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HOUSE BILL NO. 2485

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on General Laws on January 28, 2025)

(Patron Prior to Substitute—Delegate Krizek)

A BILL to amend and reenact §§ 2.2-2499.8, 3.2-4113, 4.1-352, 4.1-600, 4.1-601, 4.1-603, 4.1-604, 4.1-606, 4.1-607, 4.1-611, 4.1-614, 4.1-621, 4.1-1100, 4.1-1101, 4.1-1121, 4.1-1500, 4.1-1501, 4.1-1502, 4.1-1601, 4.1-1604, 5.1-13, 9.1-1101, 16.1-69.40:1, 16.1-260, 16.1-273, 16.1-278.9, 18.2-46.1, 18.2-247, 18.2-248, 18.2-248.01, 18.2-251, 18.2-251.03, 18.2-251.1:1, 18.2-251.1:2, 18.2-251.1:3, 18.2-252, 18.2-254, 18.2-255, 18.2-255.1, 18.2-255.2, 18.2-258, 18.2-258.02, 18.2-258.1, 18.2-265.1, 18.2-265.2, 18.2-265.3, 18.2-287.2, 18.2-308.012, 18.2-308.4, 18.2-460, 18.2-474.1, 19.2-66, 19.2-81, 19.2-81.1, 19.2-83.1, 19.2-188.1, 19.2-303.01, 19.2-386.22 through 19.2-386.25, 19.2-389, 19.2-389.3, as it is currently effective and as it shall become effective, 19.2-392.02, 19.2-392.6, 22.1-206, 22.1-277.08, 23.1-1301, 46.2-105.2, 46.2-347, 48-17.1, 53.1-231.2, 54.1-2903, 58.1-301, and 59.1-200, as it is currently effective and as it shall become effective, of the Code of Virginia; to amend the Code of Virginia by adding in Chapter 6 of Title 4.1 sections numbered 4.1-629, 4.1-630, and 4.1-631, by adding in Title 4.1 chapters numbered 7 through 10, consisting of sections numbered 4.1-700 through 4.1-1008, by adding sections numbered 4.1-1102 through 4.1-1105, 4.1-1106, 4.1-1113, 4.1-1114, 4.1-1115, 4.1-1117, 4.1-1118, and 4.1-1119, by adding in Title 4.1 a chapter numbered 12, consisting of sections numbered 4.1-1200 through 4.1-1206, by adding in Chapter 13 of Title 4.1 sections numbered 4.1-1300, 4.1-1301, and 4.1-1303 through 4.1-1309, by adding in Chapter 14 of Title 4.1 sections numbered 4.1-1403 through 4.1-1406, by adding in Article 2 of Chapter 1 of Title 6.2 a section numbered 6.2-108, and by adding in Chapter 44 of Title 54.1 a section numbered 54.1-4426; and to repeal §§ 4.1-1101.1, 4.1-1105.1, 18.2-248.1, and 18.2-251.1 of the Code of Virginia, relating to cannabis control; retail market; penalties.

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-2499.8, 3.2-4113, 4.1-352, 4.1-600, 4.1-601, 4.1-603, 4.1-604, 4.1-606, 4.1-607, 4.1-611, 4.1-614, 4.1-621, 4.1-1100, 4.1-1101, 4.1-1121, 4.1-1500, 4.1-1501, 4.1-1502, 4.1-1601, 4.1-1604, 5.1-13, 9.1-1101, 16.1-69.40:1, 16.1-260, 16.1-273, 16.1-278.9, 18.2-46.1, 18.2-247, 18.2-248, 18.2-248.01, 18.2-251, 18.2-251.03, 18.2-251.1:1, 18.2-251.1:2, 18.2-251.1:3, 18.2-252, 18.2-254, 18.2-255, 18.2-255.1, 18.2-255.2, 18.2-258, 18.2-258.02, 18.2-258.1, 18.2-265.1, 18.2-265.2, 18.2-265.3, 18.2-287.2, 18.2-308.012, 18.2-308.4, 18.2-460, 18.2-474.1, 19.2-66, 19.2-81, 19.2-81.1, 19.2-83.1, 19.2-188.1, 19.2-303.01, 19.2-386.22 through 19.2-386.25, 19.2-389, 19.2-389.3, as it is currently effective and as it shall become effective, 19.2-392.02, 19.2-392.6, 22.1-206, 22.1-277.08, 23.1-1301, 46.2-105.2, 46.2-347, 48-17.1, 53.1-231.2, 54.1-2903, 58.1-301, and 59.1-200, as it is currently effective and as it shall become effective, of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 6 of Title 4.1 sections numbered 4.1-629, 4.1-630, and 4.1-631, by adding in Title 4.1 chapters numbered 7 through 10, consisting of sections numbered 4.1-700 through 4.1-1008, by adding sections numbered 4.1-1102 through 4.1-1105, 4.1-1106, 4.1-1113, 4.1-1114, 4.1-1115, 4.1-1117, 4.1-1118, and 4.1-1119, by adding in Title 4.1 a chapter numbered 12, consisting of sections numbered 4.1-1200 through 4.1-1206, by adding in Chapter 13 of Title 4.1 sections numbered 4.1-1300, 4.1-1301, and 4.1-1303 through 4.1-1309, by adding in Chapter 14 of Title 4.1 sections numbered 4.1-1403 through 4.1-1406, by adding in Article 2 of Chapter 1 of Title 6.2 a section numbered 6.2-108, and by adding in Chapter 44 of Title 54.1 a section numbered 54.1-4426 as follows:

§ 2.2-2499.8. Cannabis Equity Reinvestment Fund.

There is hereby created in the state treasury a special nonreverting fund to be known as the Cannabis Equity Reinvestment Fund, referred to in this section as "the Fund." The Fund shall be established on the books of the Comptroller. All funds appropriated for such purpose and any gifts, donations, grants, bequests, and other funds received on its behalf shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes of:

- 1. Supporting persons, families, and communities historically and disproportionately targeted and affected by drug enforcement;
- 2. Providing scholarship opportunities and educational and vocational resources for historically marginalized persons, including persons in foster care, who have been adversely impacted by substance use individually, in their families, or in their communities;
- 3. Awarding grants to support workforce development, mentoring programs, job training and placement services, apprenticeships, and reentry services that serve persons and communities historically and disproportionately targeted by drug enforcement.

HOUSE SUBSTITUTE

HB2485H1

1/28/25 17:13

60 4. Contributing to the Virginia Indigent Defense Commission established pursuant to § 19.2-163.01; and
 61 5. Contributing to the Virginia Cannabis Equity Business Loan Fund established pursuant to § 4.1-1501.
 62 Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by
 63 the Comptroller upon written request signed by (i) the Director of Diversity, Equity, and Inclusion or (ii) a
 64 majority of the members of the Cannabis Equity Reinvestment Board established pursuant to § 2.2-2499.5.

65 **§ 3.2-4113. Production of industrial hemp lawful.**

66 A. It is lawful for a grower, his agent, or a federally licensed hemp producer to grow, a handler or his
 67 agent to handle, or a processor or his agent to process industrial hemp in the Commonwealth for any lawful
 68 purpose. No federally licensed hemp producer or grower or his agent shall be prosecuted under Chapter 11 (§
 69 4.1-1100 et seq.) of Title 4.1 or § ~~18.2-247~~, 18.2-248, 18.2-248.01, ~~18.2-248.1~~, or 18.2-250 for the possession
 70 or growing of industrial hemp or any Cannabis sativa with a tetrahydrocannabinol concentration that does not
 71 exceed the total tetrahydrocannabinol concentration percentage established in federal regulations applicable
 72 to negligent violations located at 7 C.F.R. § 990.6(b)(3). No handler or his agent or processor or his agent
 73 shall be prosecuted under Chapter 11 (§ 4.1-1100 et seq.) of Title 4.1 or § ~~18.2-247~~, 18.2-248, 18.2-248.01,
 74 ~~18.2-248.1~~, or 18.2-250 or issued a summons or judgment for the possession, handling, or processing of
 75 industrial hemp. In any complaint, information, or indictment, and in any action or proceeding brought for the
 76 enforcement of any provision of *Chapter 11 (§ 4.1-1100 et seq.) of Title 4.1*, Article 1 (§ 18.2-247 et seq.) of
 77 Chapter 7 of Title 18.2, or the Drug Control Act (§ 54.1-3400 et seq.), it shall not be necessary to negate any
 78 exception, excuse, proviso, or exemption contained in this article or the Drug Control Act, and the burden of
 79 proof of any such exception, excuse, proviso, or exemption shall be on the defendant.

80 B. Nothing in this article shall be construed to authorize any person to violate any federal law or
 81 regulation.

82 C. No person shall be prosecuted under Chapter 11 (§ 4.1-1100 et seq.) of Title 4.1 or § ~~18.2-247~~,
 83 18.2-248, 18.2-248.01, ~~18.2-248.1~~, or 18.2-250 for the involuntary growth of industrial hemp through the
 84 inadvertent natural spread of seeds or pollen as a result of proximity to a production field, handler's storage
 85 site, or process site.

86 **§ 4.1-352. Certificate of forensic scientist as evidence; requiring forensic scientist to appear.**

87 The certificate of any forensic scientist employed by the Commonwealth on behalf of the Board or the
 88 Department of Forensic Science, when signed by him, shall be *admissible as evidence in all prosecutions for*
 89 *violations of this subtitle and all controversies in any judicial proceedings touching the mixture analyzed by*
 90 *him of the facts therein stated and of the results of such analysis (i) in any criminal proceeding, provided the*
 91 *requirements of subsection A of § 19.2-187.1 have been satisfied and the accused has not objected to the*
 92 *admission of the certificate pursuant to subsection B of § 19.2-187.1 or (ii) in any civil proceeding. On*
 93 *motion of the accused or any party in interest, the court may require the forensic scientist making the analysis*
 94 *to appear as a witness and be subject to cross-examination, provided such motion is made within a reasonable*
 95 *time prior to the day on which the case is set for trial.*

96 **§ 4.1-600. Definitions.**

97 As used in this subtitle, unless the context requires a different meaning:

98 "Advertisement" or "advertising" means any written or verbal statement, illustration, or depiction that is
 99 calculated to induce sales of ~~retail~~ marijuana, ~~retail~~ marijuana products, marijuana plants, or marijuana seeds,
 100 including any written, printed, graphic, digital, electronic, or other material, billboard, sign, or other outdoor
 101 display, publication, or radio or television broadcast.

102 "Authority" means the Virginia Cannabis Control Authority created pursuant to this subtitle.

103 "Board" means the Board of Directors of the Virginia Cannabis Control Authority.

104 "Cannabis Control Act" means Subtitle II (§ 4.1-600 et seq.).

105 "*Canopy*" means the space used by a licensee to produce flowering marijuana plants, including areas
 106 between plants, pathways, walkways, and empty space between rows that allow for airflow, light, growth,
 107 access for watering, trimming, and other activities associated with marijuana cultivation. "*Canopy*" does not
 108 include space used for mother plants, clones, immature or nonflowering plants, processing, drying, curing,
 109 trimming, storage, offices, hallways, work areas, or other administrative and nonproduction uses. If
 110 flowering marijuana plants are cultivated using a shelving or other layered system, the surface area of each
 111 level shall be included for purposes of calculating canopy.

112 "Child-resistant" means, with respect to packaging or a container, (i) specially designed or constructed to
 113 be significantly difficult for a typical child under five years of age to open and not to be significantly difficult
 114 for a typical adult to open and reseal and (ii) for any product intended for more than a single use or that
 115 contains multiple servings, resealable.

116 "Cultivation" or "cultivate" means the planting, propagation, growing, harvesting, drying, curing, grading,
 117 trimming, *packaging*, or other similar ~~processing~~ *manufacturing* of marijuana for use or sale. "Cultivation" or
 118 "cultivate" does not include ~~manufacturing~~ *processing* or testing.

119 "*Edible hemp product*" means the same as that term is defined in § 3.2-4112.

120 "Edible marijuana product" means a marijuana product intended to be consumed orally, including

121 marijuana intended to be consumed orally or marijuana concentrate intended to be consumed orally.

122 *"Hemp product" means the same as that term is defined in § 3.2-4112.*

123 *"Historically economically disadvantaged community" means either (i) a jurisdiction identified by the*
 124 *Board utilizing census tract data made available by the United States Census Bureau in which offenses for*
 125 *marijuana possession were committed at a rate in excess of 150 percent of the statewide average for*
 126 *marijuana possession offenses during the 10-year period of 2009 to 2019 or (ii) a historically underutilized*
 127 *business zone as defined in 15 U.S.C. § 657a.*

128 *"Immature plant" means a nonflowering marijuana plant that is no taller than eight inches and no wider*
 129 *than eight inches, is produced from a cutting, clipping, or seedling, and is growing in a container.*

130 *"Industrial hemp" means the same as that term is defined in § 3.2-4112.*

131 *"Industrial hemp extract" means the same as that term is defined in § 3.2-5145.1.*

132 *"Licensed" means the holding of a valid license granted by the Authority.*

133 *"Licensee" means any person to whom a license has been granted by the Authority.*

134 *"Manufacturing" or "manufacture" means the production of marijuana products or the blending, infusing,*
 135 *compounding, or other preparation of marijuana and marijuana products, including marijuana extraction or*
 136 *preparation by means of chemical synthesis. "Manufacturing" or "manufacture" does not include cultivation*
 137 *or testing.*

138 *"Marijuana" means any part of a plant of the genus Cannabis, whether growing or not, its seeds or resin;*
 139 *and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, its resin,*
 140 *or any extract containing one or more cannabinoids. "Marijuana" does not include (i) the mature stalks of*
 141 *such plant, fiber produced from such stalk, or oil or cake made from the seed of such plant, unless such*
 142 *stalks, fiber, oil, or cake is combined with other parts of plants of the genus Cannabis; (ii) industrial hemp, as*
 143 *defined in § 3.2-4112, that is possessed by a person registered pursuant to subsection A of § 3.2-4115 or his*
 144 *agent; (iii) industrial hemp, as defined in § 3.2-4112, that is possessed by a person who holds a hemp*
 145 *producer license issued by the U.S. Department of Agriculture pursuant to 7 C.F.R. Part 990; (iv) a hemp*
 146 *product, as defined in § 3.2-4112; (v) an industrial hemp extract, as defined in § 3.2-5145.1; or (vi) any*
 147 *substance containing a tetrahydrocannabinol isomer, ester, ether, salt, or salts of such isomer, ester, or ether*
 148 *that has been placed by the Board of Pharmacy into one of the schedules set forth in the Drug Control Act (§*
 149 *54.1-3400 et seq.) pursuant to § 54.1-3443.*

150 *"Marijuana concentrate" means marijuana that has undergone a process to concentrate one or more active*
 151 *cannabinoids, thereby increasing the product's potency. Resin from granular trichomes from a marijuana plant*
 152 *is a concentrate for purposes of this subtitle.*

153 *"Marijuana cultivation facility" means a facility licensed under this subtitle to cultivate, label, and*
 154 *package retail marijuana; to purchase or take possession of marijuana plants and seeds from other marijuana*
 155 *cultivation facilities; to transfer possession of and sell retail marijuana, immature marijuana plants, and*
 156 *marijuana seeds to marijuana wholesalers and retail marijuana stores; to transfer possession of and sell retail*
 157 *marijuana, marijuana plants, and marijuana seeds to other marijuana cultivation facilities; to transfer*
 158 *possession of and sell retail marijuana to marijuana manufacturing facilities; and to sell immature marijuana*
 159 *plants and marijuana seeds to consumers for the purpose of cultivating marijuana at home for personal use §*
 160 *4.1-800.*

161 *"Marijuana establishment" means a marijuana cultivation facility, a marijuana testing facility, a marijuana*
 162 *manufacturing processing facility, a marijuana wholesaler transporter, or a retail marijuana store.*

163 *"Marijuana manufacturing facility" means a facility licensed under this subtitle to manufacture, label, and*
 164 *package retail marijuana and retail marijuana products; to purchase or take possession of retail marijuana*
 165 *from a marijuana cultivation facility or another marijuana manufacturing facility; and to transfer possession*
 166 *of and sell retail marijuana and retail marijuana products to marijuana wholesalers, retail marijuana stores, or*
 167 *other marijuana manufacturing facilities.*

168 *"Marijuana paraphernalia" means all equipment, products, and materials of any kind that are either*
 169 *designed for use or are intended for use in planting, propagating, cultivating, growing, harvesting,*
 170 *manufacturing, compounding, converting, producing, processing, preparing, strength testing, analyzing,*
 171 *packaging, repackaging, storing, containing, concealing, ingesting, inhaling, or otherwise introducing into the*
 172 *human body marijuana.*

173 *"Marijuana processing facility" means a facility licensed under § 4.1-801.*

174 *"Marijuana products" means (i) products that are composed of marijuana and other ingredients and are*
 175 *intended for use or consumption, ointments, and tinctures or (ii) marijuana concentrate.*

176 *"Marijuana testing facility" means a facility licensed under this subtitle to develop, research, or test*
 177 *marijuana, marijuana products, and other substances § 4.1-804.*

178 *"Marijuana wholesaler transporter" means a facility licensed under this subtitle to purchase or take*
 179 *possession of retail marijuana, retail marijuana products, immature marijuana plants, and marijuana seeds*
 180 *from a marijuana cultivation facility, a marijuana manufacturing facility, or another marijuana wholesaler and*
 181 *to transfer possession and sell or resell retail marijuana, retail marijuana products, immature marijuana plants,*

182 and marijuana seeds to a marijuana cultivation facility, marijuana manufacturing facility, retail marijuana
183 store, or another marijuana wholesaler § 4.1-803.

184 "Non-retail marijuana" means marijuana that is not cultivated, manufactured, or sold by a licensed
185 marijuana establishment.

186 "Non-retail marijuana products" means marijuana products that are not manufactured and sold by a
187 licensed marijuana establishment.

188 "Micro business" means a licensee that meets the criteria set forth in subdivision B 13 of § 4.1-606.

189 "Outdoor cultivation" means cultivation in an area exposed to natural sunlight and open to environmental
190 conditions, including variable temperature, precipitation, and wind.

191 "Place or premises" means the real estate, together with any buildings or other improvements thereon,
192 designated in the application for a license as the place at which the cultivation, ~~manufacture~~ processing, sale,
193 or testing of retail marijuana or retail marijuana products shall be performed, except that portion of any such
194 building or other improvement actually and exclusively used as a private residence.

195 "Processing" or "process" means the production of marijuana products or the blending, infusing,
196 compounding, or other preparation of marijuana or marijuana products, including marijuana extraction or
197 preparation by means of chemical synthesis. "Processing" or "process" does not include cultivation or
198 testing.

199 "Public place" means any place, building, or conveyance to which the public has, or is permitted to have,
200 access, including restaurants, soda fountains, hotel dining areas, lobbies and corridors of hotels, and any park,
201 place of public resort or amusement, highway, street, lane, or sidewalk adjoining any highway, street, or lane.

202 "Residence" means any building or part of a building or structure where a person resides, but does not
203 include any part of a building that is not actually and exclusively used as a private residence, nor any part of a
204 hotel or club other than a private guest room thereof.

205 "Retail marijuana" means marijuana that is cultivated, manufactured, or sold by a licensed marijuana
206 establishment.

207 "Retail marijuana products" means marijuana products that are manufactured and sold by a licensed
208 marijuana establishment.

209 "Retail marijuana store" means a facility licensed under this subtitle to purchase or take possession of
210 retail marijuana, retail marijuana products, immature marijuana plants, or marijuana seeds from a marijuana
211 cultivation facility, marijuana manufacturing facility, or marijuana wholesaler and to sell retail marijuana,
212 retail marijuana products, immature marijuana plants, or marijuana seeds to consumers § 4.1-802.

213 "Sale" and "sell" includes soliciting or receiving an order for, keeping, offering, or exposing for sale;
214 peddling, exchanging, or bartering; or delivering otherwise other than gratuitously, by any means, retail
215 marijuana or retail marijuana products.

216 "Secure agricultural greenhouse" means an enclosed structure that has transparent walls and roofing and
217 is used for controlled-environment agriculture.

218 "Special agent" means an employee of the Virginia Cannabis Control Authority whom the Board has
219 designated as a law-enforcement officer pursuant to this subtitle.

220 "Testing" or "test" means the research and analysis of marijuana, marijuana products, or other substances
221 for contaminants, safety, or potency. "Testing" or "test" does not include cultivation or ~~manufacturing~~
222 processing.

223 "Tetrahydrocannabinol" means the same as that term is defined in § 3.2-4112.

224 "Total tetrahydrocannabinol" means the same as that term is defined in § 3.2-4112.

225 **§ 4.1-601. Virginia Cannabis Control Authority created; public purpose.**

226 A. The General Assembly has determined that there exists in the Commonwealth a need to control the
227 possession, sale, transportation, distribution, and delivery of retail marijuana and retail marijuana products in
228 the Commonwealth. Further, the General Assembly determines that the creation of an authority for this
229 purpose is in the public interest, serves a public purpose, and will promote the health, safety, welfare,
230 convenience, and prosperity of the people of the Commonwealth. To achieve this objective, there is hereby
231 created an independent political subdivision of the Commonwealth, exclusive of the legislative, executive, or
232 judicial branches of state government, to be known as the Virginia Cannabis Control Authority. The
233 Authority's exercise of powers and duties conferred by this subtitle shall be deemed the performance of an
234 essential governmental function and a matter of public necessity for which public moneys may be spent.

235 B. The Board of Directors of the Authority is vested with control of the possession, sale, transportation,
236 distribution, and delivery of retail marijuana and retail marijuana products in the Commonwealth, with
237 plenary power to prescribe and enforce regulations and conditions under which retail marijuana and retail
238 marijuana products are possessed, sold, transported, distributed, and delivered, so as to prevent any corrupt,
239 incompetent, dishonest, or unprincipled practices and to promote the health, safety, welfare, convenience, and
240 prosperity of the people of the Commonwealth. The exercise of the powers granted by this subtitle shall be in
241 all respects for the benefit of the citizens of the Commonwealth and for the promotion of their safety, health,
242 welfare, and convenience. No part of the assets or net earnings of the Authority shall inure to the benefit of,

243 or be distributable to, any private individual, except that reasonable compensation may be paid for services
 244 rendered to or for the Authority affecting one or more of its purposes, and benefits may be conferred that are
 245 in conformity with said purposes, and no private individual shall be entitled to share in the distribution of any
 246 of the corporate assets on dissolution of the Authority.

247 **§ 4.1-603. Cannabis Public Health Advisory Council; purpose; membership; quorum; meetings;**
 248 **compensation and expenses; duties.**

249 A. The Cannabis Public Health Advisory Council (the Advisory Council) is established as an advisory
 250 council to the Board. The purpose of the Advisory Council is to assess and monitor public health issues,
 251 trends, and impacts related to marijuana and marijuana legalization and make recommendations regarding
 252 health warnings, ~~retail~~, marijuana and ~~retail~~ marijuana products safety and product composition,; and public
 253 health awareness, programming, and related resource needs.

254 B. The Advisory Council shall have a total membership of 21 members that shall consist of 14
 255 nonlegislative citizen members and seven ex officio members. Nonlegislative citizen members of the Council
 256 shall be citizens of the Commonwealth and shall reflect the racial, ethnic, gender, and geographic diversity of
 257 the Commonwealth. Nonlegislative citizen members shall be appointed as follows: four to be appointed by
 258 the Senate Committee on Rules, one of whom shall be a representative from the Virginia Foundation for
 259 Healthy Youth, one of whom shall be a representative from the Virginia Chapter of the American Academy
 260 of Pediatrics, one of whom shall be a representative from the Medical Society of Virginia, and one of whom
 261 shall be a representative from the Virginia Pharmacists Association; six to be appointed by the Speaker of the
 262 House of Delegates, one of whom shall be a representative from a community services board, one of whom
 263 shall be a person or health care provider with expertise in substance use disorder treatment and recovery, one
 264 of whom shall be a person or health care provider with expertise in substance use disorder prevention, one of
 265 whom shall be a person with experience in disability rights advocacy, one of whom shall be a person with
 266 experience in veterans health care, and one of whom shall be a person with a social or health equity
 267 background; and four to be appointed by the Governor, subject to confirmation by the General Assembly, one
 268 of whom shall be a representative of a local health district, one of whom shall be a person who is part of the
 269 cannabis industry, one of whom shall be an academic researcher knowledgeable about cannabis, and one of
 270 whom shall be a registered medical cannabis patient.

271 The Secretary of Health and Human Resources, the Commissioner of Health, the Commissioner of
 272 Behavioral Health and Developmental Services, the Commissioner of Agriculture and Consumer Services,
 273 the Director of the Department of Health Professions, the Director of the Department of Forensic Science,
 274 and the Chief Executive Officer of the Virginia Cannabis Control Authority, or their designees, shall serve ex
 275 officio with voting privileges. Ex officio members of the Advisory Council shall serve terms coincident with
 276 their terms of office.

