia is amended and reenacted as follows:**

**§ 54.1-2731. Prohibited terms; penalty.**

A. As used in this section, *"nutritional genomics"* means the consideration of biochemical or genetic information to evaluate how genetics affect gene function and how genetic variation alters nutrient response, including the study of how dietary and other lifestyle choices influence the function of humans at the molecular, cellular, organismal, and populational levels.

B. No person shall hold himself out to be or advertise or permit to be advertised that such person is a dietitian or nutritionist unless such person:

1. Has (i) received a baccalaureate or higher degree in nutritional sciences, community nutrition, public health nutrition, food and nutrition, dietetics, or human nutrition from a regionally accredited college or university and (ii) satisfactorily completed a program of supervised clinical experience approved by the Commission on Dietetic Registration of the ~~American Dietetic Association~~ *Academy of Nutrition and Dietetics*;

2. Has active registration through the Commission on Dietetic Registration of the ~~American Dietetic Association~~ *Academy of Nutrition and Dietetics*;

3. Has an active certificate of the ~~Certification Board for Certification of Nutrition Specialists by the Board of Nutrition Specialists~~ *as a Certified Nutrition Specialist*;

4. Has an active ~~accreditation by the Diplomats or Fellows~~ *certification as a Diplomate* of the ~~American Clinical Board of Nutrition~~;

5. Has a current license or certificate as a dietitian or nutritionist issued by another state; or

6. Has the minimum requisite education, training and experience determined by the Board of Health Professions appropriate for such person to hold himself out to be, or advertise or allow himself to be advertised as, a dietitian or nutritionist.

The restrictions of this section apply to the use of the terms "dietitian" and "nutritionist" as used alone or in any combination with the terms "licensed," "certified," or "registered," as those terms also imply a minimum level of education, training and competence.

C. Any person who meets the requirements set forth in subsection B who receives nutritional genomics testing information shall maintain such information in accordance with applicable federal and state law.

D. A person who does not meet the requirements of subsection B but who (i) has a baccalaureate degree with a major in food and nutrition or dietetics or has equivalent hours of food and nutrition coursework and (ii) has two years of work experience in nutrition or dietetics concurrent with or subsequent to completion of such degree may hold himself out as a dietitian or nutritionist, provided he is employed by or under contract to a government agency and practices solely within the scope of such employment.

~~B.~~ E. Any person who willfully violates the provisions of this section ~~shall be~~ is guilty of a Class 3 misdemeanor.