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HOUSE BILL NO. 2319

Offered January 13, 2025

Prefiled January 8, 2025

A BILL to amend and reenact §§ 18.2-265.1 and 54.1-3466 of the Code of Virginia, relating to drug paraphernalia; controlled paraphernalia; drug checking products; exception.

Patrons—Sickles, Wachsmann, Webert and Taylor

Referred to Committee on Health and Human Services

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-265.1 and 54.1-3466 of the Code of Virginia is are amended and reenacted as follows:

§ 18.2-265.1. Definition.

As used in this article, the term "drug paraphernalia" means all equipment, products, and materials of any kind which are either designed for use or which are intended by the person charged with violating § 18.2-265.3 for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, strength testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body marijuana or a controlled substance. ~~It~~ "Drug paraphernalia" includes, but is not limited to:

1. Kits intended for use or designed for use in planting, propagating, cultivating, growing, or harvesting of marijuana or any species of plant which is a controlled substance or from which a controlled substance can be derived;

2. Kits intended for use or designed for use in manufacturing, compounding, converting, producing, processing, or preparing marijuana or controlled substances;

3. Isomerization devices intended for use or designed for use in increasing the potency of marijuana or any species of plant which is a controlled substance;

4. Testing equipment intended for use or designed for use in identifying or in analyzing the strength or effectiveness of marijuana or controlled substances, other than ~~narcotic testing~~ drug checking products used to determine whether a controlled substance contains fentanyl or a fentanyl analog the presence or concentration of a contaminant that can cause physical harm or death;

5. Scales and balances intended for use or designed for use in weighing or measuring marijuana or controlled substances;

6. Diluents and adulterants, such as quinine hydrochloride, mannitol, or mannite, intended for use or designed for use in cutting controlled substances;

7. Separation gins and sifters intended for use or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana;

8. Blenders, bowls, containers, spoons, and mixing devices intended for use or designed for use in compounding controlled substances;

9. Capsules, balloons, envelopes, and other containers intended for use or designed for use in packaging small quantities of marijuana or controlled substances;

10. Containers and other objects intended for use or designed for use in storing or concealing marijuana or controlled substances;

11. Hypodermic syringes, needles, and other objects intended for use or designed for use in parenterally injecting controlled substances into the human body;

12. Objects intended for use or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as:

a. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;

b. Water pipes;

c. Carburetion tubes and devices;

d. Smoking and carburetion masks;

e. Roach clips, meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;

f. Miniature cocaine spoons, and cocaine vials;

g. Chamber pipes;

h. Carburetor pipes;

i. Electric pipes;

j. Air-driven pipes;

k. Chillums;

- 59 l. Bongs;
60 m. Ice pipes or chillers.

61 **§ 54.1-3466. Possession or distribution of controlled paraphernalia; definition of controlled**
62 **paraphernalia; evidence; exceptions.**

63 A. For purposes of this chapter, "controlled paraphernalia" means (i) a hypodermic syringe, needle, or
64 other instrument or implement or combination thereof adapted for the administration of controlled dangerous
65 substances by hypodermic injections under circumstances that reasonably indicate an intention to use such
66 controlled paraphernalia for purposes of illegally administering any controlled drug or (ii) gelatin capsules,
67 glassine envelopes, or any other container suitable for the packaging of individual quantities of controlled
68 drugs in sufficient quantity to and under circumstances that reasonably indicate an intention to use any such
69 item for the illegal manufacture, distribution, or dispensing of any such controlled drug. Evidence of such
70 circumstances shall include, but not be limited to, close proximity of any such controlled paraphernalia to any
71 adulterants or equipment commonly used in the illegal manufacture and distribution of controlled drugs,
72 including, but not limited to, scales, sieves, strainers, measuring spoons, staples and staplers, or procaine
73 hydrochloride, mannitol, lactose, quinine, or any controlled drug, or any machine, equipment, instrument,
74 implement, device, or combination thereof that is adapted for the production of controlled drugs under
75 circumstances that reasonably indicate an intention to use such item or combination thereof to produce, sell,
76 or dispense any controlled drug in violation of the provisions of this chapter. "Controlled paraphernalia" does
77 not include narcotic testing drug checking products used to determine whether a controlled substance
78 contains fentanyl or a fentanyl analog *the presence or concentration of a contaminant that can cause physical*
79 *harm or death.*

80 B. Except as authorized in this chapter, it is unlawful for any person to possess controlled paraphernalia.

81 C. Except as authorized in this chapter, it is unlawful for any person to distribute controlled paraphernalia.

82 D. A violation of this section is a Class 1 misdemeanor.

83 E. The provisions of this section shall not apply to persons who have acquired possession and control of
84 controlled paraphernalia in accordance with the provisions of this article or to any person who owns or is
85 engaged in breeding or raising livestock, poultry, or other animals to which hypodermic injections are
86 customarily given in the interest of health, safety, or good husbandry; or to hospitals, physicians, pharmacists,
87 dentists, podiatrists, veterinarians, funeral directors and embalmers, persons to whom a permit has been
88 issued, manufacturers, wholesalers, or their authorized agents or employees when in the usual course of their
89 business, if the controlled paraphernalia lawfully obtained continue to be used for the legitimate purposes for
90 which they were obtained.

91 F. The provisions of this section and of § 18.2-265.3 shall not apply to (i) a person who dispenses
92 naloxone in accordance with the provisions of subsection Y of § 54.1-3408 and who, in conjunction with
93 such dispensing of naloxone, dispenses or distributes hypodermic needles and syringes for injecting such
94 naloxone or (ii) a person who possesses naloxone that has been dispensed in accordance with the provisions
95 of subsection Y of § 54.1-3408 and possesses hypodermic needles and syringes for injecting such naloxone in
96 conjunction with such possession of naloxone.

97 G. The provisions of this section and of § 18.2-265.3 shall not apply to (i) a person who possesses or
98 distributes controlled paraphernalia on behalf of or for the benefit of a comprehensive harm reduction
99 program established pursuant to § 32.1-45.4 or (ii) a person who possesses controlled paraphernalia obtained
100 from a comprehensive harm reduction program established pursuant to § 32.1-45.4.