277 After the initial staggering of terms, nonlegislative citizen members shall be appointed for a term of four
 278 years. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms.
 279 Vacancies shall be filled in the same manner as the original appointments. All members may be reappointed.

280 ~~The Advisory Council shall be chaired by the Secretary of Health and Human Resources or his designee.~~
 281 The Advisory Council shall select a *chairman and vice-chairman* from among its membership. A majority of
 282 the members shall constitute a quorum *unless the Advisory Council adopts a policy by the affirmative vote of*
 283 *a majority of the Advisory Council members that allows for a lesser number of members to constitute a*
 284 *quorum, which shall be no less than nine members.* The Advisory Council shall meet at least two times each
 285 year and shall meet at the call of the chairman ~~or~~, whenever the majority of the members so request, *or upon*
 286 *the Board's submission of regulations to the Advisory Council for approval.*

287 The Advisory Council shall have the authority to create subgroups with additional stakeholders, experts,
 288 and state agency representatives.

289 C. Members shall receive no compensation for the performance of their duties but shall be reimbursed for
 290 all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813
 291 and 2.2-2825.

292 D. The Advisory Council shall have the following duties, in addition to duties that may be necessary to
 293 fulfill its purpose as described in subsection A:

294 1. To review multi-agency efforts to support collaboration and a unified approach on public health
 295 responses related to marijuana and marijuana legalization in the Commonwealth and to develop
 296 recommendations as necessary.

297 2. To monitor changes in drug use data related to marijuana and marijuana legalization in the
 298 Commonwealth and the science and medical information relevant to the potential health risks associated with
 299 such drug use, and make appropriate recommendations to the Department of Health and the Board.

300 3. ~~Submit~~ *To review and approve Board regulations related to public health pursuant to subsection F of §*
 301 *4.1-606. The Advisory Council shall approve or deny such regulations within 30 calendar days of the Board's*
 302 *submission of the regulations to the Advisory Council. If the Advisory Council fails to approve or deny a*
 303 *regulation within 30 calendar days, the Board may adopt such regulation without approval by the Advisory*

304 *Council.*

305 4. To submit an annual report to the Governor and the General Assembly for publication as a report
 306 document as provided in the procedures of the Division of Legislative Automated Systems for the processing
 307 of legislative documents and reports. The chairman shall submit to the Governor and the General Assembly
 308 an annual executive summary of the interim activity and work of the Advisory Council no later than the first
 309 day of each regular session of the General Assembly. The executive summary shall be submitted as a report
 310 document as provided in the procedures of the Division of Legislative Automated Systems for the processing
 311 of legislative documents and reports and shall be posted on the General Assembly's website.

312 **§ 4.1-604. Powers and duties of the Board.**

313 The Board shall have the following powers and duties:

314 1. Promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) and §
 315 4.1-606;

316 2. Control the possession, sale, transportation, and delivery of marijuana and marijuana products;

317 3. Grant, suspend, restrict, revoke, or refuse to grant or renew any license or permit issued or authorized
 318 pursuant to this subtitle;

319 4. Determine the nature, form, and capacity of all containers used for holding marijuana products to be
 320 kept or sold and prescribe the form and content of all labels and seals to be placed thereon;

321 5. Maintain actions to enjoin common nuisances as defined in § 4.1-1113;

322 6. Establish standards and implement an online course for employees of retail marijuana stores that trains
 323 employees on how to educate consumers on the potential risks of marijuana use;

324 7. Establish a plan to develop and disseminate to retail marijuana store licensees a pamphlet or similar
 325 document regarding the potential risks of marijuana use to be prominently displayed and made available to
 326 consumers;

327 8. Establish a position for a Cannabis ~~Social Equity~~ *Micro Business* Liaison who shall lead the Cannabis
 328 *Micro Business Equity and Diversity* Support Team and liaise with the Director of Diversity, Equity, and
 329 Inclusion on matters related to ~~diversity, equity, and inclusion standards~~ *micro business participation* in the
 330 marijuana industry;

331 9. Establish a Cannabis *Micro Business Equity and Diversity* Support Team, which shall (i) develop
 332 requirements for the creation and submission of ~~diversity, equity, and inclusion~~ *micro cannabis business*
 333 *accelerator* plans by persons who wish to possess a license in more than one license category pursuant to
 334 ~~subsection C of § 4.1-805, which may include a requirement that the licensee participate in social equity~~
 335 ~~apprenticeship plan~~, and an approval process and requirements for implementation of such plans; (ii) be
 336 responsible for conducting an analysis of potential barriers to entry for ~~small, women-owned, and~~
 337 ~~minority-owned businesses and veteran-owned~~ *micro* businesses interested in participating in the marijuana
 338 industry and recommending strategies to effectively mitigate such potential barriers; (iii) provide assistance
 339 with business planning for potential marijuana establishment licensees; (iv) spread awareness of business
 340 opportunities related to the marijuana marketplace in ~~areas disproportionately impacted by marijuana~~
 341 ~~prohibition and enforcement~~ *historically economically disadvantaged communities*; (v) provide technical
 342 assistance in navigating the administrative process to potential marijuana establishment licensees; and (vi)
 343 conduct other outreach initiatives in ~~areas disproportionately impacted by marijuana prohibition and~~
 344 ~~enforcement~~ *historically economically disadvantaged communities* as necessary;

345 10. Establish a position for an individual with professional experience in a health related field who shall
 346 staff the Cannabis Public Health Advisory Council, established pursuant to § 4.1-603, liaise with the Office
 347 of the Secretary of Health and Human Resources and relevant health and human services agencies and
 348 organizations, and perform other duties as needed;

349 11. Establish and implement a plan, in coordination with the Cannabis ~~Social Equity~~ *Micro Business*
 350 *Liaison* and the Director of Diversity, Equity, and Inclusion, to promote and encourage participation in the
 351 marijuana industry by people from *historically economically disadvantaged* communities ~~that have been~~
 352 ~~disproportionately impacted by marijuana prohibition and enforcement~~ and to positively impact those
 353 communities;

354 12. Sue and be sued, implead and be impleaded, and complain and defend in all courts;

355 13. Adopt, use, and alter at will a common seal;

356 14. Fix, alter, charge, and collect rates, rentals, fees, and other charges for the use of property of, the sale
 357 of products of, or services rendered by the Authority at rates to be determined by the Authority for the
 358 purpose of providing for the payment of the expenses of the Authority;

359 15. Make and enter into all contracts and agreements necessary or incidental to the performance of its
 360 duties, the furtherance of its purposes, and the execution of its powers under this subtitle, including
 361 agreements with any person or federal agency;

362 16. Employ, at its discretion, consultants, researchers, architects, engineers, accountants, financial experts,
 363 investment bankers, superintendents, managers, and such other employees and special agents as may be
 364 necessary and fix their compensation to be payable from funds made available to the Authority. ~~Legal The~~

365 *Board may employ or retain legal counsel of its choice to advise or represent the Authority in hearings,*
 366 *controversies, or other matters involving the interests of the Authority; however, upon request by the Board,*
 367 *the Attorney General shall provide legal services for the Authority shall be provided by the Attorney General*
 368 *in accordance with Chapter 5 (§ 2.2-500 et seq.) of Title 2.2;*

369 17. Receive and accept from any federal or private agency, foundation, corporation, association, or person
 370 grants or other aid to be expended in accomplishing the objectives of the Authority, and receive and accept
 371 from the Commonwealth or any state and any municipality, county, or other political subdivision thereof or
 372 from any other source aid or contributions of either money, property, or other things of value, to be held,
 373 used, and applied only for the purposes for which such grants and contributions may be made. All federal
 374 moneys accepted under this section shall be accepted and expended by the Authority upon such terms and
 375 conditions as are prescribed by the United States and as are consistent with state law, and all state moneys
 376 accepted under this section shall be expended by the Authority upon such terms and conditions as are
 377 prescribed by the Commonwealth;

378 18. Adopt, alter, and repeal bylaws, rules, and regulations governing the manner in which its business
 379 shall be transacted and the manner in which the powers of the Authority shall be exercised and its duties
 380 performed. The Board may delegate or assign any duty or task to be performed by the Authority to any
 381 officer or employee of the Authority. The Board shall remain responsible for the performance of any such
 382 duties or tasks. Any delegation pursuant to this subdivision shall, where appropriate, be accompanied by
 383 written guidelines for the exercise of the duties or tasks delegated. Where appropriate, the guidelines shall
 384 require that the Board receive summaries of actions taken. Such delegation or assignment shall not relieve the
 385 Board of the responsibility to ensure faithful performance of the duties and tasks;

386 19. Conduct or engage in any lawful business, activity, effort, or project consistent with the Authority's
 387 purposes or necessary or convenient to exercise its powers;

388 20. Develop policies and procedures generally applicable to the procurement of goods, services, and
 389 construction, based upon competitive principles;

390 21. Develop policies and procedures consistent with Article 4 (§ 2.2-4347 et seq.) of Chapter 43 of Title
 391 2.2;

392 22. Acquire, purchase, hold, use, lease, or otherwise dispose of any property, real, personal or mixed,
 393 tangible or intangible, or any interest therein necessary or desirable for carrying out the purposes of the
 394 Authority; lease as lessee any property, real, personal or mixed, tangible or intangible, or any interest therein,
 395 at such annual rental and on such terms and conditions as may be determined by the Board; lease as lessor to
 396 any person any property, real, personal or mixed, tangible or intangible, or any interest therein, at any time
 397 acquired by the Authority, whether wholly or partially completed, at such annual rental and on such terms
 398 and conditions as may be determined by the Board; sell, transfer, or convey any property, real, personal or
 399 mixed, tangible or intangible, or any interest therein, at any time acquired or held by the Authority on such
 400 terms and conditions as may be determined by the Board; and occupy and improve any land or building
 401 required for the purposes of this subtitle;

402 23. Purchase, lease, or acquire the use of, by any manner, any plant or equipment that may be considered
 403 necessary or useful in carrying into effect the purposes of this subtitle, including rectifying, blending, and
 404 processing plants;

405 24. Appoint every agent and employee required for its operations, require any or all of them to give bonds
 406 payable to the Commonwealth in such penalty as shall be fixed by the Board, and engage the services of
 407 experts and professionals;

408 25. Hold and conduct hearings, issue subpoenas requiring the attendance of witnesses and the production
 409 of records, memoranda, papers, and other documents before the Board or any agent of the Board, and
 410 administer oaths and take testimony thereunder. The Board may authorize any Board member or agent of the
 411 Board to hold and conduct hearings, issue subpoenas, administer oaths and take testimony thereunder, and
 412 decide cases, subject to final decision by the Board, on application of any party aggrieved. The Board may
 413 enter into consent agreements and may request and accept from any applicant, licensee, or permittee a
 414 consent agreement in lieu of proceedings on (i) objections to the issuance of a license or permit or (ii)
 415 disciplinary action. Any such consent agreement (a) shall include findings of fact and provisions regarding
 416 whether the terms of the consent agreement are confidential and (b) may include an admission or a finding of
 417 a violation. A consent agreement shall not be considered a case decision of the Board and shall not be subject
 418 to judicial review under the provisions of the Administrative Process Act (§ 2.2-4000 et seq.), but may be
 419 considered by the Board in future disciplinary proceedings;

420 26. Make a reasonable charge for preparing and furnishing statistical information and compilations to
 421 persons other than (i) officials, including court and police officials, of the Commonwealth and of its
 422 subdivisions if the information requested is for official use and (ii) persons who have a personal or legal
 423 interest in obtaining the information requested if such information is not to be used for commercial or trade
 424 purposes;

425 27. Take appropriate disciplinary action and assess and collect civil penalties and civil charges for

426 violations of this subtitle and Board regulations;

427 28. Review and approve any proposed legislative or regulatory changes suggested by the Chief Executive
428 Officer as the Board deems appropriate;

429 29. Report quarterly to the Secretary of Public Safety and Homeland Security on the law-enforcement
430 activities undertaken to enforce the provisions of this subtitle;

431 30. Establish and collect fees for all permits set forth in this subtitle, including fees associated with
432 applications for such permits;

433 31. Develop and make available on its website guidance documents regarding compliance and safe
434 practices for persons who cultivate marijuana at home for personal use, which shall include information
435 regarding cultivation practices that promote personal and public safety, including child protection, and
436 discourage practices that create a nuisance;

437 32. Develop and make available on its website a resource that provides information regarding (i)
438 responsible marijuana consumption; (ii) health risks and other dangers associated with marijuana
439 consumption, including inability to operate a motor vehicle and other types of transportation and equipment;
440 and (iii) ancillary effects of marijuana consumption, including ineligibility for certain employment
441 opportunities. The Board shall require that the web address for such resource be included on the label of all
442 ~~retail~~ marijuana and ~~retail~~ marijuana product as provided in § 4.1-1402; and

443 33. *Access during business hours any facility governed by this subtitle and any business that offers for*
444 *sale or sells at retail a substance intended for human consumption, orally or by inhalation, that is advertised*
445 *or labeled as containing a cannabinoid for the purpose of conducting an inspection or securing samples to*
446 *identify potential violations of this subtitle;*

447 34. *Issue a quarterly report that contains information regarding (i) license fees waived or reduced*
448 *pursuant to § 4.1-606; (ii) licenses issued to or renewed for persons identified in subdivision B 13 of §*
449 *4.1-606; (iii) public education initiatives, including public awareness campaigns regarding driving under the*
450 *influence, underage consumption and youth awareness, and health risks; (iv) community engagement*
451 *initiatives; (v) sales and tax revenue; (vi) programs funded by cannabis tax revenue; (vii) efforts made*
452 *pursuant to subdivisions 8, 9, 11, and 32; and (viii) license denials and disciplinary actions taken.*

453 35. *Coordinate with the Department of Criminal Justice Services to ensure the exchange of any*
454 *information necessary to comply with the reporting requirements of the Community Policing Reporting*
455 *Database established pursuant to § 52-30.3; and*

456 36. Do all acts necessary or advisable to carry out the purposes of this subtitle.

457 **§ 4.1-606. Regulations of the Board.**

458 A. The Board may promulgate reasonable regulations, not inconsistent with this subtitle or the general
459 laws of the Commonwealth, that it deems necessary to carry out the provisions of this subtitle and to prevent
460 the illegal cultivation, ~~manufacture~~ processing, transportation, distribution, sale, and testing of marijuana and
461 marijuana products. The Board may amend or repeal such regulations. ~~Such~~ *Except as otherwise provided by*
462 *law, such* regulations shall be promulgated, amended, or repealed in accordance with the Administrative
463 Process Act (§ 2.2-4000 et seq.) and shall have the effect of law.

464 B. The Board shall promulgate regulations that:

465 1. Govern the outdoor cultivation of marijuana by a marijuana cultivation facility licensee, including
466 security requirements to include lighting, physical security, and alarm requirements, provided that such
467 requirements do not prohibit the cultivation of marijuana outdoors or in a greenhouse;

468 2. Establish requirements for securely transporting marijuana between marijuana establishments;

469 3. Establish sanitary standards for ~~retail~~ marijuana product preparation;

470 4. Establish a testing program for ~~retail~~ marijuana and ~~retail~~ marijuana products pursuant to Chapter 14 (§
471 4.1-1400 et seq.);

472 5. Establish an application process for licensure as a marijuana establishment pursuant to this subtitle in a
473 way that, when possible, prevents disparate impacts on historically *economically* disadvantaged communities;

474 6. Establish requirements for health and safety warning labels to be placed on ~~retail~~ marijuana and ~~retail~~
475 marijuana products to be sold or offered for sale by a licensee to a consumer in accordance with the
476 provisions of this subtitle;

477 7. Establish a maximum tetrahydrocannabinol level for ~~retail~~ marijuana products, which shall not exceed
478 (i) ~~five~~ 10 milligrams per serving for edible marijuana products and where practicable an equivalent amount
479 for other marijuana products or (ii) ~~50~~ 100 milligrams per package for edible marijuana products and where
480 practicable an equivalent amount for other marijuana products. Such regulations may include other product
481 and dispensing limitations on tetrahydrocannabinol;

482 8. Establish requirements for the form, content, and retention of all records and accounts by all licensees;

483 9. Provide alternative methods for licensees to maintain and store business records that are subject to
484 Board inspection, including methods for Board-approved electronic and offsite storage;

485 10. Establish (i) criteria by which to evaluate new licensees based on the density of retail marijuana stores
486 in the community and (ii) metrics that have similarly shown an association with negative community-level

487 health outcomes or health disparities. In promulgating such regulations, the Board shall coordinate with the
 488 Cannabis Public Health Advisory Council established pursuant to § 4.1-603. *Such regulations shall ensure*
 489 *that marijuana establishment licenses are, as possible and practicable, issued evenly among all areas of the*
 490 *Commonwealth;*

491 11. Require retail licensees to file an appeal from any hearing decision rendered by a hearing officer
 492 within 30 days of the date the notice of the decision is sent. The notice shall be sent to the licensee at the
 493 address on record with the Board by certified mail, return receipt requested, and by regular mail;

494 12. Prescribe the schedule of proration for refunded license fees to licensees who qualify pursuant to
 495 subsection C of § 4.1-1002;

496 13. Establish criteria by which to ~~evaluate social equity~~ *identify micro business* license applicants, which
 497 shall be an applicant ~~who has lived or been domiciled for at least 12 months in the Commonwealth and is~~
 498 ~~either (i) an applicant with that has~~ at least 66 percent ownership *and direct control* by a person or persons
 499 who *(i) have been convicted of or adjudicated delinquent for any misdemeanor violation of § 18.2-248.1,*
 500 *former § 18.2-250.1, or subsection A of § 18.2-265.3 as it relates to marijuana; (ii) an applicant with at least*
 501 *66 percent ownership by a person or persons who is are* the parent, child, sibling, or spouse of a person who
 502 has been convicted of or adjudicated delinquent for any misdemeanor violation of § 18.2-248.1, former §
 503 18.2-250.1, or subsection A of § 18.2-265.3 as it relates to marijuana; (iii) ~~an applicant with at least 66~~
 504 ~~percent ownership by a person or persons who have resided for at least three of the past five years in a~~
 505 ~~jurisdiction that is determined by the Board after utilizing census tract data made available by the United~~
 506 ~~States Census Bureau to have been disproportionately policed for marijuana crimes; (iv) an applicant with at~~
 507 ~~least 66 percent ownership by a person or persons who have resided for at least three of the last five years in a~~
 508 ~~jurisdiction determined by the Board after utilizing census tract data made available by the United States~~
 509 ~~Census Bureau to be economically distressed; or (v) an applicant with at least 66 percent ownership by a~~
 510 ~~person or persons who graduated from a historically black~~ *historically economically disadvantaged*
 511 *community; (iv) have attended for at least five years a public elementary or secondary school located in a*
 512 *historically economically disadvantaged community; (v) have received a Federal Pell Grant or attended for*
 513 *at least two years a college or university located in the Commonwealth at which at least 30 percent of the*
 514 *students, on average, are eligible for a Federal Pell Grant; or (vi) is a veteran of the Armed Forces of the*
 515 *United States;*

516 14. ~~For the purposes of establishing criteria by which to evaluate social equity license applicants, establish~~
 517 ~~standards by which to determine (i) which jurisdictions have been disproportionately policed for marijuana~~
 518 ~~crimes and (ii) which jurisdictions are economically distressed;~~

519 ~~15. Establish~~ *For applicants that meet the criteria set forth in subdivision 13, establish* standards and
 520 requirements for (i) ~~any~~ a preference in the licensing process for ~~qualified social equity applicants;~~ (ii) what
 521 percentage of application or license fees are waived for a ~~qualified social equity applicant, and to promote~~
 522 ~~participation by micro businesses with an inability to pay standard application and license fees;~~ (iii) a
 523 low-interest business loan program for ~~qualified social equity applicants;~~ (iv) ~~a waiver of any requirements to~~
 524 ~~show proof of funds or current possession and control of the proposed licensed premises at the time of~~
 525 ~~application; and (v) to the extent practicable, the proportional distribution of licenses among the applicants~~
 526 ~~set forth in clauses (i) through (vi) of subdivision 13. The Board shall establish a process that prioritizes such~~
 527 ~~applicants based on the number of subdivision 13 criteria categories met and ensures that increased priority~~
 528 ~~is provided to applicants that meet the most criteria categories;~~

529 ~~16.~~ 15. Establish guidelines, in addition to requirements set forth in this subtitle, for the personal
 530 cultivation of marijuana that promote personal and public safety, including child protection, and discourage
 531 personal cultivation practices that create a nuisance, including a nuisance caused by odor;

532 ~~17.~~ 16. Establish reasonable time, place, and manner restrictions on outdoor advertising of ~~retail~~ marijuana
 533 or ~~retail~~ marijuana products, not inconsistent with the provisions of this chapter, so that such advertising
 534 displaces the illicit market and notifies the public of the location of marijuana establishments. Such
 535 regulations shall be promulgated in accordance with § 4.1-1404;

536 ~~18.~~ 17. Establish restrictions on the number of licenses that a person may be granted to operate a
 537 marijuana establishment in single locality or region; and

538 ~~19. Establish restrictions on pharmaceutical processors and industrial hemp processors that have been~~
 539 ~~granted a license in more than one license category pursuant to subsection C of § 4.1-805 that ensure all~~
 540 ~~licensees have an equal and meaningful opportunity to participate in the market. Such regulations may limit~~
 541 ~~the amount of products cultivated or manufactured by the pharmaceutical processor or industrial hemp~~
 542 ~~processor that such processor may offer for sale in its retail marijuana stores~~

543 18. Allow micro business licensees to (i) enter into cooperative agreements with other micro business
 544 licensees and (ii) lease space and equipment and cultivate, manufacture, and sell marijuana and marijuana
 545 products on the premises of another licensee.

546 C. The Board may promulgate regulations that:

547 1. Limit the number of licenses issued by type or class to operate a marijuana establishment; however, the

548 number of licenses issued shall not exceed the following limits:

- 549 a. Retail marijuana stores, ~~400~~ 350;
 550 b. ~~Marijuana~~ wholesalers, ~~25~~;
 551 e. ~~Marijuana manufacturing processing~~ facilities, ~~60~~ 100; and
 552 d. ~~Marijuana~~ c. Tier I marijuana cultivation facilities, ~~450~~ 50;
 553 d. Tier II marijuana cultivation facilities, 50;
 554 e. Tier III marijuana cultivation facilities, 10;
 555 f. Tier IV marijuana cultivation facilities, 5;
 556 g. Tier V marijuana cultivation facilities, 10; and
 557 h. Marijuana testing facilities, the maximum number of licenses permitted under Board regulations.

558 In determining the number of licenses issued pursuant to this subdivision, the Board shall not consider any
 559 license granted pursuant to subsection C of § 4.1-805 to (i) a pharmaceutical processor that has been issued a
 560 permit by the Board of Pharmacy pursuant to Article 4.2 (§ 54.1-3442.5 et seq.) of the Drug Control Act or
 561 (ii) an industrial hemp processor registered with the Commissioner of Agriculture and Consumer Services
 562 pursuant to Chapter 41.1 (§ 3.2-4112 et seq.) of Title 3.2.

563 2. Prescribe any requirements deemed appropriate for the administration of taxes under §§ § 4.1-1003 and
 564 4.1-1004, including method of filing a return, information required on a return, and form of payment.

565 3. Limit the allowable square footage of a retail marijuana store, which shall not exceed ~~4,500~~ 2,500
 566 square feet of retail floor space.

567 4. Allow certain persons to be granted or have interest in a license in more than one of the following
 568 license categories: marijuana cultivation facility license, marijuana manufacturing facility license, marijuana
 569 wholesaler license, or retail marijuana store license. Such regulations shall be drawn narrowly to limit vertical
 570 integration to small businesses and ensure that all licensees have an equal and meaningful opportunity to
 571 participate in the market.

572 D. Board regulations shall be uniform in their application, except those relating to hours of sale for
 573 licensees.

574 E. Courts shall take judicial notice of Board regulations.

575 F. The Board shall consult with the Cannabis Public Health Advisory Council in promulgating any
 576 regulations relating to public health, including regulations promulgated pursuant to subdivision B 3, 4, 6, 7,
 577 10, or ~~16~~ 15, and, *except as otherwise provided in § 4.1-603*, shall not promulgate any such regulation that
 578 has not been approved by a majority of the members of the Cannabis Public Health Advisory Council.

579 G. With regard to regulations governing licensees that have been issued a permit by the Board of
 580 Pharmacy to operate as a pharmaceutical processor or cannabis dispensing facility pursuant to Article 4.2 (§
 581 54.1-3442.5 et seq.) of the Drug Control Act Chapter 16 (§ 4.1-1600 et seq.), the Board shall make
 582 reasonable efforts (i) to align such regulations with any applicable regulations promulgated by the Board of
 583 Pharmacy that establish health, safety, and security requirements for pharmaceutical processors and cannabis
 584 dispensing facilities and (ii) to deem in compliance with applicable regulations promulgated pursuant to this
 585 subtitle such pharmaceutical processors and cannabis dispensing facilities that have been found to be in
 586 compliance with regulations promulgated by the Board of Pharmacy that mirror or are more extensive in
 587 scope than similar regulations promulgated pursuant to *other provisions* of this subtitle.

588 H. The Board's power to regulate shall be broadly construed.

589 **§ 4.1-607. Board membership; terms; compensation.**

590 A. The Authority shall be governed by a Board of Directors, which shall consist of ~~five~~ seven citizens at
 591 large as follows: *five members* appointed by the Governor and confirmed by the affirmative vote of a majority
 592 of those voting in each house of the General Assembly and *two members* appointed by the Joint Rules
 593 Committee and confirmed by the affirmative vote of a majority of those voting in each house of the General
 594 Assembly. Each appointee shall (i) have been a resident of the Commonwealth for a period of at least three
 595 years next preceding his appointment, and his continued residency shall be a condition of his tenure in office;
 596 (ii) hold, at a minimum, a baccalaureate degree in business or a related field of study; and (iii) possess a
 597 minimum of seven years of demonstrated experience or expertise in the direct management, supervision, or
 598 control of a business or legal affairs. *Members shall be appointed in a manner that ensures expertise among*
 599 *the Board members in health, law, agriculture, finance, and law enforcement.* Appointees shall reflect the
 600 racial, ethnic, gender, and geographic diversity of the Commonwealth. Appointees shall be subject to a
 601 background check in accordance with § 4.1-609.

602 B. After the initial staggering of terms, members shall be appointed for a term of five years. All members
 603 shall serve until their successors are appointed. Any appointment to fill a vacancy shall be for the unexpired
 604 term. No member appointed by the Governor shall be eligible to serve more than two consecutive terms;
 605 however, a member appointed to fill a vacancy may serve two additional consecutive terms. Members of the
 606 Board may be removed from office by the Governor for cause, including the improper use of its police
 607 powers, malfeasance, misfeasance, incompetence, misconduct, neglect of duty, absenteeism, conflict of
 608 interests, failure to carry out the policies of the Commonwealth as established in the Constitution or by the

609 General Assembly, or refusal to carry out a lawful directive of the Governor.

610 C. The Governor shall appoint the chairman and vice-chairman of the Board from among the membership
611 of the Board. The Board may elect other subordinate officers, who need not be members of the Board. The
612 Board may also form committees and advisory councils, which may include representatives who are not
613 members of the Board, to undertake more extensive study and discussion of the issues before the Board. A
614 majority of the Board shall constitute a quorum for the transaction of the Authority's business, and no
615 vacancy in the membership shall impair the right of a quorum to exercise the rights and perform all duties of
616 the Authority.

617 D. The Board shall meet at least every 60 days for the transaction of its business. Special meetings may be
618 held at any time upon the call of the chairman of the Board or the Chief Executive Officer or upon the written
619 request of a majority of the Board members.

620 E. Members of the Board shall receive annually such salary, compensation, and reimbursement of
621 expenses for the performance of their official duties as set forth in the general appropriation act for members
622 of the House of Delegates when the General Assembly is not in session, except that the chairman of the
623 Board shall receive annually such salary, compensation, and reimbursement of expenses for the performance
624 of his official duties as set forth in the general appropriation act for a member of the Senate of Virginia when
625 the General Assembly is not in session.

626 F. The provisions of the State and Local Government Conflict of Interests Act (§ 2.2-3100 et seq.) shall
627 apply to the members of the Board, the Chief Executive Officer of the Authority, and the employees of the
628 Authority.

629 **§ 4.1-611. Seed-to-sale tracking system.**

630 To ensure that no ~~retail~~ marijuana or ~~retail~~ marijuana products grown or processed by a marijuana
631 establishment are sold or otherwise transferred except as authorized by law, the Board shall develop and
632 maintain a seed-to-sale tracking system that tracks ~~retail~~ marijuana from either the seed or immature plant
633 stage until the ~~retail~~ marijuana or ~~retail~~ marijuana product is sold to a customer at a retail marijuana store.

634 **§ 4.1-614. Disposition of moneys collected by the Board.**

635 A. All moneys collected by the Board shall be paid directly and promptly into the state treasury, or shall
636 be deposited to the credit of the State Treasurer in a state depository, without any deductions on account of
637 salaries, fees, costs, charges, expenses, refunds, or claims of any description whatever, as required by §
638 2.2-1802.

639 All moneys so paid into the state treasury, less the net profits determined pursuant to subsection C, shall
640 be set aside as and constitute an Enterprise Fund, subject to appropriation, for the payment of (i) the salaries
641 and remuneration of the members, agents, and employees of the Board and (ii) all costs and expenses
642 incurred in the administration of this subtitle.

643 B. The net profits derived under the provisions of this subtitle shall be transferred by the Comptroller to
644 the general fund of the state treasury quarterly, within 50 days after the close of each quarter or as otherwise
645 provided in the appropriation act. As allowed by the Governor, the Board may deduct from the net profits
646 quarterly a sum for the creation of a reserve fund not exceeding the sum of \$2.5 million in connection with
647 the administration of this subtitle and to provide for the depreciation on the buildings, plants, and equipment
648 owned, held, or operated by the Board. After accounting for the Authority's expenses as provided in
649 subsection A, net profits shall be appropriated in the general appropriation act as follows:

- 650 1. ~~Forty Ten~~ percent to pre-kindergarten programs for at-risk three-year-olds and four-year-olds;
- 651 2. ~~Thirty Sixty~~ percent to the Cannabis Equity Reinvestment Fund established pursuant to § 2.2-2499.8;
- 652 3. Twenty-five percent to the Department of Behavioral Health and Developmental Services, which shall
653 distribute such appropriated funds to community services boards for the purpose of administering substance
654 use disorder prevention and treatment programs; and
- 655 4. Five percent to public health programs, including public awareness campaigns that are designed to
656 prevent drugged driving, discourage consumption by persons younger than 21 years of age, and inform the
657 public of other potential risks.

658 C. As used in this section, "net profits" means the total of all moneys collected by the Board, less local
659 marijuana tax revenues collected under *subsection B of § 4.1-1004* and distributed pursuant to § 4.1-614
660 4.1-1003 and all costs, expenses, and charges authorized by this section.

661 D. All local tax revenues collected under *subsection B of § 4.1-1004 4.1-1003* shall be paid into the state
662 treasury as provided in subsection A and credited to a special fund, which is hereby created on the
663 Comptroller's books under the name "Collections of Local Marijuana Taxes." The revenues shall be credited
664 to the account of the locality in which they were collected. If revenues were collected from a marijuana
665 establishment located in more than one locality by reason of the boundary line or lines passing through the
666 marijuana establishment, tax revenues shall be distributed pro rata among the localities. The Authority shall
667 provide to the Comptroller any records and assistance necessary for the Comptroller to determine the locality
668 to which tax revenues are attributable.

669 On a quarterly basis, the Comptroller shall draw his warrant on the Treasurer of Virginia in the proper

670 amount in favor of each locality entitled to the return of its tax revenues, and such payments shall be charged
 671 to the account of each such locality under the special fund created by this section. If errors are made in any
 672 such payment, or adjustments are otherwise necessary, whether attributable to refunds to taxpayers, or to
 673 some other fact, the errors shall be corrected and adjustments made in the payments for the next quarter.

674 **§ 4.1-621. Certain information not to be made public.**

675 Neither the Board nor its employees shall divulge any information regarding (i) financial reports or
 676 records required pursuant to this subtitle; (ii) the purchase orders and invoices for ~~retail~~ marijuana or ~~retail~~
 677 marijuana products filed with the Board by marijuana wholesaler licensees; (iii) taxes collected from,
 678 refunded to, or adjusted for any person; or (iv) information contained in the seed-to-sale tracking system
 679 maintained by the Board pursuant to § 4.1-611. The provisions of § 58.1-3 shall apply, mutatis mutandis, to
 680 taxes collected pursuant to this subtitle and to purchase orders and invoices for ~~retail~~ marijuana or ~~retail~~
 681 marijuana products filed with the Board by marijuana wholesaler licensees.

682 Nothing contained in this section shall prohibit the use or release of such information or documents by the
 683 Board to any governmental or law-enforcement agency, or when considering the granting, denial, revocation,
 684 or suspension of a license or permit, or the assessment of any penalty against a licensee or permittee, nor shall
 685 this section prohibit the Board or its employees from compiling and disseminating to any member of the
 686 public aggregate statistical information pertaining to (a) tax collection, as long as such information does not
 687 reveal or disclose tax collection from any identified licensee; (b) the total amount of ~~retail~~ marijuana or ~~retail~~
 688 marijuana products sales in the Commonwealth by marijuana wholesaler licensees collectively; or (c) the
 689 total amount of purchases or sales submitted by licensees, provided that such information does not identify
 690 the licensee.

691 **§ 4.1-629. Local referendum on prohibition of retail marijuana stores.**

692 *A. The governing body of a locality may, by resolution, petition the circuit court for the locality for a*
 693 *referendum on the question of whether retail marijuana stores should be prohibited in the locality.*

694 *Upon the filing of a petition, the circuit court shall order the election officials to conduct a referendum on*
 695 *the question on the date fixed in the order. The date set by the order shall comply with the provisions of §*
 696 *24.2-682, but in no event shall such date be more than 90 days from the date the order is issued. The clerk of*
 697 *the circuit court shall publish notice of the referendum in a newspaper of general circulation in the locality*
 698 *once a week for three consecutive weeks prior to the referendum.*

699 *The question on the ballot shall be:*

700 *"Shall the operation of retail marijuana stores be prohibited in _____ (name of county, city, or*
 701 *town)?"*

702 *The referendum shall be held and the results certified as provided in § 24.2-684. In addition to the*
 703 *certifications required by such section, the secretary of the local electoral board shall certify the results of*
 704 *the referendum to the Board of Directors of the Virginia Cannabis Control Authority and to the governing*
 705 *body of the locality.*

706 *B. If a majority of the qualified voters voting in such referendum vote "No" on the question of whether*
 707 *retail marijuana stores shall be prohibited in the locality, retail marijuana stores shall be permitted to*
 708 *operate within the locality 60 days after the results are certified or on January 1, 2026, whichever is later,*
 709 *and no subsequent referendum may be held pursuant to this section within such locality.*

710 *If a majority of the qualified voters voting in such referendum vote "Yes" on the question of whether retail*
 711 *marijuana stores shall be prohibited in the locality, retail marijuana stores shall be prohibited in the locality*
 712 *effective January 1 of the year immediately following the referendum. A referendum on the same question*
 713 *may be held subsequent to a vote to prohibit retail marijuana stores but not earlier than four years following*
 714 *the date of the previous referendum. Any subsequent referendum shall be held pursuant to the provisions of*
 715 *this section.*

716 *C. When any referendum is held pursuant to this section in a town, separate and apart from the county in*
 717 *which such town or a part thereof is located, such town shall be treated as being separate and apart from*
 718 *such county. When any referendum is held pursuant to this section in a county, any town located within such*
 719 *county shall be treated as being part of such county.*

720 *D. The legality of any referendum held pursuant to this section shall be subject to the inquiry,*
 721 *determination, and judgment of the circuit court that ordered the referendum. The court shall proceed upon*
 722 *the complaint of 15 or more qualified voters of the county, city, or town, filed within 30 days after the date*
 723 *the results of the referendum are certified and setting out fully the grounds of contest. The complaint and the*
 724 *proceedings shall conform as nearly as practicable to the provisions of § 15.2-1654, and the judgment of the*
 725 *court entered of record shall be a final determination of the legality of the referendum.*

726 *E. Referendums held pursuant to this section shall not apply to or prohibit the licensure and operation of*
 727 *a marijuana establishment by and on the premises of a pharmaceutical processor or cannabis dispensing*
 728 *facility that holds a valid permit issued by the Board pursuant to Chapter 16 (§ 4.1-1600 et seq.) prior to*
 729 *November 1, 2024.*

730 **§ 4.1-630. Local ordinances or resolutions regulating marijuana or marijuana products.**

731 *A. No county, city, or town shall, except as provided in §§ 4.1-629 and 4.1-631, adopt any ordinance or*

732 resolution that regulates or prohibits the cultivation, processing, possession, sale, distribution, handling,
733 transportation, consumption, use, advertising, or dispensing of marijuana or marijuana products in the
734 Commonwealth.

735 B. However, the governing body of any county, city, or town may adopt an ordinance that prohibits in its
736 local public parks, playgrounds, public streets, or any sidewalk adjoining any public street the acts described
737 in § 4.1-1108 or the acts described in § 4.1-1109 and may provide a penalty for violation thereof.

738 C. Nothing in this chapter shall be construed to supersede or limit the authority of a locality to adopt and
739 enforce local ordinances to regulate businesses licensed pursuant to this chapter, including local zoning and
740 land use requirements and business license requirements.

741 D. Except as provided in this section, all local acts, including charter provisions and ordinances of
742 counties, cities, and towns, inconsistent with any of the provisions of this subtitle, are repealed to the extent
743 of such inconsistency.

744 **§ 4.1-631. Local ordinances regulating time of sale of marijuana and marijuana products.**

745 The governing body of each county may adopt ordinances effective in that portion of such county not
746 embraced within the corporate limits of any incorporated town, and the governing body of each city and town
747 may adopt ordinances effective in such city or town, fixing hours during which marijuana and marijuana
748 products may be sold. Such governing bodies shall provide for fines and other penalties for violations of any
749 such ordinances, which shall be enforced as if the violations were Class 1 misdemeanors with a right of
750 appeal pursuant to § 16.1-106.

751 A copy of any ordinance adopted pursuant to this section shall be certified by the clerk of the governing
752 body adopting it and transmitted to the Board.

753 On and after the effective date of any ordinance adopted pursuant to this section, no marijuana store shall
754 sell marijuana or marijuana products during the hours limited by the ordinance.

755 **CHAPTER 7.**

756 **ADMINISTRATION OF LICENSES; GENERAL PROVISIONS.**

757 **§ 4.1-700. Exemptions from licensure.**

758 The licensure requirements of this subtitle shall not apply to (i) a cannabis dispensing facility or
759 pharmaceutical processor that has been issued a permit by the Board and is acting in accordance with the
760 provisions of Chapter 16 (§ 4.1-1600 et seq.); (ii) a handler, grower, or processor of industrial hemp that is
761 registered with the Commissioner of Agriculture and Consumer Services pursuant to Chapter 41.1 (§
762 3.2-4112 et seq.) of Title 3.2 and is acting in accordance with the provisions of Title 3.2; (iii) a person that
763 has been issued a regulated hemp product retail facility registration and is acting in accordance with the
764 provisions of Title 3.2; (iv) a manufacturer of an edible hemp product operating in accordance with Article 5
765 (§ 3.2-5145.1 et seq.) of Chapter 51 of Title 3.2; or (v) a person who cultivates marijuana at home for
766 personal use pursuant to § 4.1-1101. Nothing in this subtitle shall be construed to (a) prevent any person
767 described in clauses (i) through (iv) from obtaining a license pursuant to this subtitle, provided such person
768 satisfies applicable licensing requirements; (b) prevent a licensee from acquiring hemp products from an
769 industrial hemp processor in accordance with the provisions of Chapter 41.1 (§ 3.2-4112 et seq.) of Title 3.2;
770 or (c) prevent a cultivation, processing, transporter, or retail licensee from operating on the licensed
771 premises a pharmaceutical processing facility in accordance with Chapter 16 (§ 4.1-1600 et seq.) or an
772 industrial hemp processing facility in accordance with Chapter 41.1 (§ 3.2-4112 et seq.) of Title 3.2.

773 **§ 4.1-701. To whom privileges conferred by licenses extend; liability for violations of law.**

774 The privilege of any licensee to cultivate, process, transport, sell, or test marijuana or marijuana products
775 shall extend to such licensee and to all agents or employees of such licensee for the purpose of operating
776 under such license. The licensee may be held liable for any violation of this subtitle or any Board regulation
777 committed by such agents or employees in connection with their employment.

778 **§ 4.1-702. Separate license for each place of business; transfer or amendment; posting; expiration;
779 civil penalties.**

780 A. Each license granted by the Board shall designate the place where the business of the licensee will be
781 carried on. A separate license shall be required for each separate place of business.

782 B. No license shall be transferable from one location to another or from one person to another unless
783 such transfer is conducted in accordance with Board regulations.

784 C. The Board may permit a licensee to amend the classification of an existing license without complying
785 with the posting and publishing procedures required by § 4.1-1000 if the effect of the amendment is to reduce
786 materially the privileges of an existing license.

787 D. Each license shall be posted in a location conspicuous to the public at the place where the licensee
788 carries on the business for which the license is granted.

789 E. The privileges conferred by any license granted by the Board shall continue until the last day of the
790 twelfth month next ensuing or the last day of the designated month and year of expiration, except the license
791 may be sooner terminated for any cause for which the Board would be entitled to refuse to grant a license or
792 by operation of law, voluntary surrender, or order of the Board.

793 The Board may grant licenses for one year or for multiple years, not to exceed three years, based on the

794 fees set by the Board pursuant to § 4.1-1001. Qualification for a multiyear license shall be determined on the
 795 basis of criteria established by the Board. Fees for multiyear licenses shall not be refundable except as
 796 provided in § 4.1-1002. The Board may provide a discount for two-year or three-year licenses, not to exceed
 797 five percent of the applicable license fee, which extends for one fiscal year and shall not be altered or
 798 rescinded during such period.

799 F. The Board may permit a licensee who fails to pay:

800 1. The required license fee covering the continuation or reissuance of his license by midnight of the
 801 fifteenth day of the twelfth month or of the designated month of expiration, whichever is applicable, to pay the
 802 fee in lieu of posting and publishing notice and reapplying, provided payment of the fee is made within 30
 803 days following that date and is accompanied by a civil penalty of \$25 or 10 percent of such fee, whichever is
 804 greater; and

805 2. The fee and civil penalty pursuant to subdivision 1 to pay the fee in lieu of posting and publishing
 806 notice and reapplying, provided payment of the fee is made within 45 days following the 30 days specified in
 807 subdivision 1 and is accompanied by a civil penalty of \$100 or 25 percent of such fee, whichever is greater.

808 Such civil penalties collected by the Board shall be deposited in accordance with § 4.1-614.

809 **§ 4.1-703. Records of licensees; inspection of records and places of business.**

810 A. Every licensed marijuana establishment shall keep complete, accurate, and separate records in
 811 accordance with Board regulations of all marijuana and marijuana products it cultivated, purchased,
 812 processed, sold, developed, researched, tested, or shipped.

813 B. Every licensed retail marijuana store shall keep complete, accurate, and separate records in
 814 accordance with Board regulations of all purchases of marijuana products, the prices charged such licensee
 815 therefor, and the names and addresses of the persons from whom purchased. Every licensed retail marijuana
 816 store shall also preserve all invoices showing its purchases for a period as specified by Board regulations.
 817 The licensee shall also keep an accurate account of daily sales, showing quantities of marijuana products
 818 sold and the total price charged by it therefor. Except as otherwise provided in subsections C and D, such
 819 account need not give the names or addresses of the purchasers thereof, except as may be required by Board
 820 regulation.

821 Notwithstanding the provisions of subsection D, electronic records of licensed retail marijuana stores
 822 may be stored off site, provided that such records are readily retrievable and available for electronic
 823 inspection by the Board or its special agents at the licensed premises. However, in the case that such
 824 electronic records are not readily available for electronic inspection on the licensed premises, the licensee
 825 may obtain Board approval, for good cause shown, to permit the licensee to provide the records to a special
 826 agent of the Board within three business days or less, as determined by the Board, after a request is made to
 827 inspect the records.

828 C. Every licensed marijuana testing facility shall keep records of the names and addresses of all licensees
 829 or persons who submit marijuana or marijuana products to the marijuana testing facility.

830 D. The Board and its special agents shall be allowed free access during reasonable hours to every place
 831 in the Commonwealth and to the premises of every licensee or for the purpose of examining and inspecting
 832 such place and all records, invoices, and accounts therein.

833 For the purposes of a Board inspection of the records of any retail marijuana store licensees, "reasonable
 834 hours" means the hours between 9 a.m. and 5 p.m.; however, if the licensee generally is not open to the
 835 public substantially during the same hours, "reasonable hours" means the business hours when the licensee
 836 is open to the public. At any other time of day, if the retail marijuana store licensee's records are not
 837 available for inspection, the licensee shall provide the records to a special agent of the Board within 24
 838 hours after a request is made to inspect the records.

839 **CHAPTER 8.**

840 **ADMINISTRATION OF LICENSES; LICENSES GRANTED BY BOARD.**

841 **§ 4.1-800. Marijuana cultivation facility license.**

842 A. The Board may issue any of the following marijuana cultivation facility licenses, which shall authorize
 843 the licensee to cultivate, label, and package marijuana; to purchase or take possession of marijuana plants
 844 and seeds from other marijuana cultivation facilities; to transfer possession of and sell marijuana, immature
 845 marijuana plants, and marijuana seeds to retail marijuana stores; to transfer possession of marijuana,
 846 immature marijuana plants, and marijuana seeds to marijuana transporters; to transfer possession of and
 847 sell marijuana, marijuana plants, and marijuana seeds to other marijuana cultivation facilities; and to
 848 transfer possession of and sell marijuana to marijuana processing facilities:

849 1. Tier I marijuana cultivation facility license, which shall authorize the licensee to cultivate marijuana
 850 indoors or outdoors with a canopy that does not exceed 2,000 square feet.

851 2. Tier II marijuana cultivation facility license, which shall authorize the licensee to cultivate marijuana
 852 indoors or outdoors with a canopy that does not exceed 10,000 square feet.

853 3. Tier III marijuana cultivation facility license, which shall authorize the licensee to cultivate marijuana
 854 indoors with a canopy that does not exceed 25,000 square feet.

855 4. Tier IV marijuana cultivation facility license, which shall authorize the licensee to cultivate marijuana

856 indoors with a canopy that does not exceed 45,000 square feet.

857 5. Tier V marijuana cultivation facility license, which shall authorize the licensee to cultivate marijuana
858 indoors with a canopy that does not exceed 70,000 square feet.

859 The Board may (i) adjust the canopy of marijuana cultivation facilities within the square footage
860 parameters set forth in this subsection if deemed appropriate by the Board in consideration of (a) market
861 demand, (b) utilization rates, (c) sales data, (d) product transfers, (e) inventory data, and (f) the volume of
862 license applications and issuances or (ii) increase the canopy of a marijuana cultivation facility beyond the
863 square footage parameters set forth in this subsection if the Board determines that such increase will assist
864 or encourage participation by micro businesses in the industry.

865 B. In accordance with the requirements of § 4.1-611, a marijuana cultivation facility licensee shall track
866 the marijuana it cultivates from seed or immature marijuana plant to the point at which the marijuana plant
867 or the marijuana produced by the marijuana plant is delivered or transferred to a marijuana testing facility,
868 a marijuana transporter, another marijuana cultivation facility, a marijuana processor, or a retail marijuana
869 store or is disposed of or destroyed.

870 C. The cultivation of marijuana by a marijuana cultivation facility licensee in a secure agricultural
871 greenhouse shall be considered indoor cultivation and shall be permitted, provided that the secure
872 agricultural greenhouse is surrounded by a privacy fence that is no less than eight feet tall and is subject to
873 monitored ingress and egress.

874 D. All areas within the licensed premises of a marijuana cultivation facility in which marijuana is
875 cultivated, labeled, packaged, or stored shall meet all sanitary standards specified in regulations adopted by
876 the Board.

877 **§ 4.1-801. Marijuana processing facility license.**

878 A. The Board may issue marijuana processing facility licenses, which shall authorize the licensee to
879 process, label, and package marijuana and marijuana products; to purchase or take possession of marijuana
880 from a marijuana cultivation facility or another marijuana processing facility; to transfer possession of and
881 sell marijuana and marijuana products to retail marijuana stores or other marijuana processing facilities;
882 and to transfer possession of marijuana and marijuana products to marijuana transporters.

883 B. All areas within the licensed premises of a marijuana processing facility in which marijuana and
884 marijuana products are processed shall meet all sanitary standards specified in regulations adopted by the
885 Board. A marijuana processing facility that processes an edible marijuana product shall comply with the
886 requirements of Chapter 51 (§ 3.2-5100 et seq.) of Title 3.2 and any regulations adopted pursuant thereto.

887 C. In accordance with the requirements of § 4.1-611, a marijuana processing facility licensee shall track
888 the marijuana it uses in its processing from the point the marijuana is delivered or transferred to the
889 marijuana processing facility by a marijuana transporter licensee to the point the marijuana or marijuana
890 products produced using the marijuana are delivered or transferred to another marijuana processing facility,
891 a marijuana testing facility, or a marijuana transporter or are disposed of or destroyed.

892 **§ 4.1-802. Retail marijuana store license.**

893 A. The Board may issue retail marijuana store licenses, which shall authorize the licensee to purchase or
894 take possession of marijuana, marijuana products, immature marijuana plants, or marijuana seeds from a
895 marijuana cultivation facility or marijuana processing facility; to take possession of marijuana, marijuana
896 products, immature marijuana plants, or marijuana seeds from a marijuana transporter; and to sell
897 marijuana, marijuana products, immature marijuana plants, or marijuana seeds to consumers on premises
898 approved by the Board.

899 B. Retail marijuana stores shall be operated in accordance with the following provisions:

900 1. A person shall be 21 years of age or older to make a purchase in a retail marijuana store.

901 2. A retail marijuana store shall be permitted to sell marijuana, marijuana products, immature marijuana
902 plants, or marijuana seeds to consumers only in a direct, face-to-face exchange. Such store shall not be
903 permitted to sell marijuana, marijuana products, immature marijuana plants, or marijuana seeds using:

904 a. An automated dispensing or vending machine;

905 b. A drive-through sales window;

906 c. An Internet-based sales platform; or

907 d. A delivery service.

908 3. A retail marijuana store shall not be permitted to sell more than two and one-half ounces of marijuana
909 or an equivalent amount of marijuana products as determined by regulation promulgated by the Board
910 during a single transaction to one person.

911 4. A retail marijuana store shall not:

912 a. Give away any marijuana or marijuana products, except as otherwise permitted by this subtitle; or

913 b. Sell marijuana, marijuana products, immature marijuana plants, or marijuana seeds to any person
914 when at the time of such sale he knows or has reason to believe that the person attempting to purchase the
915 marijuana, marijuana product, immature marijuana plant, or marijuana seeds is intoxicated or is attempting
916 to purchase marijuana for someone younger than 21 years of age.

917 5. In accordance with the requirements of § 4.1-611, a retail marijuana store licensee shall track all

918 marijuana, marijuana products, immature marijuana plants, or marijuana seeds from the point at which the
 919 marijuana, marijuana products, immature marijuana plants, or marijuana seeds are delivered or transferred
 920 to the retail marijuana store to the point at which the marijuana, marijuana products, immature marijuana
 921 plants, or marijuana seeds are sold to a consumer, delivered or transferred to a marijuana testing facility, or
 922 disposed of or destroyed.

923 6. A retail marijuana store shall not be subject to the requirements of Chapter 51 (§ 3.2-5100 et seq.) of
 924 Title 3.2.

925 C. Each retail marijuana store licensee shall post in each retail marijuana store notice of the existence of
 926 a human trafficking hotline to alert possible witnesses or victims of human trafficking to the availability of a
 927 means to report crimes or gain assistance. The notice required by this subsection shall (i) be posted in a
 928 place readily visible and accessible to the public and (ii) meet the requirements specified in subsection C of §
 929 40.1-11.3.

930 D. Each retail marijuana store licensee shall prominently display and make available for dissemination to
 931 consumers Board-approved information regarding the potential risks of marijuana use.

932 E. Each retail marijuana store licensee shall provide training, established by the Board, to all employees
 933 educating them on how to discuss the potential risks of marijuana use with consumers.

934 F. Any retail marijuana store license granted to a pharmaceutical processor that has been issued a permit
 935 by the Board pursuant to Chapter 16 (§ 4.1-1600 et seq.) shall authorize the licensee to exercise any
 936 privileges set forth in subsection A at the place of business designated in the license, which, notwithstanding
 937 subsection A of § 4.1-702, may include, upon request by the licensee, up to five additional retail
 938 establishments of the licensee. Such additional retail establishments shall be located at the five cannabis
 939 dispensing facilities for which the Board has issued a permit pursuant to Chapter 16 (§ 4.1-1600 et seq.) in
 940 the health service area in which the pharmaceutical processing facility is located.

941 G. All areas within the licensed premises of a retail marijuana store in which marijuana, marijuana
 942 products, immature marijuana plants, or marijuana seeds are sold or stored shall meet all sanitary standards
 943 specified in regulations adopted by the Board.

944 **§ 4.1-803. Marijuana transporter license.**

945 A. The Board may issue marijuana transporter licenses, which shall authorize the licensee to take
 946 possession of marijuana, marijuana products, immature marijuana plants, and marijuana seeds from a
 947 marijuana cultivation facility, a marijuana processing facility, a retail marijuana store, or another marijuana
 948 transporter; to transfer possession of marijuana, marijuana products, immature marijuana plants, and
 949 marijuana seeds to a marijuana cultivation facility, marijuana processing facility, retail marijuana store, or
 950 another marijuana transporter; and to transport marijuana, marijuana products, immature marijuana plants,
 951 and marijuana seeds from one licensed establishment to another.

952 B. All areas within the licensed premises of a marijuana transporter in which marijuana and marijuana
 953 products are stored shall meet all sanitary standards specified in regulations adopted by the Board.

954 C. In accordance with the requirements of § 4.1-611, a marijuana transporter licensee shall track the
 955 marijuana, marijuana products, immature marijuana plants, or marijuana seeds from the point at which the
 956 marijuana, marijuana products, plants, or seeds are delivered or transferred to the marijuana transporter to
 957 the point at which the marijuana, marijuana products, plants, or seeds are transferred to a marijuana
 958 processor, marijuana transporter, retail marijuana store, or marijuana testing facility or are disposed of or
 959 destroyed.

960 **§ 4.1-804. Marijuana testing facility license.**

961 A. The Board may issue marijuana testing facility licenses, which shall authorize the licensee to develop,
 962 research, or test marijuana, marijuana products, and other substances.

963 B. A marijuana testing facility may develop, research, or test marijuana and marijuana products for (i)
 964 that facility, (ii) another licensee, or (iii) a person who intends to use the marijuana or marijuana product for
 965 personal use as authorized under § 4.1-1100.

966 C. Neither this subtitle nor the regulations adopted pursuant to this subtitle shall prevent a marijuana
 967 testing facility from developing, researching, or testing substances that are not marijuana or marijuana
 968 products for that facility or for another person.

969 D. To obtain licensure from the Board, a marijuana testing facility shall be required to obtain and
 970 maintain accreditation pursuant to standard ISO/IEC 17025 of the International Organization for
 971 Standardization by a third-party accrediting body.

972 E. In accordance with the requirements of § 4.1-611, a marijuana testing facility licensee shall track all
 973 marijuana and marijuana products it receives from a licensee for testing purposes from the point at which the
 974 marijuana or marijuana products are delivered or transferred to the marijuana testing facility to the point at
 975 which the marijuana or marijuana products are disposed of or destroyed.

976 F. A person that has an interest in a marijuana testing facility license shall not have any interest in a
 977 licensed marijuana cultivation facility, a licensed marijuana processing facility, a licensed marijuana
 978 transporter, or a licensed retail marijuana store.

979 G. All areas within the licensed premises of a marijuana testing facility in which marijuana or marijuana

980 products are tested or stored shall meet all sanitary standards specified in regulations adopted by the Board.

981 **§ 4.1-805. Multiple licenses awarded to one person; limitations.**

982 A. As used in this section, "interest" means an equity ownership interest or a partial equity ownership
983 interest or any other type of financial interest, including being an investor or serving in a management
984 position.

985 B. A person may possess or hold interest in one or any combination of the following licenses pursuant to
986 Board regulations: tier I marijuana cultivation facility license, tier II marijuana cultivation facility license,
987 tier III marijuana cultivation facility license, tier IV marijuana cultivation facility license, tier V marijuana
988 cultivation facility license, marijuana processing facility license, marijuana transporter license, or retail
989 marijuana store license. Board regulations shall be drawn to ensure that all licensees have an equal and
990 meaningful opportunity to participate in the market. Moreover, (i) no person shall be granted or hold interest
991 in more than five total licenses, not including marijuana transporter licenses, issued pursuant to this subtitle
992 or more than one tier V marijuana cultivation facility license and (ii) no person that has been granted or
993 holds interest in a marijuana cultivation facility license, marijuana processing facility license, marijuana
994 transporter license, or retail marijuana store license shall be issued or hold interest in a marijuana testing
995 facility license.

996 **§ 4.1-806. Temporary permits required in certain instances.**

997 A. The Board may grant a permit that shall authorize any person who purchases at a foreclosure, secured
998 creditor's, or judicial auction sale the premises or property of a person licensed by the Board and who has
999 become lawfully entitled to the possession of the licensed premises to continue to operate the marijuana
1000 establishment to the same extent as the license holder for a period not to exceed 60 days or for such longer
1001 period as determined by the Board. Such permit shall be temporary and shall confer the privileges of any
1002 licenses held by the previous owner to the extent determined by the Board. Such temporary permit may be
1003 issued in advance, conditioned on the requirements in this subsection.

1004 B. A temporary permit granted pursuant to subsection A may be revoked summarily by the Board for any
1005 cause set forth in § 4.1-900 without complying with subsection A of § 4.1-903. Revocation of a temporary
1006 permit shall be effective upon service of the order of revocation upon the permittee or upon the expiration of
1007 three business days after the order of the revocation has been mailed to the permittee at either his residence
1008 or the address given for the business in the permit application. No further notice shall be required.

1009 **§ 4.1-807. Licensee shall maintain possession of premises.**

1010 As a condition of licensure, a licensee shall at all times maintain possession of the licensed premises of
1011 the marijuana establishment that the licensee is licensed to operate, whether pursuant to a lease, rental
1012 agreement, or other arrangement for possession of the premises or by virtue of ownership of the premises. If
1013 the licensee fails to maintain possession of the licensed premises, the license shall be revoked by the Board.

1014 **§ 4.1-808. Conditions under which the Board shall or may refuse to grant licenses.**

1015 A. The Board may refuse to grant any license if it has reasonable cause to believe that the granting of the
1016 license would be detrimental to the interest, morals, safety, or welfare of the public or would be inconsistent
1017 with the provisions of this subtitle.

1018 B. The Board shall refuse to grant any license if it has reasonable cause to believe that:

1019 1. The applicant, or if the applicant is a partnership, any general partner thereof, or if the applicant is an
1020 association, any member thereof, or a limited partner of 10 percent or more with voting rights, or if the
1021 applicant is a corporation, any officer, director, or shareholder owning 10 percent or more of its capital
1022 stock, or if the applicant is a limited liability company, any member-manager or any member owning 10
1023 percent or more of the membership interest of the limited liability company:

1024 a. Is not 21 years of age or older;

1025 b. Has been convicted in any court of a felony or any crime or offense involving moral turpitude under the
1026 laws of any state or of the United States within seven years of the date of the application or has not completed
1027 all terms of sentencing and probation resulting from any such conviction;

1028 c. Knowingly employs or allows to volunteer someone younger than 21 years of age;

1029 d. Is not the legitimate owner of the business proposed to be licensed, or other persons have ownership
1030 interests in the business that have not been disclosed;

1031 e. Has not demonstrated financial responsibility sufficient to meet the requirements of the business
1032 proposed to be licensed;

1033 f. Has misrepresented a material fact in applying to the Board for a license;

1034 g. Has defrauded or attempted to defraud the Board, or any federal, state, or local government or
1035 governmental agency or authority, by making or filing any report, document, or tax return required by statute
1036 or regulation that is fraudulent or contains a false representation of a material fact; or has willfully deceived
1037 or attempted to deceive the Board, or any federal, state, or local government or governmental agency or
1038 authority, by making or maintaining business records required by statute or regulation that are false or
1039 fraudulent;

1040 h. Is violating or allowing the violation of any provision of this subtitle in his establishment at the time his

1041 application for a license is pending;

1042 i. Is a full-time or part-time employee of the Department of State Police or of a police department or
1043 sheriff's office that is a part of or administered by the Commonwealth or any political subdivision thereof,
1044 and who is responsible for the enforcement of the penal, traffic, or motor vehicle laws of the Commonwealth;

1045 j. Has been sanctioned by the Board pursuant to § 54.1-3316 and regulations promulgated by the Board
1046 for a violation pursuant to Chapter 16 (§ 4.1-1600 et seq.); or

1047 k. Is physically unable to carry on the business for which the application for a license is filed or has been
1048 adjudicated incapacitated.

1049 2. The applicant is a member or employee of the Board or is a corporation or other business entity in
1050 which a member or employee of the Board is a stockholder or has any other economic interest. Whenever any
1051 other elected or appointed official of the Commonwealth or any political subdivision thereof applies for such
1052 a license or continuance thereof, he shall state on the application the official position he holds, and whenever
1053 a corporation or other business entity in which any such official is a stockholder or has any other economic
1054 interest applies for such a license, it shall state on the application the full economic interests of each such
1055 official in such corporation or other business entity.

1056 3. The place to be occupied by the applicant:

1057 a. Does not conform to the requirements of the governing body of the county, city, or town in which such
1058 place is located with respect to sanitation, health, construction, or equipment, or to any similar requirements
1059 established by the laws of the Commonwealth or by Board regulation;

1060 b. Is so located that granting a license and operation thereunder by the applicant would result in
1061 violations of this subtitle or Board regulations or violation of the laws of the Commonwealth or local
1062 ordinances relating to peace and good order;

1063 c. When the applicant is applying for a retail marijuana store license, is so located with respect to any
1064 place of religious worship; hospital; public, private, or parochial school or institution of higher education;
1065 public or private playground or other similar recreational facility; child day program; substance use
1066 disorder treatment facility; or federal, state, or local government-operated facility that the operation of such
1067 place under such license will adversely affect or interfere with the normal, orderly conduct of the affairs of
1068 such facilities, programs, or institutions;

1069 d. When the applicant is applying for a retail marijuana store license, is so located with respect to any
1070 residence or residential area that the operation of such place under such license will adversely affect real
1071 property values or substantially interfere with the usual quietude and tranquility of such residence or
1072 residential area;

1073 e. When the applicant is applying for a retail marijuana store license, is located within 1,000 feet of an
1074 existing retail marijuana store;

1075 f. When the applicant is applying for a retail marijuana store license, is so constructed, arranged, or
1076 illuminated that law-enforcement officers and special agents of the Board are prevented from ready access to
1077 and reasonable observation of any room or area within which marijuana or marijuana products are to be
1078 sold; or

1079 g. Is an establishment where alcoholic beverages, tobacco, or tobacco products are manufactured, sold,
1080 or used.

1081 Nothing in this subdivision 3 shall be construed to require an applicant to have secured a place or
1082 premises until the final stage of the license approval process.

1083 4. The number of licenses existing in the locality is such that the granting of a license is detrimental to the
1084 interest, morals, safety, or welfare of the public. In reaching such conclusion, the Board shall consider (i) the
1085 criteria established by the Board to evaluate new licensees based on the density of retail marijuana stores in
1086 the community; (ii) the character of, population of, number of similar licenses in, and number of all licenses
1087 existent in the particular county, city, or town and the immediate neighborhood concerned; (iii) the effect that
1088 a new license may have on such county, city, town, or neighborhood in conforming with the purposes of this
1089 subtitle; and (iv) the objections, if any, that may have been filed by a local governing body or local residents.

1090 5. There exists any law, ordinance, or regulation of the United States, the Commonwealth, or any political
1091 subdivision thereof that warrants refusal by the Board to grant any license.

1092 6. The Board is not authorized under this subtitle to grant such license.

1093 **§ 4.1-809. Notice and hearings for refusal to grant licenses; Administrative Process Act; exceptions.**

1094 A. The action of the Board in granting or in refusing to grant any license shall be subject to judicial
1095 review in accordance with the Administrative Process Act (§ 2.2-4000 et seq.), except as provided in
1096 subsection B or C. Such review shall extend to the entire evidential record of the proceedings provided by the
1097 Board in accordance with the Administrative Process Act. An appeal shall lie to the Court of Appeals from
1098 any order of the court. Notwithstanding § 8.01-676.1, the final judgment or order of the circuit court shall
1099 not be suspended, stayed, or modified by such circuit court pending appeal to the Court of Appeals. Neither
1100 mandamus nor injunction shall lie in any such case.

1101 B. The Board may refuse a hearing on any application for the granting of any retail marijuana store

1102 license, provided that such:

- 1103 1. License for the applicant has been refused or revoked within a period of 12 months;
 1104 2. License for any premises has been refused or revoked at that location within a period of 12 months; or
 1105 3. Applicant, within a period of 12 months immediately preceding, has permitted a license granted by the
 1106 Board to expire for nonpayment of license fee, and at the time of expiration of such license, there was a
 1107 pending and adjudicated charge, either before the Board or in any court, against the licensee alleging a
 1108 violation of this subtitle.
 1109 C. If an applicant has permitted a license to expire for nonpayment of license fee, and at the time of
 1110 expiration there remained unexecuted any period of suspension imposed upon the licensee by the Board, the
 1111 Board may refuse a hearing on an application for a new license until after the date on which the suspension
 1112 period would have been executed had the license not been permitted to expire.

1113 CHAPTER 9.

1114 ADMINISTRATION OF LICENSES; SUSPENSION AND REVOCATION.

1115 § 4.1-900. Grounds for which Board may suspend or revoke licenses.

1116 A. The Board may suspend or revoke any license if it has reasonable cause to believe that:

- 1117 1. The licensee, or if the licensee is a partnership, any general partner thereof, or if the licensee is an
 1118 association, any member thereof, or a limited partner of 10 percent or more with voting rights, or if the
 1119 licensee is a corporation, any officer, director, or shareholder owning 10 percent or more of its capital stock,
 1120 or if the licensee is a limited liability company, any member-manager or any member owning 10 percent or
 1121 more of the membership interest of the limited liability company:
 1122 a. Has misrepresented a material fact in applying to the Board for such license;
 1123 b. Within the five years immediately preceding the date of the hearing held in accordance with § 4.1-903,
 1124 has (i) violated any provision of Chapter 11 (§ 4.1-1100 et seq.), Chapter 12 (§ 4.1-1200 et seq.), or Chapter
 1125 13 (§ 4.1-1300 et seq.); (ii) committed a violation of this subtitle in bad faith; (iii) violated or failed or
 1126 refused to comply with any regulation, rule, or order of the Board; or (iv) failed or refused to comply with
 1127 any of the conditions or restrictions of the license granted by the Board;
 1128 c. Has been convicted in any court of a felony or of any crime or offense involving moral turpitude under
 1129 the laws of any state or of the United States;
 1130 d. Is not the legitimate owner of the business conducted under the license granted by the Board, or other
 1131 persons have ownership interests in the business that have not been disclosed;
 1132 e. Cannot demonstrate financial responsibility sufficient to meet the requirements of the business
 1133 conducted under the license granted by the Board;
 1134 f. Has been intoxicated or under the influence of some self-administered drug while upon the licensed
 1135 premises;
 1136 g. Has maintained the licensed premises in an unsanitary condition, or allowed such premises to become
 1137 a meeting place or rendezvous for members of a criminal street gang as defined in § 18.2-46.1 or persons of
 1138 ill repute, or has allowed any form of illegal gambling to take place upon such premises;
 1139 h. Has allowed any person whom he knew or had reason to believe was intoxicated to loiter upon such
 1140 licensed premises;
 1141 i. Has allowed any person to consume upon the licensed premises any marijuana or marijuana product
 1142 except as provided under this subtitle;
 1143 j. Is physically unable to carry on the business conducted under such license or has been adjudicated
 1144 incapacitated;
 1145 k. Has possessed any illegal gambling apparatus, machine, or device upon the licensed premises;
 1146 l. Has upon the licensed premises (i) illegally possessed, distributed, sold, or used, or has knowingly
 1147 allowed any employee or agent, or any other person, to illegally possess, distribute, sell, or use, controlled
 1148 substances, imitation controlled substances, drug paraphernalia, or controlled paraphernalia as those terms
 1149 are defined in Articles 1 (§ 18.2-247 et seq.) and 1.1 (§ 18.2-265.1 et seq.) of Chapter 7 of Title 18.2 and the
 1150 Drug Control Act (§ 54.1-3400 et seq.); (ii) laundered money in violation of § 18.2-246.3; or (iii) conspired
 1151 to commit any drug-related offense in violation of Article 1 or 1.1 of Chapter 7 of Title 18.2 or the Drug
 1152 Control Act. The provisions of this subdivision l shall also apply to any conduct related to the operation of
 1153 the licensed business that facilitates the commission of any of the offenses set forth herein;
 1154 m. Has failed to take reasonable measures to prevent (i) the licensed premises, (ii) any premises
 1155 immediately adjacent to the licensed premises that is owned or leased by the licensee, or (iii) any portion of
 1156 public property immediately adjacent to the licensed premises from becoming a place where patrons of the
 1157 establishment commit criminal violations of Article 1 (§ 18.2-30 et seq.), 2 (§ 18.2-38 et seq.), 2.1 (§
 1158 18.2-46.1 et seq.), 2.2 (§ 18.2-46.4 et seq.), 3 (§ 18.2-47 et seq.), 4 (§ 18.2-51 et seq.), 5 (§ 18.2-58 et seq.), 6
 1159 (§ 18.2-59 et seq.), or 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2; Article 2 (§ 18.2-266 et seq.) of
 1160 Chapter 7 of Title 18.2; Article 3 (§ 18.2-346 et seq.) or 5 (§ 18.2-372 et seq.) of Chapter 8 of Title 18.2; or
 1161 Article 1 (§ 18.2-404 et seq.), 2 (§ 18.2-415), or 3 (§ 18.2-416 et seq.) of Chapter 9 of Title 18.2 and such
 1162 violations lead to arrests that are so frequent and serious as to reasonably be deemed a continuing threat to

1163 *the public safety;*

1164 *n. Has failed to take reasonable measures to prevent an act of violence resulting in death or serious*
1165 *bodily injury, or a recurrence of such acts, from occurring on (i) the licensed premises, (ii) any premises*
1166 *immediately adjacent to the licensed premises that is owned or leased by the licensee, or (iii) any portion of*
1167 *public property immediately adjacent to the licensed premises; or*

1168 *o. Has been sanctioned by the Board pursuant to § 54.1-3316 and regulations promulgated by the Board*
1169 *for a violation pursuant to Chapter 16 (§ 4.1-1600 et seq.).*

1170 *2. The place occupied by the licensee:*

1171 *a. Does not conform to the requirements of the governing body of the county, city, or town in which such*
1172 *establishment is located, with respect to sanitation, health, construction, or equipment, or to any similar*
1173 *requirements established by the laws of the Commonwealth or by Board regulations;*

1174 *b. Has been adjudicated a common nuisance under the provisions of this subtitle or § 18.2-258; or*

1175 *c. Has become a meeting place or rendezvous for illegal gambling, illegal users of narcotics, drunks,*
1176 *prostitutes, pimps, panderers, or habitual law violators or has become a place where illegal drugs are*
1177 *regularly used or distributed. The Board may consider the general reputation in the community of such*
1178 *establishment in addition to any other competent evidence in making such determination.*

1179 *3. The licensee or any employee of the licensee discriminated against any member of the Armed Forces of*
1180 *the United States by prices charged or otherwise.*

1181 *4. Any cause exists for which the Board would have been entitled to refuse to grant such license had the*
1182 *facts been known.*

1183 *5. The licensee is delinquent for a period of 90 days or more in the payment of any taxes, or any penalties*
1184 *or interest related thereto, lawfully imposed by the locality where the licensed business is located, as certified*
1185 *by the treasurer, commissioner of the revenue, or finance director of such locality, unless (i) the outstanding*
1186 *amount is de minimis; (ii) the licensee has pending a bona fide application for correction or appeal with*
1187 *respect to such taxes, penalties, or interest; or (iii) the licensee has entered into a payment plan approved by*
1188 *the same locality to settle the outstanding liability.*

1189 *6. The licensee has been convicted for a violation of 8 U.S.C. § 1324a(f), as amended, for actions of its*
1190 *agents or employees constituting a pattern or practice of employing unauthorized aliens on the licensed*
1191 *premises in the Commonwealth.*

1192 *7. Any other cause authorized by this subtitle.*

1193 *B. The Board shall promulgate regulations regarding suspension and revocation standards and protocols.*

1194 **§ 4.1-901. Summary suspension in emergency circumstances; grounds; notice and hearing.**

1195 *A. Notwithstanding any provisions to the contrary in Article 3 (§ 2.2-4018 et seq.) of the Administrative*
1196 *Process Act or § 4.1-806 or 4.1-903, the Board may summarily suspend any license or permit if it has*
1197 *reasonable cause to believe that an act of violence resulting in death or serious bodily injury, or a recurrence*
1198 *of such acts, has occurred on (i) the licensed premises, (ii) any premises immediately adjacent to the licensed*
1199 *premises that is owned or leased by the licensee, or (iii) any portion of public property immediately adjacent*
1200 *to the licensed premises, and the Board finds that there exists a continuing threat to public safety and that*
1201 *summary suspension of the license or permit is justified to protect the health, safety, or welfare of the public.*

1202 *B. Prior to issuing an order of suspension pursuant to this section, special agents of the Board shall*
1203 *conduct an initial investigation and submit all findings to the Secretary of the Board within 48 hours of any*
1204 *such act of violence. If the Board determines suspension is warranted, it shall immediately notify the licensee*
1205 *of its intention to temporarily suspend his license pending the outcome of a formal investigation. Such*
1206 *temporary suspension shall remain effective for a minimum of 48 hours. After the 48-hour period, the*
1207 *licensee may petition the Board for a restricted license pending the results of the formal investigation and*
1208 *proceedings for disciplinary review. If the Board determines that a restricted license is warranted, the Board*
1209 *shall have discretion to impose appropriate restrictions based on the facts presented.*

1210 *C. Upon a determination to temporarily suspend a license, the Board shall immediately commence a*
1211 *formal investigation. The formal investigation shall be completed within 10 days of its commencement and*
1212 *the findings reported immediately to the Secretary of the Board. If, following the formal investigation, the*
1213 *Secretary of the Board determines that suspension of the license is warranted, a hearing shall be held within*
1214 *five days of the completion of the formal investigation. A decision shall be rendered within 10 days of the*
1215 *conclusion of the hearing. If a decision is not rendered within 10 days of the conclusion of the hearing, the*
1216 *order of suspension shall be vacated and the license reinstated. Any appeal by the licensee shall be filed*
1217 *within 10 days of the decision and heard by the Board within 20 days of the decision. The Board shall render*
1218 *a decision on the appeal within 10 days of the conclusion of the appeal hearing.*

1219 *D. Service of any order of suspension issued pursuant to this section shall be made by a special agent of*
1220 *the Board in person and by certified mail to the licensee. The order of suspension shall take effect*
1221 *immediately upon service.*

1222 *E. This section shall not apply to temporary permits granted under § 4.1-806.*

1223 **§ 4.1-902. Grounds for which Board shall suspend or revoke licenses.**

1224 *The Board shall suspend or revoke any license if it finds that:*

1225 1. A licensee has violated or permitted the violation of § 18.2-331, relating to the illegal possession of a
1226 gambling device, upon the premises for which the Board has granted a retail marijuana store license.

1227 2. A licensee has defrauded or attempted to defraud the Board, or any federal, state, or local government
1228 or governmental agency or authority, by making or filing any report, document, or tax return required by
1229 statute or regulation that is fraudulent or contains a willful or knowing false representation of a material fact
1230 or has willfully deceived or attempted to deceive the Board, or any federal, state, or local government or
1231 governmental agency or authority, by making or maintaining business records required by statute or
1232 regulation that are false or fraudulent.

1233 **§ 4.1-903. Suspension or revocation of licenses; notice and hearings; imposition of civil penalties.**

1234 A. Before the Board may suspend or revoke any license, reasonable notice of such proposed or
1235 contemplated action shall be given to the licensee in accordance with the provisions of § 2.2-4020 of the
1236 Administrative Process Act (§ 2.2-4000 et seq.).

1237 Notwithstanding the provisions of § 2.2-4022, the Board shall, upon written request by the licensee,
1238 permit the licensee to inspect and copy or photograph all (i) written or recorded statements made by the
1239 licensee or copies thereof or the substance of any oral statements made by the licensee or a previous or
1240 present employee of the licensee to any law-enforcement officer, the existence of which is known by the Board
1241 and upon which the Board intends to rely as evidence in any adversarial proceeding under this subtitle
1242 against the licensee, and (ii) designated books, papers, documents, tangible objects, buildings, or places, or
1243 copies or portions thereof, that are within the possession, custody, or control of the Board and upon which
1244 the Board intends to rely as evidence in any adversarial proceeding under this subtitle against the licensee.
1245 In addition, any subpoena for the production of documents issued to any person at the request of the licensee
1246 or the Board pursuant to § 4.1-604 shall provide for the production of the documents sought within 10
1247 working days, notwithstanding anything to the contrary in § 4.1-604.

1248 If the Board fails to provide for inspection or copying under this section for the licensee after a written
1249 request, the Board shall be prohibited from introducing into evidence any items the licensee would have
1250 lawfully been entitled to inspect or copy under this section.

1251 The action of the Board in suspending or revoking any license or in imposing a civil penalty shall be
1252 subject to judicial review in accordance with the Administrative Process Act (§ 2.2-4000 et seq.). Such review
1253 shall extend to the entire evidential record of the proceedings provided by the Board in accordance with the
1254 Administrative Process Act. An appeal shall lie to the Court of Appeals from any order of the court.
1255 Notwithstanding § 8.01-676.1, the final judgment or order of the circuit court shall not be suspended, stayed,
1256 or modified by such circuit court pending appeal to the Court of Appeals. Neither mandamus nor injunction
1257 shall lie in any such case.

1258 B. In suspending any license, the Board may impose, as a condition precedent to the removal of such
1259 suspension or any portion thereof, a requirement that the licensee pay the cost incurred by the Board in
1260 investigating the licensee and in holding the proceeding resulting in such suspension, or it may impose and
1261 collect such civil penalties as it deems appropriate. In no event shall the Board impose a civil penalty
1262 exceeding \$2,000 for the first violation occurring within five years immediately preceding the date of the
1263 violation or \$5,000 for the second or subsequent violation occurring within five years immediately preceding
1264 the date of the second or subsequent violation. However, if the violation involved selling marijuana or
1265 marijuana products to a person prohibited from purchasing marijuana or marijuana products or allowing
1266 consumption of marijuana or marijuana products, the Board may impose a civil penalty not to exceed \$3,000
1267 for the first violation occurring within five years immediately preceding the date of the violation and \$6,000
1268 for a second or subsequent violation occurring within five years immediately preceding the date of the second
1269 or subsequent violation in lieu of such suspension or any portion thereof, or both. The Board may also
1270 impose a requirement that the licensee pay for the cost incurred by the Board not exceeding \$25,000 in
1271 investigating the licensee and in holding the proceeding resulting in the violation in addition to any
1272 suspension or civil penalty incurred.

1273 C. Following notice to (i) the licensee of a hearing that may result in the suspension or revocation of his
1274 license or (ii) the applicant of a hearing to resolve a contested application, the Board may accept a consent
1275 agreement as authorized in § 4.1-604. The notice shall advise the licensee or applicant of the option to (a)
1276 admit the alleged violation or the validity of the objection; (b) waive any right to a hearing or an appeal
1277 under the Administrative Process Act (§ 2.2-4000 et seq.); and (c) (1) accept the proposed restrictions for
1278 operating under the license, (2) accept the period of suspension of the licensed privileges within the Board's
1279 parameters, (3) pay a civil penalty in lieu of the period of suspension, or any portion of the suspension as
1280 applicable, or (4) proceed to a hearing.

1281 D. The Board shall, by regulation or written order:

1282 1. Designate those (i) objections to an application or (ii) alleged violations that will proceed to an initial
1283 hearing;

1284 2. Designate the violations for which a waiver of a hearing and payment of a civil charge in lieu of
1285 suspension may be accepted for a first offense occurring within three years immediately preceding the date of

1286 *the violation;*

1287 3. *Provide for a reduction in the length of any suspension and a reduction in the amount of any civil*
 1288 *penalty for any retail marijuana store licensee where the licensee can demonstrate that it provided to its*
 1289 *employees marijuana seller training certified in advance by the Board;*

1290 4. *Establish a schedule of penalties for such offenses, prescribing the appropriate suspension of a license*
 1291 *and the civil charge acceptable in lieu of such suspension; and*

1292 5. *Establish a schedule of offenses for which any penalty may be waived upon a showing that the licensee*
 1293 *has had no prior violations within five years immediately preceding the date of the violation. No waiver shall*
 1294 *be granted by the Board, however, for a licensee's willful and knowing violation of this subtitle or Board*
 1295 *regulations.*

1296 **§ 4.1-904. Suspension or revocation; disposition of marijuana or marijuana products on hand;**
 1297 **termination.**

1298 A. *Marijuana or marijuana products owned by or in the possession of or for sale by any licensee at the*
 1299 *time the license of such person is suspended or revoked may be disposed of as follows:*

1300 1. *Sold to persons in the Commonwealth licensed to sell such marijuana or marijuana products upon*
 1301 *permits granted by the Board in accordance with § 4.1-806 and conditions specified by the Board; or*

1302 2. *Destroyed by the Board or its designee.*

1303 B. *All marijuana or marijuana products owned by or in the possession of any person whose license is*
 1304 *suspended or revoked shall be disposed of by such person in accordance with the provisions of this section*
 1305 *within 60 days from the date of such suspension or revocation.*

1306 C. *Marijuana or marijuana products owned by or in the possession of or for sale by persons whose*
 1307 *licenses have been terminated other than by suspension or revocation may be disposed of in accordance with*
 1308 *subsection A within such time as the Board deems proper. Such period shall not be less than 60 days.*

1309 D. *All marijuana or marijuana products owned by or remaining in the possession of any person described*
 1310 *in subsection A or C after the expiration of such period shall be deemed contraband and forfeited to the*
 1311 *Commonwealth in accordance with the provisions of § 4.1-1303.*

1312 CHAPTER 10.

1313 ADMINISTRATION OF LICENSES; APPLICATIONS FOR LICENSES; FEES; TAXES.

1314 **§ 4.1-1000. Applications for licenses; publication; notice to localities; fees; permits.**

1315 A. *Every person intending to apply for any license authorized by this subtitle shall file with the Board an*
 1316 *application on forms provided by the Board and a statement in writing by the applicant swearing and*
 1317 *affirming that all of the information contained therein is true.*

1318 B. *Such applications, including applications for renewal, shall include any information necessary for the*
 1319 *Board to determine whether the applicant meets or continues to meet the criteria set forth in subdivision B 13*
 1320 *of § 4.1-606.*

1321 C. *Applicants for licenses for establishments that are otherwise required to obtain an inspection by the*
 1322 *Department of Agriculture and Consumer Services shall provide proof of inspection or proof of a pending*
 1323 *request for such inspection. If the applicant provides proof of inspection or proof of a pending request for an*
 1324 *inspection, a license may be issued to the applicant. If a license is issued on the basis of a pending*
 1325 *application or inspection, such license shall authorize the licensee to purchase marijuana, marijuana*
 1326 *products, immature marijuana plants, or marijuana seeds in accordance with the provisions of this subtitle;*
 1327 *however, the licensee shall not sell marijuana, marijuana products, immature marijuana plants, or marijuana*
 1328 *seeds until an inspection is completed.*

1329 D. *Each applicant for a license under the provisions of this subtitle shall post a notice of his application*
 1330 *with the Board on the front door of the building, place, or room where he proposes to engage in such*
 1331 *business for no more than 30 days and not less than 10 days. Such notice shall be of a size and contain such*
 1332 *information as required by the Board, including a statement that any objections shall be submitted to the*
 1333 *Board not more than 30 days following initial posting of the notice required pursuant to this subsection.*

1334 *The applicant shall also cause notice to be published at least once a week for two consecutive weeks in a*
 1335 *newspaper published in or having a general circulation in the county, city, or town wherein such applicant*
 1336 *proposes to engage in such business. Such notice shall contain such information as required by the Board,*
 1337 *including a statement that any objections to the issuance of the license be submitted to the Board not later*
 1338 *than 30 days from the date of the initial newspaper publication.*

1339 E. *The Board shall conduct a background investigation on each license applicant, which shall include a*
 1340 *criminal history records search and may include a fingerprint-based national criminal history records search*
 1341 *and a requirement for the provision of personal descriptive information to be forwarded through the Central*
 1342 *Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining criminal*
 1343 *history record information regarding such applicant. The Central Criminal Records Exchange shall forward*
 1344 *the results of the criminal history background check to the Board or its designee, which shall be a*
 1345 *governmental entity.*

1346 *However, the Board may waive, for good cause shown, the requirement for a criminal history records*

1347 search and completed personal data form for officers, directors, nonmanaging members, or limited partners
 1348 of any applicant corporation, limited liability company, or limited partnership. In considering criminal
 1349 history record information, the Board shall not disqualify an applicant because of a past conviction for a
 1350 marijuana-related offense.

1351 F. The Board shall notify the local governing body of each license application through the town manager,
 1352 city manager, county administrator, or other designee of the locality. Local governing bodies shall submit
 1353 objections to the granting of a license within 30 days of the filing of the application.

1354 G. Each applicant shall pay the required application fee at the time the application is filed. The license
 1355 application fee shall be determined by the Board and shall be in addition to the actual cost charged to the
 1356 Department of State Police by the Federal Bureau of Investigation or the Central Criminal Records
 1357 Exchange for processing any fingerprints through the Federal Bureau of Investigation or the Central
 1358 Criminal Records Exchange for each criminal history records search required by the Board. Application fees
 1359 shall be in addition to the state license fee required pursuant to § 4.1-1001 and shall not be refunded.

1360 H. Subsection A shall not apply to the continuance of licenses granted under this subtitle; however, all
 1361 licensees shall file and maintain with the Board a current, accurate record of the information required by the
 1362 Board pursuant to subsection A and notify the Board of any changes to such information in accordance with
 1363 Board regulations.

1364 I. Every application for a permit granted pursuant to § 4.1-806 shall be on a form provided by the Board.
 1365 Such permits shall confer upon their holders no authority to make solicitations in the Commonwealth as
 1366 otherwise provided by law.

1367 The fee for a temporary permit shall be one-twelfth of the combined fees required by this section for
 1368 applicable licenses to sell marijuana or marijuana products computed to the nearest cent and multiplied by
 1369 the number of months for which the permit is granted.

1370 J. The Board shall have the authority to increase state license fees. The Board shall set the amount of
 1371 such increases on the basis of the consumer price index and shall not increase fees more than once every
 1372 three years. Prior to implementing any state license fee increase, the Board shall provide notice to all
 1373 licensees and the general public of (i) the Board's intent to impose a fee increase and (ii) the new fee that
 1374 would be required for any license affected by the Board's proposed fee increases. Such notice shall be
 1375 provided on or before November 1 in any year in which the Board has decided to increase state license fees,
 1376 and such increases shall become effective July 1 of the following year.

1377 **§ 4.1-1001. Fees for state licenses.**

1378 A. Annual fees on state licenses shall be established by the Board in an amount sufficient to cover the
 1379 costs of regulating the marijuana establishment.

1380 B. The fee on each license granted or reissued for a period other than 12, 24, or 36 months shall be equal
 1381 to one-twelfth of the fees required by subsection A computed to the nearest cent, multiplied by the number of
 1382 months in the license period, and then increased by five percent. Such fee shall not be refundable, except as
 1383 provided in § 4.1-1002.

1384 C. Nothing in this subtitle shall exempt any licensee from any state merchants' license or state restaurant
 1385 license or any other state tax. Every licensee, in addition to the taxes and fees imposed by this subtitle, shall
 1386 be liable to state merchants' license taxation, state restaurant license taxation, and other state taxation.

1387 D. In addition to the fees set forth in this section, a fee of \$5 may be imposed on any license purchased in
 1388 person from the Board if such license is available for purchase online.

1389 **§ 4.1-1002. Refund of state license fee.**

1390 A. The Board may (i) correct erroneous assessments made by it against any person, (ii) refund any
 1391 amounts collected through erroneous assessments or collected as fees on licenses applications that are
 1392 subsequently refused or withdrawn, and (iii) allow credit for any license fees paid for any license that is
 1393 subsequently merged or changed into another license during the same license period. No refund shall be
 1394 made of any such amount, however, unless made within three years from the date of collection of the same.

1395 B. In any case where a licensee has changed its name or form of organization during a license period
 1396 without any change being made in its ownership, and because of such change is required to pay an additional
 1397 license fee for such period, the Board shall refund to such licensee the amount of such fee so paid in excess of
 1398 the required license fee for such period.

1399 C. The Board shall make refunds, prorated according to a schedule of its prescription, to licensees of
 1400 state license fees paid pursuant to subsection A of § 4.1-1001 if the place of business designated in the license
 1401 is destroyed by an act of God, including a fire, earthquake, hurricane, storm, or similar natural disaster or
 1402 phenomenon.

1403 D. Any amount required to be refunded under this section shall be paid by the State Treasurer out of
 1404 moneys appropriated to the Board and in the manner prescribed in § 4.1-614.

1405 **§ 4.1-1003. Marijuana taxes; exceptions.**

1406 A. A tax of eight percent is levied on the sale in the Commonwealth of any marijuana, marijuana
 1407 products, or marijuana paraphernalia. Subject to the provisions of subsection C, the tax shall be in addition

1408 *to any tax imposed under the Virginia Retail Sales and Use Tax Act (§ 58.1-600 et seq.) or any other*
1409 *provision of federal, state, or local law. The tax shall not apply to any sale:*

1410 *1. From a marijuana establishment to another marijuana establishment.*

1411 *2. Of cannabis products for treatment under the provisions of Chapter 16 (§ 4.1-1600 et seq.).*

1412 *3. Of industrial hemp by a grower, processor, or handler under the provisions of Chapter 41.1 (§*
1413 *3.2-4112 et seq.) of Title 3.2.*

1414 *4. Of a hemp product.*

1415 *B. Any locality may by ordinance levy a 2.5 percent tax on any sale taxable under subsection A. Subject to*
1416 *subsection C, the tax shall be in addition to any local sales tax imposed under the Virginia Retail Sales and*
1417 *Use Tax Act (§ 58.1-600 et seq.), any food and beverage tax imposed under Article 7.1 (§ 58.1-3833 et seq.)*
1418 *of Chapter 38 of Title 58.1, and any excise tax imposed on meals under § 58.1-3840. Other than the taxes*
1419 *authorized and identified in this subsection, a locality shall not impose any other tax on a sale taxable under*
1420 *subsection A. Nothing in this subsection shall be construed to (i) prohibit a locality from imposing any tax*
1421 *authorized by law on a person or property regulated under this subtitle or (ii) limit the authority of any*
1422 *locality to impose a license or privilege tax or fee on a business engaged in whole or in part in sales taxable*
1423 *under subsection A if such tax or fee is (a) based on an annual or per-event flat fee authorized by law or (b)*
1424 *an annual license or privilege tax authorized by law and such tax includes sales or receipts taxable under*
1425 *subsection A in its taxable measure.*

1426 *If a locality imposes a tax under this subsection, such tax shall be irrevocable. If a town imposes a tax*
1427 *under this subsection, any tax imposed by its surrounding county under this subsection shall not apply within*
1428 *the limits of the town.*

1429 *Any locality that enacts an ordinance pursuant to this subsection shall, within 30 days, notify the*
1430 *Authority and any retail marijuana store in such locality of the ordinance's enactment. The ordinance shall*
1431 *take effect on the first day of the second month following its enactment.*

1432 *C. Any tax imposed under the Virginia Retail Sales and Use Tax Act (§ 58.1-600 et seq.) on a sale taxable*
1433 *under subsection A shall be limited to a 1.125 percent tax, which shall be distributed as follows: (i) the*
1434 *revenue from the tax at the rate of one percent shall be distributed as provided in subsections B, C, and D of*
1435 *§ 58.1-638 and (ii) the revenue from the tax at the rate of 0.125 percent shall be distributed as provided in*
1436 *subdivision F 2 of § 58.1-638. No other tax shall be levied pursuant to the Virginia Retail Sales and Use Tax*
1437 *Act (§ 58.1-600 et seq.) on a sale taxable under subsection A.*

1438 *D. All revenues remitted to the Authority under this subsection shall be disposed of as provided in §*
1439 *4.1-614.*

1440 **§ 4.1-1004. Tax returns and payments; commissions; interest.**

1441 *A. For any sale taxable under § 4.1-1003, the seller shall be liable for collecting any taxes due. All taxes*
1442 *collected by a seller shall be deemed to be held in trust for the Commonwealth. The buyer shall not be liable*
1443 *for collecting or remitting the taxes or filing a return.*

1444 *B. On or before the tenth day of each month, any person liable for a tax due under § 4.1-1003 shall file a*
1445 *return under oath with the Authority and pay any taxes due. Upon written application by a person filing a*
1446 *return, the Authority may, if it determines good cause exists, grant an extension to the end of the calendar*
1447 *month in which the tax is due, or for a period not exceeding 30 days. Any extension shall toll the accrual of*
1448 *any interest or penalties under § 4.1-1007.*

1449 *C. The Authority may accept payment by any commercially acceptable means, including cash, checks,*
1450 *credit cards, debit cards, and electronic funds transfers, for any taxes, interest, or penalties due under this*
1451 *subtitle. The Board may assess a service charge for the use of a credit or debit card.*

1452 *D. Upon request, the Authority may collect and maintain a record of a person's credit card, debit card, or*
1453 *automated clearinghouse transfer information and use such information for future payments of taxes,*
1454 *interest, or penalties due under this subtitle. The Authority may assess a service charge for any payments*
1455 *made under this subsection. The Authority may procure the services of a third-party vendor for the secure*
1456 *storage of information collected pursuant to this subsection.*

1457 *E. If any person liable for tax under § 4.1-1003 sells out his business or stock of goods or quits the*
1458 *business, such person shall make a final return and payment within 15 days after the date of selling or*
1459 *quitting the business. Such person's successors or assigns, if any, shall withhold sufficient of the purchase*
1460 *money to cover the amount of such taxes, interest, and penalties due and unpaid until such former owner*
1461 *produces a receipt from the Authority showing payment or a certificate stating that no taxes, penalties, or*
1462 *interest are due. If the buyer of a business or stock of goods fails to withhold the purchase money as provided*
1463 *in this subsection, such buyer shall be liable for the payment of the taxes, interest, and penalties due and*
1464 *unpaid on account of the operation of the business by any former owner.*

1465 *F. When any person fails to timely pay the full amount of tax due under § 4.1-1003, interest at a rate*
1466 *determined in accordance with § 58.1-15 shall accrue on the tax until it is paid. Any taxes due under §*
1467 *4.1-1003 shall, if applicable, be subject to penalties as provided in §§ 4.1-1205 and 4.1-1206.*

1468 **§ 4.1-1005. Bonds.**

1469 *The Authority may, when deemed necessary and advisable to do so in order to secure the collection of the*

1470 taxes levied under § 4.1-1003, require any person subject to such tax to file a bond, with such surety as it
1471 determines is necessary to secure the payment of any tax, penalty, or interest due or that may become due
1472 from such person. In lieu of such bond, securities approved by the Authority may be deposited with the State
1473 Treasurer, which securities shall be kept in the custody of the State Treasurer, and shall be sold by the State
1474 Treasurer at the request of the Authority at public or private sale if it becomes necessary to do so in order to
1475 recover any tax, interest, or penalty due the Commonwealth. Upon any such sale, the surplus, if any, above
1476 the amounts due shall be returned to the person who deposited the securities.

1477 **§ 4.1-1006. Refunds.**

1478 A. Whenever it is proved to the satisfaction of the Authority that any taxes levied pursuant to § 4.1-1003
1479 have been paid and that the taxable items were or are (i) damaged, destroyed, or otherwise deemed to be
1480 unsalable by reason of fire or any other providential cause before sale to the consumer; (ii) destroyed
1481 voluntarily, after notice to and approval by the Authority of such destruction, because the taxable items were
1482 defective; or (iii) destroyed in any manner while in the possession of a common, private, or contract carrier,
1483 the Authority shall certify such facts to the Comptroller for approval of a refund payment from the state
1484 treasury to such extent as may be proper.

1485 B. Whenever it is proved to the satisfaction of the Authority that any person has purchased taxable items
1486 that have been sold by such person in such manner as to be exempt from the tax, the Authority shall certify
1487 such facts to the Comptroller for approval of a refund payment from the state treasury to such extent as may
1488 be proper.

1489 C. In the event purchases are returned to the seller by the buyer after a tax imposed under § 4.1-1003 has
1490 been collected or charged to the account of the buyer, the seller shall be entitled to a refund of the amount of
1491 tax so collected or charged in the manner prescribed by the Authority. The amount of tax so refunded to the
1492 seller shall not, however, include the tax paid upon any amount retained by the seller after such return of
1493 merchandise. In case the tax has not been remitted by the seller, the seller may deduct the same in submitting
1494 his return.

1495 **§ 4.1-1007. Statute of limitations; civil remedies for collecting past-due taxes, interest, and penalties.**

1496 A. The taxes imposed under § 4.1-1003 shall be assessed within three years from the date on which such
1497 taxes became due and payable. In the case of a false or fraudulent return with intent to defraud the
1498 Commonwealth, or a failure to file a return, the taxes may be assessed, or a proceeding in court for the
1499 collection of such taxes may be begun without assessment, at any time within six years from such date. The
1500 Authority shall not examine any person's records beyond the three-year period of limitations unless it has
1501 reasonable evidence of fraud or reasonable cause to believe that such person was required by law to file a
1502 return and failed to do so.

1503 B. If any person fails to file a return as required by this section, or files a return that is false or
1504 fraudulent, the Authority may make an estimate for the taxable period of the taxable sales of such person and
1505 assess the tax, plus any applicable interest and penalties. The Authority shall give such person 10 days'
1506 notice requiring such person to provide any records as it may require relating to the business of such person
1507 for the taxable period. The Authority may require such person or the agents and employees of such person to
1508 give testimony or to answer interrogatories under oath administered by the Authority respecting taxable
1509 sales, the filing of the return, and any other relevant information. If any person fails to file a required return,
1510 refuses to provide required records, or refuses to answer interrogatories from the Authority, the Authority
1511 may make an estimated assessment based upon the information available to it and issue a memorandum of
1512 lien under subsection C for the collection of any taxes, interest, or penalties. The estimated assessment shall
1513 be deemed prima facie correct.

1514 C. 1. If the Authority assesses taxes, interest, or penalties on a person and such person does not pay
1515 within 30 days after the due date, taking into account any extensions granted by the Authority, the Authority
1516 may file a memorandum of lien in the circuit court clerk's office of the county or city in which the person's
1517 place of business is located or in which the person resides. If the person has no place of business or residence
1518 within the Commonwealth, the memorandum may be filed in the Circuit Court of the City of Richmond. A
1519 copy of the memorandum may also be filed in the clerk's office of all counties and cities in which the person
1520 owns real estate. Such memorandum shall be recorded in the judgment docket book and shall have the effect
1521 of a judgment in favor of the Commonwealth, to be enforced as provided in Article 19 (§ 8.01-196 et seq.) of
1522 Chapter 3 of Title 8.01, except that a writ of fieri facias may issue at any time after the memorandum is filed.
1523 The lien on real estate shall become effective at the time the memorandum is filed in the jurisdiction in which
1524 the real estate is located. No memorandum of lien shall be filed unless the person is first given 10 or more
1525 days' prior notice of intent to file a lien; however, in those instances where the Authority determines that the
1526 collection of any tax, penalties, or interest required to be paid pursuant to law will be jeopardized by the
1527 provision of such notice, notification may be provided to the person concurrent with the filing of the
1528 memorandum of lien. Such notice shall be given to the person at his last known address.

1529 2. Recordation of a memorandum of lien under this subsection shall not affect a person's right to appeal
1530 under § 4.1-1008.

1531 3. If after filing a memorandum of lien the Authority determines that it is in the best interest of the

1532 *Commonwealth, it may place padlocks on the doors of any business enterprise that is delinquent in filing or*
 1533 *paying any tax owed to the Commonwealth. The Authority shall also post notices of distraint on each of the*
 1534 *doors so padlocked. If, after three business days, the tax deficiency has not been satisfied or satisfactory*
 1535 *arrangements for payment have not been made, the Authority may cause a writ of fieri facias to be issued. It*
 1536 *shall be a Class 1 misdemeanor for anyone to enter the padlocked premises without prior approval of the*
 1537 *Authority. In the event that the person against whom the distraint has been applied subsequently appeals*
 1538 *under § 4.1-1008, the person shall have the right to post bond equaling the amount of liability in lieu of*
 1539 *payment until the appeal is resolved.*

1540 *4. A person may petition the Authority after a memorandum of lien has been filed under this subsection if*
 1541 *the person alleges an error in the filing of the lien. The Authority shall make a determination on such petition*
 1542 *within 14 days. If the Authority determines that the filing was erroneous, it shall issue a certificate of release*
 1543 *of the lien within seven days after such determination is made.*

1544 **§ 4.1-1008. Appeals.**

1545 *Any tax imposed under § 4.1-1003, any interest imposed under § 4.1-1007, any action of the Authority*
 1546 *under § 4.1-1204, and any penalty imposed under § 4.1-1205 or 4.1-1206 shall be subject to review under the*
 1547 *Administrative Process Act (§ 2.2-4000 et seq.). Such review shall extend to the entire evidential record of*
 1548 *the proceedings provided by the Authority in accordance with the Administrative Process Act. An appeal*
 1549 *shall lie to the Court of Appeals from any order of a circuit court. Notwithstanding § 8.01-676.1, the final*
 1550 *judgment or order of a circuit court shall not be suspended, stayed, or modified by such circuit court pending*
 1551 *appeal to the Court of Appeals. Neither mandamus nor injunction shall lie in any such case.*

1552 **§ 4.1-1100. Possession, etc., of marijuana and marijuana products by persons 21 years of age or**
 1553 **older lawful; penalties.**

1554 *A. Except as otherwise provided in this subtitle and notwithstanding any other provision of law, a person*
 1555 *21 years of age or older may lawfully possess on his person or in any public place not more than ~~one ounce~~*
 1556 *two and one-half ounces of marijuana or an equivalent amount of marijuana product as determined by*
 1557 *regulation promulgated by the Board.*

1558 *B. Any person who possesses on his person or in any public place marijuana or marijuana products in*
 1559 *excess of the amounts set forth in subsection A is subject to a civil penalty of no more than \$25 except as*
 1560 *otherwise provided in this section. The penalty for any violations of this section by an adult shall be*
 1561 *prepayable according to the procedures in § 16.1-69.40:2.*

1562 *C. With the exception of possession by a person in his residence or possession by a licensee in the course*
 1563 *of his duties related to such licensee's marijuana establishment, any person who possesses on his person or in*
 1564 *any public place (i) more than four ounces but not more than one pound of marijuana or an equivalent amount*
 1565 *of marijuana product as determined by regulation promulgated by the Board is guilty of a Class 3*
 1566 *misdemeanor and, for a second or subsequent offense, a Class 2 misdemeanor and (ii) more than one pound*
 1567 *of marijuana or an equivalent amount of marijuana product as determined by regulation promulgated by the*
 1568 *Board is guilty of a felony punishable by a term of imprisonment of not less than one year nor more than 10*
 1569 *years and a fine of not more than \$250,000, or both.*

1570 *D. The provisions of this section shall not apply to members of federal, state, county, city, or town*
 1571 *law-enforcement agencies, jail officers, or correctional officers, as defined in § 53.1-1, certified as handlers of*
 1572 *dogs trained in the detection of controlled substances when possession of marijuana is necessary for the*
 1573 *performance of their duties.*

1574 **§ 4.1-1101. Home cultivation of marijuana for personal use; penalties.**

1575 *A. ~~Notwithstanding the provisions of subdivision (e) of § 18.2-248.1, a~~ A person 21 years of age or older*
 1576 *may cultivate up to four marijuana plants for personal use at their place of residence; however, at no point*
 1577 *shall a household contain more than four marijuana plants. For purposes of this section, a "household" means*
 1578 *those individuals, whether related or not, who live in the same house or other place of residence.*

1579 *A person may only cultivate marijuana plants pursuant to this section at such person's main place of*
 1580 *residence.*

1581 *A violation of this subsection shall be punishable as follows:*

1582 *1. For possession of more than four marijuana plants but no more than 10 marijuana plants, (i) a civil*
 1583 *penalty of \$250 for a first offense, (ii) a Class 3 misdemeanor for a second offense, and (iii) a Class 2*
 1584 *misdemeanor for a third and any subsequent offense;*

1585 *2. For possession of more than 10 but no more than 49 marijuana plants, a Class 1 misdemeanor;*

1586 *3. For possession of more than 49 but no more than 100 marijuana plants, a Class 6 felony; and*

1587 *4. For possession of more than 100 marijuana plants, a felony punishable by a term of imprisonment of*
 1588 *not less than one year nor more than 10 years or a fine of not more than \$250,000, or both.*

1589 *B. A person who cultivates marijuana for personal use pursuant to this section shall:*

1590 *1. Ensure that no marijuana plant is visible from a public way without the use of aircraft, binoculars, or*
 1591 *other optical aids;*

1592 *2. Take precautions to prevent unauthorized access by persons younger than 21 years of age; and*

1593 *3. Attach to each marijuana plant a legible tag that includes the person's name, driver's license or*

1594 identification number, and a notation that the marijuana plant is being grown for personal use as authorized
1595 under this section.

1596 Any person who violates this subsection is subject to a civil penalty of no more than \$25. The penalty for
1597 any violations of this section by an adult shall be prepayable according to the procedures in § 16.1-69.40:2.

1598 ~~C. A person shall not manufacture marijuana concentrate from home-cultivated marijuana. The owner of a~~
1599 ~~property or parcel or tract of land may not intentionally or knowingly allow another person to manufacture~~
1600 ~~marijuana concentrate from home-cultivated marijuana within or on that property or land.~~

1601 **§ 4.1-1102. *Illegal cultivation or processing of marijuana or marijuana products; conspiracy; penalties.***

1602 A. Except as otherwise provided in §§ 4.1-700 and 4.1-1101, no person shall cultivate or process
1603 marijuana or marijuana products in the Commonwealth without being licensed to cultivate or process such
1604 marijuana or marijuana products.

1605 B. Any person convicted of a violation of this section is guilty of a Class 6 felony.

1606 C. If two or more persons conspire together to do any act that is in violation of subsection A, and one or
1607 more of such persons does any act to effect the object of the conspiracy, each of the parties to such
1608 conspiracy is guilty of a Class 6 felony.

1609 **§ 4.1-1103. *Illegal sale of marijuana or marijuana products in general; penalties.***

1610 A. For the purposes of this section, "adult sharing" means transferring marijuana between persons who
1611 are 21 years of age or older without remuneration. "Adult sharing" does not include instances in which (i)
1612 marijuana is given away contemporaneously with another reciprocal transaction between the same parties;
1613 (ii) a gift of marijuana is offered or advertised in conjunction with an offer for the sale of goods or services;
1614 or (iii) a gift of marijuana is contingent upon a separate reciprocal transaction for goods or services.

1615 B. If any person who is not licensed sells, gives, or distributes or possesses with intent to sell, give, or
1616 distribute any marijuana or marijuana products except as permitted by this chapter or provided in subsection
1617 C, he is guilty of a Class 2 misdemeanor.

1618 A second or subsequent conviction under this section shall constitute a Class 1 misdemeanor.

1619 C. No civil or criminal penalty may be imposed for adult sharing of an amount of marijuana that does not
1620 exceed two and one-half ounces or of an equivalent amount of marijuana products.

1621 **§ 4.1-1104. *Persons to whom marijuana or marijuana products may not be sold; proof of legal age;***
1622 ***penalties.***

1623 A. No person shall, except as otherwise permitted under Chapter 16 (§ 4.1-1600 et seq.), sell, give, or
1624 distribute any marijuana or marijuana products to any individual when at the time of such sale he knows or
1625 has reason to believe that the individual to whom the sale is made is (i) younger than 21 years of age or (ii)
1626 intoxicated. Any person convicted of a violation of this subsection is guilty of a Class 1 misdemeanor.

1627 B. Any person who sells, except as otherwise permitted under Chapter 16 (§ 4.1-1600 et seq.), any
1628 marijuana or marijuana products to an individual who is younger than 21 years of age and at the time of the
1629 sale does not require the individual to present bona fide evidence of legal age indicating that the individual is
1630 21 years of age or older is guilty of a violation of this subsection. Bona fide evidence of legal age is limited to
1631 any evidence that is or reasonably appears to be an unexpired driver's license issued by any state of the
1632 United States or the District of Columbia, military identification card, United States passport or foreign
1633 government visa, unexpired special identification card issued by the Department of Motor Vehicles, or any
1634 other valid government-issued identification card bearing the individual's photograph, signature, height,
1635 weight, and date of birth, or which bears a photograph that reasonably appears to match the appearance of
1636 the purchaser. A student identification card shall not constitute bona fide evidence of legal age for purposes
1637 of this subsection. Any person convicted of a violation of this subsection is guilty of a Class 3 misdemeanor.

1638 C. No person shall be convicted of both subsections A and B for the same sale.

1639 **§ 4.1-1105. *Purchasing of marijuana or marijuana products unlawful in certain cases; venue;***
1640 ***exceptions; penalties; forfeiture; treatment and education programs and services.***

1641 A. No person to whom marijuana or marijuana products may not lawfully be sold under § 4.1-1104 shall
1642 consume, purchase, or possess, or attempt to consume, purchase, or possess, any marijuana or marijuana
1643 products, except (i) pursuant to § 4.1-700 or (ii) by any federal, state, or local law-enforcement officer or his
1644 agent when possession of marijuana or marijuana products is necessary in the performance of his duties.
1645 Such person may be prosecuted either in the county or city in which the marijuana or marijuana products
1646 were possessed or consumed or in the county or city in which the person exhibits evidence of physical indicia
1647 of consumption of marijuana or marijuana products.

1648 B. Any person 18 years of age or older who violates subsection A is subject to a civil penalty of no more
1649 than \$25 and shall be ordered to enter a substance abuse treatment or education program or both, if
1650 available, that in the opinion of the court best suits the needs of the accused.

1651 C. Unless the juvenile is proceeded against informally pursuant to § 16.1-260, any juvenile who violates
1652 subsection A is subject to a civil penalty of no more than \$25 and the court shall require the accused to enter
1653 a substance abuse treatment or education program or both, if available, that in the opinion of the court best
1654 suits the needs of the accused. For purposes of §§ 16.1-266, 16.1-273, 16.1-278.8, 16.1-278.8:01, and

1655 16.1-278.9, the court shall treat the juvenile as delinquent.

1656 D. Any such substance abuse treatment or education program to which a juvenile is ordered pursuant to
 1657 this section shall be provided by (i) a program licensed by the Department of Behavioral Health and
 1658 Developmental Services or (ii) a similar program available through a facility or program operated by or
 1659 under contract with the Department of Juvenile Justice or a locally operated court services unit or a program
 1660 funded through the Virginia Juvenile Community Crime Control Act (§ 16.1-309.2 et seq.). Any such
 1661 substance abuse treatment or education program to which a person 18 years of age or older is ordered
 1662 pursuant to this section shall be provided by (a) a program licensed by the Department of Behavioral Health
 1663 and Developmental Services or (b) a program or services made available through a community-based
 1664 probation services agency established pursuant to Article 9 (§ 9.1-173 et seq.) of Chapter 1 of Title 9.1, if one
 1665 has been established for the locality. When an offender is ordered to a local community-based probation
 1666 services agency, the local community-based probation services agency shall be responsible for providing for
 1667 services or referring the offender to education or treatment services as a condition of probation.

1668 E. Any civil penalties collected pursuant to this section shall be deposited into the Drug Offender
 1669 Assessment and Treatment Fund established pursuant to § 18.2-251.02. No person younger than 21 years of
 1670 age shall use or attempt to use any (i) altered, fictitious, facsimile, or simulated license to operate a motor
 1671 vehicle; (ii) altered, fictitious, facsimile, or simulated document, including a birth certificate or student
 1672 identification card; or (iii) motor vehicle driver's license or other document issued under Chapter 3 (§
 1673 46.2-300 et seq.) of Title 46.2 or the comparable law of another jurisdiction, birth certificate, or student
 1674 identification card of another person in order to establish a false identification or false age for himself to
 1675 consume, purchase, or attempt to consume or purchase marijuana or marijuana products. Any person
 1676 convicted of a violation of this subsection is guilty of a Class 1 misdemeanor.

1677 F. Any marijuana or marijuana product purchased or possessed in violation of this section shall be
 1678 deemed contraband and forfeited to the Commonwealth in accordance with § 4.1-1303.

1679 G. Any retail marijuana store licensee who in good faith promptly notifies the Board or any state or local
 1680 law-enforcement agency of a violation or suspected violation of this section shall be accorded immunity from
 1681 an administrative penalty for a violation of § 4.1-1104.

1682 **§ 4.1-1106. Purchasing marijuana or marijuana products for one to whom they may not be sold;**
 1683 **penalties; forfeiture.**

1684 A. Any person who purchases marijuana or marijuana products for another person and at the time of such
 1685 purchase knows or has reason to believe that the person for whom the marijuana or marijuana products were
 1686 purchased was intoxicated is guilty of a Class 1 misdemeanor.

1687 B. Any person who purchases for, or otherwise gives, provides, or assists in the provision of marijuana or
 1688 marijuana products to, another person when he knows or has reason to know that such person is younger
 1689 than 21 years of age, except by any federal, state, or local law-enforcement officer when possession of
 1690 marijuana or marijuana products is necessary in the performance of his duties, is guilty of a Class 1
 1691 misdemeanor.

1692 C. Any marijuana or marijuana products purchased in violation of this section shall be deemed
 1693 contraband and forfeited to the Commonwealth in accordance with § 4.1-1303.

1694 **§ 4.1-1113. Maintaining common nuisances; penalties.**

1695 A. All houses, boathouses, buildings, club or fraternity or lodge rooms, boats, cars, and places of every
 1696 description where marijuana or marijuana products are manufactured, processed, stored, sold, dispensed,
 1697 given away, or used contrary to law, by any scheme or device whatsoever, shall be deemed common
 1698 nuisances.

1699 No person shall maintain, aid, abet, or knowingly associate with others in maintaining a common
 1700 nuisance.

1701 Any person convicted of a violation of this subsection is guilty of a Class 1 misdemeanor.

1702 B. In addition, after due notice and an opportunity to be heard on the part of any owner or lessor not
 1703 involved in the original offense, by a proceeding analogous to that provided in § 4.1-1303 and upon proof of
 1704 guilty knowledge, judgment may be given that such house, boathouse, building, boat, car, or other place, or
 1705 any room or part thereof, be closed. The court may, upon the owner or lessor giving bond in the penalty of
 1706 not less than \$500 and with security to be approved by the court, conditioned that the premises shall not be
 1707 used for unlawful purposes, or in violation of the provisions of this subtitle for a period of five years, turn the
 1708 same over to its owner or lessor, or proceeding may be had in equity as provided in § 4.1-1300.

1709 C. In a proceeding under this section, judgment shall not be entered against the owner, lessor, or
 1710 lienholder of the property unless it is proved that he (i) knew of the unlawful use of the property and (ii) had
 1711 the right, because of such unlawful use, to enter and repossess the property.

1712 **§ 4.1-1114. Maintaining a fortified drug house; penalty.**

1713 Any office, store, shop, restaurant, dance hall, theater, poolroom, clubhouse, storehouse, warehouse,
 1714 dwelling house, apartment, or building or structure of any kind that is (i) substantially altered from its
 1715 original status by means of reinforcement with the intent to impede, deter, or delay lawful entry by a

1716 law-enforcement officer into such structure; (ii) being used for the purpose of illegally manufacturing,
1717 processing, or distributing marijuana; and (iii) the object of a valid search warrant shall be considered a
1718 fortified drug house. Any person who maintains or operates a fortified drug house is guilty of a Class 5
1719 felony.

1720 **§ 4.1-1115. Disobeying subpoena; hindering conduct of hearing; penalty.**

1721 No person shall (i) fail or refuse to obey any subpoena issued by the Board, any Board member, or any
1722 agent authorized by the Board to issue such subpoena or (ii) hinder the orderly conduct and decorum of any
1723 hearing held and conducted by the Board, any Board member, or any agent authorized by the Board to hold
1724 and conduct such hearing.

1725 Any person convicted of a violation of this section is guilty of a Class 1 misdemeanor.

1726 **§ 4.1-1117. Delivery of marijuana or marijuana products to prisoners; penalty.**

1727 No person shall deliver, or cause to be delivered, to any prisoner in any state, local, or regional
1728 correctional facility or any person committed to the Department of Juvenile Justice in any juvenile
1729 correctional center any marijuana or marijuana products.

1730 Any person convicted of a violation of this section is guilty of a Class 1 misdemeanor.

1731 **§ 4.1-1118. Separation of plant resin by butane extraction; penalty.**

1732 A. No person shall separate plant resin by butane extraction or another method that utilizes a substance
1733 with a flashpoint below 100 degrees Fahrenheit in any public place, motor vehicle, or within the curtilage of
1734 any residential structure.

1735 B. Any person convicted of a violation of this section is guilty of a Class 1 misdemeanor.

1736 **§ 4.1-1119. Attempting; aiding or abetting; penalty.**

1737 No person shall attempt to do any of the things prohibited by this subtitle or to aid or abet another in
1738 doing, or attempting to do, any of the things prohibited by this subtitle.

1739 On an indictment, information, or warrant for the violation of this subtitle, the jury or the court may find
1740 the defendant guilty of an attempt, or being an accessory, and the punishment shall be the same as if the
1741 defendant were solely guilty of such violation.

1742 **§ 4.1-1121. Issuance of summonses for certain offenses; civil penalties.**

1743 Any violation under this subtitle that is subject to a civil penalty is a civil offense and, *except in the case*
1744 *of a violation alleged to have been committed by a juvenile, in which case the juvenile shall be proceeded*
1745 *against pursuant to § 16.1-260*, shall be charged by summons. A summons for a violation under this subtitle
1746 that is subject to a civil penalty may be executed by a law-enforcement officer when such violation is
1747 observed by such officer. The summons used by a law-enforcement officer pursuant to this section shall be in
1748 a form the same as the uniform summons for motor vehicle law violations as prescribed pursuant to §
1749 46.2-388. Any civil penalties collected pursuant to this subtitle shall be deposited into the Drug Offender
1750 Assessment and Treatment Fund established pursuant to § 18.2-251.02.

1751 CHAPTER 12.

1752 PROHIBITED PRACTICES BY LICENSEES.

1753 **§ 4.1-1200. Illegal cultivation, etc., of marijuana or marijuana products by licensees; penalty.**

1754 A. No licensee or any agent or employee of such licensee shall:

1755 1. Cultivate, process, transport, sell, or test any marijuana or marijuana products of a kind other than
1756 that which such license or this subtitle authorizes him to cultivate, process, transport, sell, or test;

1757 2. Sell marijuana or marijuana products to any person other than a person to whom such license or this
1758 subtitle authorizes him to sell;

1759 3. Cultivate, process, transport, sell, or test marijuana or marijuana products that such license or this
1760 subtitle authorizes him to sell, but in any place or in any manner other than such license or this subtitle
1761 authorizes him to cultivate, process, transport, sell, or test;

1762 4. Cultivate, process, transport, sell, or test any marijuana or marijuana products when forbidden by this
1763 subtitle;

1764 5. Keep or allow to be kept, other than in his residence and for his personal use, any marijuana or
1765 marijuana products other than that which he is authorized to cultivate, process, transport, sell, or test by
1766 such license or by this subtitle;

1767 6. Keep any marijuana or marijuana product other than in the container in which it was purchased by
1768 him; or

1769 7. Allow a person younger than 21 years of age to be employed by or volunteer for such licensee.

1770 B. Any person convicted of a violation of this section is guilty of a Class 1 misdemeanor.

1771 **§ 4.1-1201. Prohibited acts by employees of marijuana store licensees; civil penalty.**

1772 A. In addition to the provisions of § 4.1-1200, no retail marijuana store licensee or his agent or employee
1773 shall use or consume any marijuana or marijuana products (i) on the licensed premises, except for certain
1774 sampling for quality control purposes in accordance with Board regulations or (ii) while on duty and in a
1775 position that is involved in the selling of marijuana or marijuana products to consumers.

1776 B. No retail marijuana store licensee or his agent or employee shall make any gift of any marijuana or

1777 marijuana products.

1778 C. Any person convicted of a violation of this section shall be subject to a civil penalty in an amount not to
1779 exceed \$500.

1780 **§ 4.1-1202. Sale of; purchase for resale; marijuana or marijuana products from a person without a**
1781 **license; penalty.**

1782 Except as otherwise provided in § 4.1-805, no retail marijuana store licensee shall purchase for resale or
1783 sell any marijuana, marijuana products, immature marijuana plants, or marijuana seeds purchased from
1784 anyone other than a marijuana cultivation facility or marijuana processing facility.

1785 Any person convicted of a violation of this section is guilty of a Class 1 misdemeanor.

1786 **§ 4.1-1203. Prohibiting transfer of marijuana or marijuana products by licensees; penalty.**

1787 A. No licensed marijuana establishment shall transfer any marijuana or marijuana products from one
1788 licensed place of business to another licensed place of business unless such transfer is completed by a
1789 marijuana transporter licensee.

1790 B. Any person convicted of a violation of this section is guilty of a Class 1 misdemeanor.

1791 **§ 4.1-1204. Illegal advertising materials; civil penalty.**

1792 No person subject to the jurisdiction of the Board shall induce, attempt to induce, or consent to any
1793 licensee selling, renting, lending, buying for, or giving to any person any advertising materials or
1794 decorations under circumstances prohibited by this title or Board regulations.

1795 Any person found by the Board to have violated this section shall be subject to a civil penalty as
1796 authorized in § 4.1-903.

1797 **§ 4.1-1205. Failure of licensee to pay tax or to deliver, keep, and preserve records and accounts or to**
1798 **allow examination and inspection; penalty.**

1799 A. No licensee shall fail or refuse to (i) pay any tax provided for in § 4.1-1003; (ii) deliver, keep, and
1800 preserve such records, invoices, and accounts as are required by § 4.1-703 or Board regulation; or (iii)
1801 allow such records, invoices, and accounts or his place of business to be examined and inspected in
1802 accordance with § 4.1-703. Any person convicted of a violation of this subsection is guilty of a Class 1
1803 misdemeanor.

1804 B. After reasonable notice to a licensee that failed to make a return or pay taxes due, the Authority may
1805 suspend or revoke any license of such licensee that was issued by the Authority.

1806 **§ 4.1-1206. Nonpayment of marijuana tax; penalties.**

1807 A. No person shall make a sale taxable under § 4.1-1003 without paying all applicable taxes due. No
1808 retail marijuana store licensee shall purchase, receive, transport, store, or sell any marijuana or marijuana
1809 products on which such retailer has reason to know such tax has not been paid and may not be paid. Any
1810 person convicted of a violation of this subsection is guilty of a Class 1 misdemeanor.

1811 B. Any person who fails to file a return required for a tax due under § 4.1-1003 is subject to a civil
1812 penalty to be added to the tax in the amount of five percent of the proper tax due if the failure is for not more
1813 than 30 days, with an additional five percent for each additional 30 days, or fraction thereof, during which
1814 the failure continues. Such civil penalty shall not exceed 25 percent in the aggregate.

1815 C. In the case of a false or fraudulent return, where willful intent exists to defraud the Commonwealth of
1816 any tax due on marijuana or marijuana products, a civil penalty of 50 percent of the amount of the proper tax
1817 due shall be assessed. Such penalty shall be in addition to any penalty imposed under subsection B. It shall
1818 be prima facie evidence of willful intent to defraud the Commonwealth when any person reports its taxable
1819 sales to the Authority at 50 percent or less of the actual amount.

1820 D. If any check tendered for any amount due under § 4.1-1003 or this section is not paid by the bank on
1821 which it is drawn, and the person that tendered the check fails to pay the Authority the amount due within five
1822 days after the Authority gives it notice that such check was returned unpaid, the person that tendered the
1823 check is guilty of a violation of § 18.2-182.1.

1824 E. All penalties shall be payable to the Authority and if not so paid shall be collectible in the same manner
1825 as if they were a part of the tax imposed.

1826 **§ 4.1-1300. Enjoining nuisances.**

1827 A. In addition to the penalties imposed by § 4.1-1113, the Board, its special agents, the attorney for the
1828 Commonwealth, or any citizen of the county, city, or town where a common nuisance as defined in § 4.1-1113
1829 exists may maintain a suit in equity in the name of the Commonwealth to enjoin the common nuisance.

1830 B. The courts of equity shall have jurisdiction, and in every case where the bill charges, on the knowledge
1831 or belief of the complainant, and is sworn to by two reputable citizens, that marijuana or marijuana products
1832 are cultivated, processed, stored, sold, dispensed, given away, or used in such house, building, or other place
1833 described in § 4.1-1113 contrary to the laws of the Commonwealth, an injunction shall be granted as soon as
1834 the bill is presented to the court. The injunction shall enjoin and restrain the owners and tenants and their
1835 agents and employees, and any person connected with such house, building, or other place, and all persons
1836 whomsoever from cultivating, processing, storing, selling, dispensing, giving away, or using marijuana or
1837 marijuana products on such premises. The injunction shall also restrain all persons from removing any

1838 marijuana or marijuana products then on such premises until the further order of the court. If the court is
 1839 satisfied that the material allegations of the bill are true, although the premises complained of may not then
 1840 be unlawfully used, it shall continue the injunction against such place for a period of time as the court deems
 1841 proper. The injunction may be dissolved if a proper case is shown for dissolution.

1842 **§ 4.1-1301. Contraband marijuana or marijuana products and other articles subject to forfeiture.**

1843 A. All apparatus and materials for the cultivation or processing of marijuana or marijuana products, all
 1844 marijuana or marijuana products and materials used in their manufacture or processing, and all containers
 1845 in which marijuana or marijuana products may be found that are kept, stored, possessed, or in any manner
 1846 used in violation of the provisions of this subtitle, and any dangerous weapons as described in § 18.2-308
 1847 that may be used or that may be found upon the person, or in any vehicle that such person is using, to aid
 1848 such person in the unlawful cultivation, manufacture, processing, transportation, or sale of marijuana or
 1849 marijuana products, or found in the possession of such person, or any horse, mule, or other beast of burden
 1850 or any wagon, automobile, truck, or vehicle of any nature whatsoever that is found in the immediate vicinity
 1851 of any place where marijuana or marijuana products are being unlawfully manufactured or processed and
 1852 where such animal or vehicle is being used to aid in the unlawful manufacture or processing, shall be deemed
 1853 contraband and shall be forfeited to the Commonwealth.

1854 B. Proceedings for the confiscation of the property in subsection A shall be in accordance with § 4.1-1303
 1855 for all such property except motor vehicles, which proceedings shall be in accordance with Chapter 22.1 (§
 1856 19.2-386.1 et seq.) of Title 19.2.

1857 **§ 4.1-1303. Confiscation proceedings; disposition of forfeited articles.**

1858 A. All proceedings for the confiscation of articles, except motor vehicles, declared contraband and
 1859 forfeited to the Commonwealth under this subtitle shall be as provided in this section.

1860 B. Whenever any article declared contraband under the provisions of this subtitle and required to be
 1861 forfeited to the Commonwealth has been seized, with or without a warrant, by any officer charged with the
 1862 enforcement of this subtitle, he shall produce the contraband article and any person in whose possession it
 1863 was found. In those cases where no person is found in possession of such articles, the return shall so state
 1864 and a copy of the warrant shall be posted on the door of the buildings or room where the articles were found,
 1865 or if there is no door, then in any conspicuous place upon the premises.

1866 In case of seizure of any item for any offense involving its forfeiture where it is impracticable to remove
 1867 such item to a place of safe storage from the place where seized, the seizing officer may destroy such item
 1868 only as necessary to prevent use of all or any part thereof. The destruction shall be in the presence of at least
 1869 one credible witness, and such witness shall join the officer in a sworn report of the seizure and destruction
 1870 to be made to the Board. The report shall set forth the grounds of the claim of forfeiture, the reasons for
 1871 seizure and destruction, an estimate of the fair cash value of the item destroyed, and the materials remaining
 1872 after such destruction. The report shall include a statement that, from facts within their own knowledge, the
 1873 seizing officer and witness have no doubt whatever that the item was set up for use, or had been used in the
 1874 unlawful cultivation, processing, or manufacture of marijuana, and that it was impracticable to remove such
 1875 apparatus to a place of safe storage.

1876 In case of seizure of any quantity of marijuana or marijuana products for any offense involving forfeiture
 1877 of the same, the seizing officer may destroy them to prevent the use of all or any part thereof for the purpose
 1878 of unlawful cultivation, processing, or manufacture of marijuana or marijuana products or any other
 1879 violation of this subtitle. The destruction shall be in the presence of at least one credible witness, and such
 1880 witness shall join the officer in a sworn report of the seizure and destruction to be made to the Board. The
 1881 report shall set forth the grounds of the claim of forfeiture, the reasons for seizure and destruction, and a
 1882 statement that, from facts within their own knowledge, the seizing officer and witness have no doubt whatever
 1883 that the marijuana or marijuana products were intended for use in the unlawful cultivation, processing, or
 1884 manufacture of marijuana or marijuana products or were intended for use in violation of this subtitle.

1885 C. Upon the return of the warrant as provided in this section, the court shall fix a time not less than 10
 1886 days, unless waived by the accused in writing, and not more than 30 days thereafter, for the hearing on such
 1887 return to determine whether or not the articles seized, or any part thereof, were used or in any manner kept,
 1888 stored, or possessed in violation of this subtitle.

1889 At such hearing, if no claimant appears, the court shall declare the articles seized forfeited to the
 1890 Commonwealth and, if such articles are not necessary as evidence in any pending prosecution, shall turn
 1891 them over to the Board. Any person claiming an interest in any of the articles seized may appear at the
 1892 hearing and file a written claim setting forth particularly the character and extent of his interest. The court
 1893 shall certify the warrant and the articles seized along with any claim filed to the circuit court to hear and
 1894 determine the validity of such claim.

1895 If the evidence warrants, the court shall enter a judgment of forfeiture and order the articles seized to be
 1896 turned over to the Board. Action under this section and the forfeiture of any articles hereunder shall not be a
 1897 bar to any prosecution under any other provision of this subtitle.

1898 D. Any articles forfeited to the Commonwealth and turned over to the Board in accordance with this

1899 *section shall be destroyed or sold by the Board as it deems proper. The net proceeds from such sales shall be*
 1900 *paid into the Literary Fund.*

1901 *If the Board believes that any foodstuffs forfeited to the Commonwealth and turned over to the Board in*
 1902 *accordance with this section are usable, should not be destroyed, and cannot be sold, or whose sale would be*
 1903 *impractical, it may give such foodstuffs to any institution in the Commonwealth and shall prefer a gift to the*
 1904 *local jail or other local correctional facility in the jurisdiction where seizure took place. A record shall be*
 1905 *made showing the nature of the foodstuffs and amount given, to whom given, and the date when given and*
 1906 *shall be kept in the offices of the Board.*

1907 **§ 4.1-1304. Contraband marijuana or marijuana products.**

1908 *Failure to maintain on a conveyance or vehicle a permit or other indicia of permission issued by the*
 1909 *Board authorizing the transportation of marijuana or marijuana products within the Commonwealth when*
 1910 *other Board regulations applicable to such transportation have been complied with shall not be cause for*
 1911 *deeming such marijuana or marijuana products contraband.*

1912 **§ 4.1-1305. Punishment for violations of title or regulations; bond.**

1913 *A. Any person convicted of a misdemeanor under the provisions of this subtitle without specification as to*
 1914 *the class of offense or penalty, or convicted of violating any other provision thereof, or convicted of violating*
 1915 *any Board regulation is guilty of a Class 1 misdemeanor.*

1916 *B. In addition to the penalties imposed by this subtitle for violations, any court before whom any person is*
 1917 *convicted of a violation of any provision of this subtitle may require such defendant to execute bond based*
 1918 *upon his ability to pay, with approved security, in the penalty of not more than \$1,000, with the condition that*
 1919 *the defendant will not violate any of the provisions of this subtitle for the term of one year. If any such bond is*
 1920 *required and is not given, the defendant shall be committed to jail until it is given, or until he is discharged*
 1921 *by the court, provided that he shall not be confined for a period longer than six months. If any such bond*
 1922 *required by a court is not given during the term of the court by which conviction is had, it may be given*
 1923 *before any judge or before the clerk of such court.*

1924 *C. The provisions of this subtitle shall not prevent the Board from suspending, revoking, or refusing to*
 1925 *continue the license of any person convicted of a violation of any provision of this subtitle.*

1926 *D. No court shall hear such a case unless the respective attorney for the Commonwealth or his assistant*
 1927 *has been notified that such a case is pending.*

1928 **§ 4.1-1306. Witness not excused from testifying because of self-incrimination.**

1929 *No person shall be excused from testifying or from producing books, papers, correspondence, memoranda,*
 1930 *or other records for the Commonwealth as to any offense alleged to have been committed by another under*
 1931 *this subtitle by reason of his testimony or other evidence tending to incriminate himself, but the testimony*
 1932 *given and evidence so produced by such person on behalf of the Commonwealth when called for by the trial*
 1933 *judge or court trying the case, or by the attorney for the Commonwealth, or when summoned by the*
 1934 *Commonwealth and sworn as a witness by the court or the clerk and sent before the grand jury, shall be in no*
 1935 *case used against him nor shall he be prosecuted as to the offense as to which he testifies.*

1936 **§ 4.1-1307. Previous convictions.**

1937 *In any indictment, information, or warrant charging any person with a violation of any provision of this*
 1938 *subtitle, it may be alleged and evidence may be introduced at the trial of such person to prove that such*
 1939 *person has been previously convicted of a violation of this subtitle.*

1940 **§ 4.1-1308. Label on sealed container prima facie evidence of marijuana content.**

1941 *In any prosecution for violations of this subtitle, where a sealed container is labeled as containing*
 1942 *marijuana or marijuana products, such labeling shall be prima facie evidence of the marijuana content of the*
 1943 *container. Nothing shall preclude the introduction of other relevant evidence to establish the marijuana*
 1944 *content of a container, whether sealed or not.*

1945 **§ 4.1-1309. No recovery for marijuana or marijuana products illegally sold.**

1946 *No action to recover the price of any marijuana or marijuana products sold in contravention of this*
 1947 *subtitle may be maintained.*

1948 **§ 4.1-1403. Board to establish regulations for marijuana testing.**

1949 *The Board shall establish a testing program for marijuana and marijuana products. Except as otherwise*
 1950 *provided in this subtitle or otherwise provided by law, the program shall require a licensee, prior to selling*
 1951 *or distributing marijuana or a marijuana product to a consumer or to another licensee, to submit a*
 1952 *representative sample of the marijuana or marijuana product, not to exceed 10 percent of the total harvest or*
 1953 *batch, to a licensed marijuana testing facility for testing to ensure that the marijuana or marijuana product*
 1954 *does not exceed the maximum level of allowable contamination for any contaminant that is injurious to*
 1955 *health and for which testing is required and to ensure correct labeling. The Board shall adopt regulations (i)*
 1956 *establishing a testing program pursuant to this section; (ii) establishing acceptable testing and research*
 1957 *practices, including regulations relating to testing practices, methods, and standards; quality control*
 1958 *analysis; equipment certification and calibration; marijuana testing facility recordkeeping, documentation,*
 1959 *and business practices; disposal of used, unused, and waste marijuana and marijuana products; and*

1960 reporting of test results; (iii) identifying the types of contaminants that are injurious to health for which
 1961 marijuana and marijuana products shall be tested under this subtitle; and (iv) establishing the maximum
 1962 level of allowable contamination for each contaminant.

1963 **§ 4.1-1404. Mandatory testing; scope; recordkeeping; notification; additional testing not required;**
 1964 **required destruction; random testing.**

1965 A. A licensee may not sell or distribute marijuana or a marijuana product to a consumer or to another
 1966 licensee under this subtitle unless a representative sample of the marijuana or marijuana product has been
 1967 tested pursuant to this subtitle and the regulations adopted pursuant to this subtitle and the mandatory testing
 1968 has demonstrated that (i) the marijuana or marijuana product does not exceed the maximum level of
 1969 allowable contamination for any contaminant that is injurious to health and for which testing is required and
 1970 (ii) the labeling on the marijuana or marijuana product is correct.

1971 B. Mandatory testing of marijuana and marijuana products under this section shall include testing for:

1972 1. Residual solvents;

1973 2. Heavy metals;

1974 3. Microbiological contaminants;

1975 4. Mycotoxins;

1976 5. Pesticide chemical residue; and

1977 6. Active ingredient analysis.

1978 Testing shall be performed on the final form in which the marijuana or marijuana product will be
 1979 consumed.

1980 C. A licensee shall maintain a record of all mandatory testing that includes a description of the marijuana
 1981 or marijuana product provided to the marijuana testing facility, the identity of the marijuana testing facility,
 1982 and the results of the mandatory test.

1983 D. If the results of a mandatory test conducted pursuant to this section indicate that the tested marijuana
 1984 or marijuana product exceeds the maximum level of allowable tetrahydrocannabinol or contamination for
 1985 any contaminant that is injurious to health and for which testing is required, the marijuana testing facility
 1986 shall immediately quarantine, document, and properly destroy the marijuana or marijuana product and
 1987 within seven days of completing the test shall notify the Board of the test results.

1988 A marijuana testing facility is not required to notify the Board of the results of any test:

1989 1. Conducted on marijuana or a marijuana product at the direction of a licensee pursuant to this section
 1990 that demonstrates that the marijuana or marijuana product does not exceed the maximum level of allowable
 1991 tetrahydrocannabinol or contamination for any contaminant that is injurious to health and for which testing
 1992 is required;

1993 2. Conducted on marijuana or a marijuana product at the direction of a licensee for research and
 1994 development purposes only, so long as the licensee notifies the marijuana testing facility prior to the
 1995 performance of the test that the testing is for research and development purposes only; or

1996 3. Conducted on marijuana or a marijuana product at the direction of a person who is not a licensee.

1997 E. Notwithstanding the foregoing, a licensee may sell or furnish to a consumer or to another licensee
 1998 marijuana or a marijuana product that the licensee has not submitted for testing in accordance with this
 1999 subtitle and regulations adopted pursuant to this subtitle if the following conditions are met:

2000 1. The marijuana or marijuana product has previously undergone testing in accordance with this subtitle
 2001 and regulations adopted pursuant to this subtitle at the direction of another licensee and the testing
 2002 demonstrated that the marijuana or marijuana product does not exceed the maximum level of allowable
 2003 tetrahydrocannabinol or contamination for any contaminant that is injurious to health and for which testing
 2004 is required;

2005 2. The mandatory testing process and the test results for the marijuana or marijuana product are
 2006 documented in accordance with the requirements of this subtitle and all applicable regulations adopted
 2007 pursuant to this subtitle;

2008 3. Tracking from immature marijuana plant to the point of retail sale has been maintained for the
 2009 marijuana or marijuana product and transfers of the marijuana or marijuana product to another licensee or
 2010 to a consumer can be easily identified; and

2011 4. The marijuana or marijuana product has not undergone any further processing, manufacturing, or
 2012 alteration subsequent to the performance of the prior testing under subsection A.

2013 F. Licensees shall be required to destroy harvested batches of marijuana or batches of marijuana
 2014 products whose testing samples indicate noncompliance with the health and safety standards required by this
 2015 subtitle and the regulations adopted by the Board pursuant to this subtitle, unless remedial measures can
 2016 bring the marijuana or marijuana product into compliance with such required health and safety standards.

2017 G. A licensee shall comply with all requests for samples of marijuana and marijuana products for the
 2018 purpose of random testing by a state-owned laboratory or state-approved private laboratory.

2019 **§ 4.1-1405. Labeling and packaging requirements; prohibitions.**

2020 A. Marijuana and marijuana products to be sold or offered for sale by a licensee to a consumer shall be

2021 *labeled with the following information:*

2022 *1. Identification of the type of marijuana or marijuana product;*

2023 *2. The license numbers of the marijuana cultivation facility, the marijuana processing facility, and the*
2024 *retail marijuana store where the marijuana or marijuana product was cultivated, processed, and offered for*
2025 *sale, as applicable;*

2026 *3. A statement of the net weight of the marijuana or marijuana product;*

2027 *4. In English and in a font no less than 1/16 of an inch, information concerning (i) all ingredients,*
2028 *including pharmacologically active ingredients, tetrahydrocannabinol, cannabidiol, and other cannabinoid*
2029 *content; (ii) all possible allergens; (iii) the amount of servings in the package; (iv) if the product contains*
2030 *tetrahydrocannabinol, the total percentage and milligrams of all tetrahydrocannabinols included in the*
2031 *package and the total number of milligrams of all tetrahydrocannabinols contained in each serving; and (v)*
2032 *the potency of the tetrahydrocannabinol and other cannabinoid content;*

2033 *5. Information on gases, solvents, and chemicals used in marijuana extraction, if applicable;*

2034 *6. Instructions on usage, including information regarding the amount of marijuana or marijuana product*
2035 *that constitutes a single serving;*

2036 *7. A recommended use by date or expiration date;*

2037 *8. For marijuana and marijuana products, the following statement, prominently displayed in bold print*
2038 *and in a clear and legible fashion: "GOVERNMENT WARNING: THIS PACKAGE CONTAINS MARIJUANA*
2039 *AND TETRAHYDROCANNABINOL (THC). MARIJUANA MAY ONLY BE SOLD TO AND USED BY*
2040 *ADULTS 21 YEARS OF AGE OR OLDER. KEEP OUT OF REACH OF CHILDREN. CONSUMPTION OF*
2041 *MARIJUANA IMPAIRS COGNITION AND YOUR ABILITY TO DRIVE AND MAY BE HABIT-FORMING.*
2042 *MARIJUANA SHOULD NOT BE USED WHILE PREGNANT OR BREASTFEEDING. PLEASE USE*
2043 *CAUTION AND VISIT _____ (website maintained by the Board pursuant to § 4.1-604) FOR MORE*
2044 *INFORMATION.";*

2045 *9. A universal symbol stamped or embossed on the packaging of any marijuana and marijuana products;*

2046 *10. A certificate of analysis, produced by licensed marijuana testing facility, that states the total*
2047 *tetrahydrocannabinol concentration of the substance or the total tetrahydrocannabinol concentration of the*
2048 *batch from which the substance originates; and*

2049 *11. Any other information required by Board regulations.*

2050 *B. Marijuana and marijuana products to be sold or offered for sale by a licensee to a consumer in*
2051 *accordance with the provisions of this subtitle shall be packaged in the following manner:*

2052 *1. Marijuana and marijuana products shall be prepackaged in child-resistant, tamper-evident, and*
2053 *resealable packaging that is opaque or shall be placed at the final point of sale to a consumer in*
2054 *child-resistant, tamper-evident, and resealable packaging that is opaque;*

2055 *2. Packaging for multiserving liquid marijuana products shall include an integral measurement*
2056 *component; and*

2057 *3. Packaging shall comply with any other requirements imposed by Board regulations.*

2058 *C. Marijuana and marijuana products to be sold or offered for sale by a licensee to a consumer in*
2059 *accordance with the provisions of this subtitle shall not:*

2060 *1. (i) Without authorization, bear, be packaged in a container or wrapper that bears, or otherwise be*
2061 *labeled to bear the trademark, trade name, famous mark as defined in 15 U.S.C. § 1125, or other identifying*
2062 *mark, imprint, or device, or any likeness thereof, of a manufacturer, processor, packer, or distributor of a*
2063 *product intended for human consumption other than the manufacturer, processor, packer, or distributor that*
2064 *did in fact so manufacture, process, pack, or distribute such substance or (ii) otherwise be packaged or*
2065 *labeled in violation of a federal trademark law or regulation;*

2066 *2. Be labeled or packaged in a manner that appeals particularly to persons younger than 21 years of age;*

2067 *3. Be labeled or packaged in a manner that obscures identifying information on the label;*

2068 *4. Be labeled or packaged using a false or misleading label;*

2069 *5. Depict, model the shape of, or use a label or package that depicts or models the shape of a human,*
2070 *animal, vehicle, or fruit; and*

2071 *6. Be labeled or packaged in violation of any other labeling or packaging requirements imposed by Board*
2072 *regulations.*

2073 **§ 4.1-1406. Other health and safety requirements for edible marijuana products and other marijuana**
2074 **products deemed applicable by the Authority; health and safety regulations.**

2075 *A. In addition to all other applicable provisions of this subtitle, edible marijuana products and other*
2076 *marijuana products deemed applicable by the Authority to be sold or offered for sale by a licensee to a*
2077 *consumer:*

2078 *1. Shall be processed and manufactured by an approved source, as determined by § 3.2-5145.3;*

2079 *2. Shall comply with the provisions of Chapter 51 (§ 3.2-5100 et seq.) of Title 3.2;*

2080 *3. Shall be processed and manufactured in a manner that results in the cannabinoid content within the*
2081 *product being homogeneous throughout the product or throughout each element of the product that has a*

2082 *cannabinoid content;*

2083 4. *Shall be processed and manufactured in a manner that results in the amount of marijuana concentrate*
2084 *within the product being homogeneous throughout the product or throughout each element of the product*
2085 *that contains marijuana concentrate;*

2086 5. *Shall have a universal symbol stamped or embossed on the packaging of each product;*

2087 6. *Shall not contain more than 10 milligrams of tetrahydrocannabinol per serving of the product and shall*
2088 *not contain more than 100 milligrams of tetrahydrocannabinol per package of the product;*

2089 7. *Shall not contain additives that (i) are toxic or harmful to human beings, (ii) are specifically designed*
2090 *to make the product more addictive, (iii) contain alcohol or nicotine, (iv) are misleading to consumers, or (v)*
2091 *are specifically designed to make the product appeal particularly to persons younger than 21 years of age;*
2092 *and*

2093 8. *Shall not involve the addition of marijuana to a trademarked food or drink product, except when the*
2094 *trademarked product is used as a component of or ingredient in the edible marijuana product and the edible*
2095 *marijuana product is not advertised or described for sale as containing the trademarked product.*

2096 B. *The Board shall adopt any additional labeling, packaging, or other health and safety regulations that it*
2097 *deems necessary for marijuana and marijuana products to be sold or offered for sale by a licensee to a*
2098 *consumer in accordance with this subtitle. Regulations adopted pursuant to this subsection shall establish*
2099 *mandatory health and safety standards applicable to the cultivation of marijuana, the processing and*
2100 *manufacture of marijuana products, and the packaging and labeling of marijuana and marijuana products*
2101 *sold by a licensee to a consumer. Such regulations shall address:*

2102 1. *Requirements for the storage, warehousing, and transportation of marijuana and marijuana products*
2103 *by licensees;*

2104 2. *Sanitary standards for marijuana establishments, including sanitary standards for the processing and*
2105 *manufacture of marijuana and marijuana products; and*

2106 3. *Limitations on the display of marijuana and marijuana products at retail marijuana stores.*

2107 **§ 4.1-1500. Definitions.**

2108 As used in this chapter, unless the context requires a different meaning:

2109 "CDFI" means a community development financial institution that provides credit and financial services
2110 for underserved communities.

2111 "Fund" means the Virginia Cannabis Equity Business Loan Fund established in § 4.1-1501.

2112 "Funding" means loans *and grants* made from the Fund.

2113 "Program" means the Virginia Cannabis Equity Business Loan Program established in § 4.1-1502.

2114 "~~Social equity qualified cannabis licensee~~" means ~~a person or business who meets the criteria in § 4.1-606~~
2115 ~~to qualify as a social equity applicant and who either holds or is in the final stages of acquiring, as determined~~
2116 ~~by the Board, a license to operate a marijuana establishment.~~

2117 **§ 4.1-1501. Virginia Cannabis Equity Business Loan Fund.**

2118 There is hereby created in the state treasury a special nonreverting fund to be known as the Virginia
2119 Cannabis Equity Business Loan Fund, referred to in this section as "the Fund." The Fund shall be established
2120 on the books of the Comptroller. All funds appropriated for such purpose and any gifts, donations, grants,
2121 bequests, and other funds received on its behalf shall be paid into the state treasury and credited to the Fund.
2122 Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining
2123 in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but
2124 shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes of providing *grants,*
2125 *low-interest and loans,* zero-interest loans, *and other supports and services* to ~~social equity qualified cannabis~~
2126 *micro business* licensees in order to foster business ownership and economic growth within communities that
2127 have been the most disproportionately impacted by the former prohibition of cannabis. Expenditures and
2128 disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller
2129 upon written request signed by the Chief Executive Officer of the Authority.

2130 **§ 4.1-1502. Program requirements; guidelines for management of the Fund; selection of CDFI.**

2131 A. The Authority shall establish a Program to provide loans, *grants, and other supports and services* to
2132 ~~qualified social equity cannabis micro business~~ licensees for the purpose of promoting business ownership
2133 and economic growth by communities that have been disproportionately impacted by the prohibition of
2134 cannabis. ~~The~~ *For the purposes of issuing loans, the Authority shall* may select and work in collaboration
2135 with a CDFI ~~to assist in administering the Program and carrying out the purposes of the Fund. The~~ *If the*
2136 *Authority utilizes a CDFI for issuing loans, the* CDFI selected by the Authority shall have (i) a statewide
2137 presence in Virginia, (ii) experience in business lending, (iii) a proven track record of working with
2138 disadvantaged communities, and (iv) the capability to dedicate sufficient staff to manage the Program.
2139 ~~Working with the selected CDFI, the~~ *The* Authority shall establish monitoring and accountability
2140 mechanisms for *micro* businesses receiving funding and shall report annually the number of businesses
2141 funded; the geographic distribution of the businesses; the costs of the Program; and the outcomes, including
2142 the number and types of jobs created.

2143 B. The Program shall:

2144 1. Identify ~~social equity qualified cannabis~~ *cannabis micro business* licensees who are in need of capital *or other*
 2145 *supports and services* for the start-up of a cannabis business properly licensed pursuant to the provisions of
 2146 this subtitle;

2147 2. Provide loans, *grants, and other supports and services* for the purposes described in subsection A *and §*
 2148 *4.1-1501*;

2149 3. Provide technical assistance; and

2150 4. Bring together community partners to sustain the Program.

2151 **§ 4.1-1601. Certification for use of cannabis for treatment.**

2152 A. A practitioner in the course of his professional practice may issue a written certification for the use of
 2153 cannabis products for treatment or to alleviate the symptoms of any diagnosed condition or disease
 2154 determined by the practitioner to benefit from such use. The practitioner shall use his professional judgment
 2155 to determine the manner and frequency of patient care and evaluation and may employ the use of
 2156 telemedicine, provided that the use of telemedicine includes the delivery of patient care through real-time
 2157 interactive audiovisual technology. No practitioner may issue a written certification while such practitioner is
 2158 on the premises of a pharmaceutical processor or cannabis dispensing facility. A pharmaceutical processor
 2159 shall not endorse or promote any practitioner who issues certifications to patients. If a practitioner determines
 2160 it is consistent with the standard of care to dispense botanical cannabis to a minor, the written certification
 2161 shall specifically authorize such dispensing. If not specifically included on the initial written certification,
 2162 authorization for botanical cannabis may be communicated verbally or in writing to the pharmacist at the
 2163 time of dispensing. A practitioner who issues written certifications shall not directly or indirectly accept,
 2164 solicit, or receive anything of value from a pharmaceutical processor, cannabis dispensing facility, or any
 2165 person associated with a pharmaceutical processor, cannabis dispensing facility, or provider of paraphernalia,
 2166 excluding information on products or educational materials on the benefits and risks of cannabis products.

2167 B. The written certification shall be on a form provided by the Authority. Such written certification shall
 2168 contain the name, address, and telephone number of the practitioner, the name and address of the patient
 2169 issued the written certification, the date on which the written certification was made, and the signature or
 2170 authentic electronic signature of the practitioner. Such written certification issued pursuant to subsection A
 2171 shall expire one year after its issuance unless the practitioner provides in such written certification an earlier
 2172 expiration. A written certification shall not be issued to a patient by more than one practitioner during any
 2173 given time period.

2174 C. No practitioner shall be prosecuted under *Chapter 11 (§ 4.1-1100 et seq.) or § 18.2-248 or ~~18.2-248.1~~*
 2175 for the issuance of a certification for the use of cannabis products for the treatment or to alleviate the
 2176 symptoms of a patient's diagnosed condition or disease pursuant to a written certification issued pursuant to
 2177 subsection A. Nothing in this section shall preclude a practitioner's professional licensing board from
 2178 sanctioning the practitioner for failing to properly evaluate or treat a patient's medical condition or otherwise
 2179 violating the applicable standard of care for evaluating or treating medical conditions.

2180 D. A practitioner who issues a written certification to a patient pursuant to this section (i) shall hold
 2181 sufficient education and training to exercise appropriate professional judgment in the certification of patients;
 2182 (ii) shall not offer a discount or any other thing of value to a patient or a patient's parent, guardian, or
 2183 registered agent that is contingent on or encourages the person's decision to use a particular pharmaceutical
 2184 processor or cannabis product; (iii) shall not issue a certification to himself or his family members,
 2185 employees, or coworkers; (iv) shall not provide product samples containing cannabis other than those
 2186 approved by the U.S. Food and Drug Administration; and (v) shall not accept compensation from a
 2187 pharmaceutical processor or cannabis dispensing facility. The Board shall not limit the number of patients to
 2188 whom a practitioner may issue a written certification. The Board may report information to the applicable
 2189 licensing board on unusual patterns of certifications issued by a practitioner.

2190 E. No patient shall be required to physically present the written certification after the initial dispensing by
 2191 any pharmaceutical processor or cannabis dispensing facility under each written certification, provided that
 2192 the pharmaceutical processor or cannabis dispensing facility maintains an electronic copy of the written
 2193 certification. Pharmaceutical processors and cannabis dispensing facilities shall electronically transmit on a
 2194 monthly basis all new written certifications received by the pharmaceutical processor or cannabis dispensing
 2195 facility to the Authority.

2196 F. A patient, or, if such patient is a minor or a vulnerable adult as defined in § 18.2-369, such patient's
 2197 parent or legal guardian, may designate an individual to act as his registered agent for the purposes of
 2198 receiving cannabis products pursuant to a valid written certification. Such designated individual shall register
 2199 with the Board unless the individual's name listed on the patient's written certification. An individual may, on
 2200 the basis of medical need and in the discretion of the patient's registered practitioner, be listed on the patient's
 2201 written certification upon the patient's request. The Board may set a limit on the number of patients for whom
 2202 any individual is authorized to act as a registered agent.

2203 G. Upon delivery of a cannabis product by a pharmaceutical processor or cannabis dispensing facility to a
 2204 designated caregiver facility, any employee or contractor of a designated caregiver facility who is licensed or

2205 registered by a health regulatory board and who is authorized to possess, distribute, or administer medications
 2206 may accept delivery of the cannabis product on behalf of a patient or resident for subsequent delivery to the
 2207 patient or resident and may assist in the administration of the cannabis product to the patient or resident as
 2208 necessary.

2209 H. Information obtained under the patient certification or agent registration process shall be confidential
 2210 and shall not be subject to the disclosure provisions of the Virginia Freedom of Information Act (§ 2.2-3700
 2211 et seq.). However, reasonable access to registry information shall be provided to (i) the Chairmen of the
 2212 House and Senate Committees for Courts of Justice, (ii) state and federal agencies or local law enforcement
 2213 for the purpose of investigating or prosecuting a specific individual for a specific violation of law, (iii)
 2214 licensed practitioners or pharmacists, or their agents, for the purpose of providing patient care and drug
 2215 therapy management and monitoring of drugs obtained by a patient, (iv) a pharmaceutical processor or
 2216 cannabis dispensing facility involved in the treatment of a patient, or (v) a patient's registered agent, but only
 2217 with respect to information related to such patient.

2218 **§ 4.1-1604. Criminal liability; exceptions.**

2219 No agent or employee of a pharmaceutical processor or cannabis dispensing facility shall be prosecuted
 2220 under Chapter 11 (§ 4.1-1100 et seq.) or § 18.2-248; ~~18.2-248.1~~, or 18.2-250 for possession or manufacture of
 2221 marijuana or for possession, manufacture, or distribution of cannabis products, subject to any civil penalty,
 2222 denied any right or privilege, or subject to any disciplinary action by a professional licensing board if such
 2223 agent or employee (i) possessed or manufactured such marijuana for the purposes of producing cannabis
 2224 products in accordance with the provisions of this chapter and Board regulations or (ii) possessed,
 2225 manufactured, or distributed such cannabis products that are consistent with generally accepted cannabis
 2226 industry standards in accordance with the provisions of this chapter and Board regulations.

2227 **§ 5.1-13. Operation of aircraft while under influence of intoxicating liquors or drugs; reckless**
 2228 **operation.**

2229 Any person who ~~shall operate~~ *operates* any aircraft within the airspace over, above, or upon the lands or
 2230 waters of ~~this the~~ Commonwealth, while under the influence of intoxicating liquor or of any narcotic *or*
 2231 *marijuana* or any habit-forming drugs ~~shall be~~ *is* guilty of a felony and shall be confined in a state
 2232 correctional facility not less than one nor more than five years, or, in the discretion of the court or jury trying
 2233 the case, be confined in jail not exceeding ~~twelve~~ 12 months and fined not exceeding \$500, or both such fine
 2234 and imprisonment.

2235 Any person who ~~shall operate~~ *operates* any aircraft within the airspace over, above, or upon the lands or
 2236 waters of ~~this the~~ Commonwealth carelessly or heedlessly in willful or wanton disregard of the rights or
 2237 safety of others, or without due caution and circumspection and in a manner so as to endanger any person or
 2238 property, ~~shall be~~ *is* guilty of a misdemeanor.

2239 **§ 6.2-108. Financial services for licensed marijuana establishments.**

2240 A. As used in this section, "licensed" and "marijuana establishment" have the same meanings as provided
 2241 in § 4.1-600.

2242 B. A bank or credit union that provides a financial service to a licensed marijuana establishment, and the
 2243 officers, directors, and employees of that bank or credit union, shall not be held liable pursuant to any state
 2244 law or regulation solely for providing such a financial service or for further investing any income derived
 2245 from such a financial service.

2246 C. Nothing in this section shall require a bank or credit union to provide financial services to a licensed
 2247 marijuana establishment.

2248 **§ 9.1-1101. Powers and duties of the Department.**

2249 A. It shall be the responsibility of the Department to provide forensic laboratory services upon request of
 2250 the Superintendent of State Police; the Chief Medical Examiner, the Assistant Chief Medical Examiners, and
 2251 local medical examiners; any attorney for the Commonwealth; any chief of police, sheriff, or sergeant
 2252 responsible for law enforcement in the jurisdiction served by him; any local fire department; the head of any
 2253 private police department that has been designated as a criminal justice agency by the Department of
 2254 Criminal Justice Services as defined by § 9.1-101; or any state agency in any criminal matter. The
 2255 Department shall provide such services to any federal investigatory agency within available resources.

2256 B. The Department shall:

2257 1. Provide forensic laboratory services to all law-enforcement agencies throughout the Commonwealth
 2258 and provide laboratory services, research, and scientific investigations for agencies of the Commonwealth as
 2259 needed;

2260 2. Establish and maintain a DNA testing program in accordance with Article 1.1 (§ 19.2-310.2 et seq.) of
 2261 Chapter 18 of Title 19.2 to determine identification characteristics specific to an individual; ~~and~~

2262 3. Test the accuracy of equipment used to test the blood alcohol content of breath at least once every six
 2263 months. Only equipment found to be accurate shall be used to test the blood alcohol content of breath; *and*

2264 4. Determine the proper methods for detecting the concentration of tetrahydrocannabinol (THC) in
 2265 substances for the purposes of Chapter 11 (§ 4.1-1100 et seq.) of Title 4.1 and §§ 54.1-3401 and 54.1-3446.

2266 *The testing methodology shall use post-decarboxylation testing or other equivalent method and shall consider*
2267 *the potential conversion of tetrahydrocannabinol acid (THC-A) into THC. The test result shall include the*
2268 *total available THC derived from the sum of the THC and THC-A content.*

2269 C. The Department shall have the power and duty to:

2270 1. Receive, administer, and expend all funds and other assistance available for carrying out the purposes
2271 of this chapter;

2272 2. Make and enter into all contracts and agreements necessary or incidental to the performance of its
2273 duties and execution of its powers under this chapter including, but not limited to, contracts with the United
2274 States, units of general local government or combinations thereof in Virginia or other states, and with
2275 agencies and departments of the Commonwealth; and

2276 3. Perform such other acts as may be necessary or convenient for the effective performance of its duties.

2277 D. The Director may appoint and employ a deputy director and such other personnel as are needed to
2278 carry out the duties and responsibilities conferred by this chapter.

2279 **§ 16.1-69.40:1. Traffic infractions within authority of traffic violations clerk; schedule of fines;**
2280 **prepayment of local ordinances.**

2281 A. The Supreme Court shall by rule, which may from time to time be amended, supplemented or repealed,
2282 but which shall be uniform in its application throughout the Commonwealth, designate the traffic infractions
2283 for which a pretrial waiver of appearance, plea of guilty and fine payment may be accepted. Such designated
2284 infractions shall include violations of §§ 46.2-830.1, 46.2-878.2 and 46.2-1242 or any parallel local
2285 ordinances. Notwithstanding any rule of the Supreme Court, a person charged with a traffic offense that is
2286 listed as prepayable in the Uniform Fine Schedule may prepay his fines and costs without court appearance
2287 whether or not he was involved in an accident. The prepayable fine amount for a violation of § 46.2-878.2
2288 shall be \$200 plus an amount per mile-per-hour in excess of posted speed limits, as authorized in §
2289 46.2-878.3.

2290 Such infractions shall not include:

2291 1. Indictable offenses;

2292 2. [Repealed.]

2293 3. Operation of a motor vehicle while under the influence of intoxicating liquor, *marijuana*, or a narcotic
2294 or habit-producing drug, or permitting another person, who is under the influence of intoxicating liquor,
2295 *marijuana*, or a narcotic or habit-producing drug, to operate a motor vehicle owned by the defendant or in his
2296 custody or control;

2297 4. Reckless driving;

2298 5. Leaving the scene of an accident;

2299 6. Driving while under suspension or revocation of driving privileges;

2300 7. Driving without being licensed to drive.

2301 8. [Repealed.]

2302 B. An appearance may be made in person or in writing by mail to a clerk of court or in person before a
2303 magistrate, prior to any date fixed for trial in court. Any person so appearing may enter a waiver of trial and a
2304 plea of guilty and pay the fine and any civil penalties established for the offense charged, with costs. He shall,
2305 prior to the plea, waiver, and payment, be informed of his right to stand trial, that his signature to a plea of
2306 guilty will have the same force and effect as a judgment of court, and that the record of conviction will be
2307 sent to the Commissioner of the Department of Motor Vehicles.

2308 C. The Supreme Court, upon the recommendation of the Committee on District Courts, shall establish a
2309 schedule, within the limits prescribed by law, of the amounts of fines and any civil penalties to be imposed,
2310 designating each infraction specifically. The schedule, which may from time to time be amended,
2311 supplemented or repealed, shall be uniform in its application throughout the Commonwealth. Such schedule
2312 shall not be construed or interpreted so as to limit the discretion of any trial judge trying individual cases at
2313 the time fixed for trial. The rule of the Supreme Court establishing the schedule shall be prominently posted
2314 in the place where the fines are paid. Fines and costs shall be paid in accordance with the provisions of this
2315 Code or any rules or regulations promulgated thereunder.

2316 D. Fines imposed under local traffic infraction ordinances that do not parallel provisions of state law and
2317 fulfill the criteria set out in subsection A may be prepayable in the manner set forth in subsection B if such
2318 ordinances appear in a schedule entered by order of the local circuit courts. The chief judge of each circuit
2319 may establish a schedule of the fines, within the limits prescribed by local ordinances, to be imposed for
2320 prepayment of local ordinances designating each offense specifically. Upon the entry of such order it shall be
2321 forwarded within 10 days to the Supreme Court of Virginia by the clerk of the local circuit court. The
2322 schedule, which from time to time may be amended, supplemented or repealed, shall be uniform in its
2323 application throughout the circuit. Such schedule shall not be construed or interpreted so as to limit the
2324 discretion of any trial judge trying individual cases at the time fixed for trial. This schedule shall be
2325 prominently posted in the place where fines are paid. Fines and costs shall be paid in accordance with the
2326 provisions of this Code or any rules or regulations promulgated thereunder.

2327 **§ 16.1-260. Intake; petition; investigation.**

2328 A. All matters alleged to be within the jurisdiction of the court shall be commenced by the filing of a
 2329 petition, except as provided in subsection H and in § 16.1-259. The form and content of the petition shall be
 2330 as provided in § 16.1-262. No individual shall be required to obtain support services from the Department of
 2331 Social Services prior to filing a petition seeking support for a child. Complaints, requests, and the processing
 2332 of petitions to initiate a case shall be the responsibility of the intake officer. However, (i) the attorney for the
 2333 Commonwealth of the city or county may file a petition on his own motion with the clerk; (ii) designated
 2334 nonattorney employees of the Department of Social Services may complete, sign, and file petitions and
 2335 motions relating to the establishment, modification, or enforcement of support on forms approved by the
 2336 Supreme Court of Virginia with the clerk; (iii) designated nonattorney employees of a local department of
 2337 social services may complete, sign, and file with the clerk, on forms approved by the Supreme Court of
 2338 Virginia, petitions for foster care review, petitions for permanency planning hearings, petitions to establish
 2339 paternity, motions to establish or modify support, motions to amend or review an order, and motions for a
 2340 rule to show cause; and (iv) any attorney may file petitions on behalf of his client with the clerk except
 2341 petitions alleging that the subject of the petition is a child alleged to be in need of services, in need of
 2342 supervision, or delinquent. Complaints alleging abuse or neglect of a child shall be referred initially to the
 2343 local department of social services in accordance with the provisions of Chapter 15 (§ 63.2-1500 et seq.) of
 2344 Title 63.2. Motions and other subsequent pleadings in a case shall be filed directly with the clerk. The intake
 2345 officer or clerk with whom the petition or motion is filed shall inquire whether the petitioner is receiving
 2346 child support services or public assistance. No individual who is receiving support services or public
 2347 assistance shall be denied the right to file a petition or motion to establish, modify, or enforce an order for
 2348 support of a child. If the petitioner is seeking or receiving child support services or public assistance, the
 2349 clerk, upon issuance of process, shall forward a copy of the petition or motion, together with notice of the
 2350 court date, to the Division of Child Support Enforcement. If a petitioner is seeking to establish child support,
 2351 the intake officer shall provide the petitioner information on the possible availability of medical assistance
 2352 through the Family Access to Medical Insurance Security (FAMIS) plan or other government-sponsored
 2353 coverage through the Department of Medical Assistance Services.

2354 B. The appearance of a child before an intake officer may be by (i) personal appearance before the intake
 2355 officer or (ii) use of two-way electronic video and audio communication. If two-way electronic video and
 2356 audio communication is used, an intake officer may exercise all powers conferred by law. All
 2357 communications and proceedings shall be conducted in the same manner as if the appearance were in person,
 2358 and any documents filed may be transmitted by facsimile process. The facsimile may be served or executed
 2359 by the officer or person to whom sent, and returned in the same manner, and with the same force, effect,
 2360 authority, and liability as an original document. All signatures thereon shall be treated as original signatures.
 2361 Any two-way electronic video and audio communication system used for an appearance shall meet the
 2362 standards as set forth in subsection B of § 19.2-3.1.

2363 When the court service unit of any court receives a complaint alleging facts which may be sufficient to
 2364 invoke the jurisdiction of the court pursuant to § 16.1-241, the unit, through an intake officer, may proceed
 2365 informally to make such adjustment as is practicable without the filing of a petition or may authorize a
 2366 petition to be filed by any complainant having sufficient knowledge of the matter to establish probable cause
 2367 for the issuance of the petition.

2368 An intake officer may proceed informally on a complaint alleging a child is in need of services, in need of
 2369 supervision, or delinquent only if the juvenile (a) is not alleged to have committed a violent juvenile felony or
 2370 (b) has not previously been proceeded against informally or adjudicated delinquent for an offense that would
 2371 be a felony if committed by an adult. A petition alleging that a juvenile committed a violent juvenile felony
 2372 shall be filed with the court. A petition alleging that a juvenile is delinquent for an offense that would be a
 2373 felony if committed by an adult shall be filed with the court if the juvenile had previously been proceeded
 2374 against informally by intake or had been adjudicated delinquent for an offense that would be a felony if
 2375 committed by an adult.

2376 If a juvenile is alleged to be a truant pursuant to a complaint filed in accordance with § 22.1-258 and the
 2377 attendance officer has provided documentation to the intake officer that the relevant school division has
 2378 complied with the provisions of § 22.1-258, then the intake officer shall file a petition with the court. The
 2379 intake officer may defer filing the petition and proceed informally by developing a truancy plan, provided
 2380 that (1) the juvenile has not previously been proceeded against informally or adjudicated in need of
 2381 supervision on more than two occasions for failure to comply with compulsory school attendance as provided
 2382 in § 22.1-254 and (2) the immediately previous informal action or adjudication occurred at least three
 2383 calendar years prior to the current complaint. The juvenile and his parent or parents, guardian, or other person
 2384 standing in loco parentis must agree, in writing, for the development of a truancy plan. The truancy plan may
 2385 include requirements that the juvenile and his parent or parents, guardian, or other person standing in loco
 2386 parentis participate in such programs, cooperate in such treatment, or be subject to such conditions and
 2387 limitations as necessary to ensure the juvenile's compliance with compulsory school attendance as provided
 2388 in § 22.1-254. The intake officer may refer the juvenile to the appropriate public agency for the purpose of

2389 developing a truancy plan using an interagency interdisciplinary team approach. The team may include
2390 qualified personnel who are reasonably available from the appropriate department of social services,
2391 community services board, local school division, court service unit, and other appropriate and available
2392 public and private agencies and may be the family assessment and planning team established pursuant to §
2393 2.2-5207. If at the end of the deferral period the juvenile has not successfully completed the truancy plan or
2394 the truancy program, then the intake officer shall file the petition.

2395 Whenever informal action is taken as provided in this subsection on a complaint alleging that a child is in
2396 need of services, in need of supervision, or delinquent, the intake officer shall (A) develop a plan for the
2397 juvenile, which may include restitution, the performance of community service, or on a complaint alleging
2398 that a child has committed a delinquent act other than an act that would be a felony or a Class 1 misdemeanor
2399 if committed by an adult and with the consent of the juvenile's parent or legal guardian, referral to a youth
2400 justice diversion program established pursuant to § 16.1-309.11, based upon community resources and the
2401 circumstances which resulted in the complaint, (B) create an official record of the action taken by the intake
2402 officer and file such record in the juvenile's case file, and (C) advise the juvenile and the juvenile's parent,
2403 guardian, or other person standing in loco parentis and the complainant that any subsequent complaint
2404 alleging that the child is in need of supervision or delinquent based upon facts which may be sufficient to
2405 invoke the jurisdiction of the court pursuant to § 16.1-241, or in the case of a referral to a youth justice
2406 diversion program established pursuant to § 16.1-309.11, that any subsequent report from the youth justice
2407 diversion program alleging that the juvenile failed to comply with the youth justice diversion program's
2408 sentence within 180 days of the sentencing date, may result in the filing of a petition with the court.

2409 C. The intake officer shall accept and file a petition in which it is alleged that (i) the custody, visitation, or
2410 support of a child is the subject of controversy or requires determination, (ii) a person has deserted,
2411 abandoned, or failed to provide support for any person in violation of law, (iii) a child or such child's parent,
2412 guardian, legal custodian, or other person standing in loco parentis is entitled to treatment, rehabilitation, or
2413 other services which are required by law, (iv) family abuse has occurred and a protective order is being
2414 sought pursuant to § 16.1-253.1, 16.1-253.4, or 16.1-279.1, or (v) an act of violence, force, or threat has
2415 occurred, a protective order is being sought pursuant to § 19.2-152.8, 19.2-152.9, or 19.2-152.10, and either
2416 the alleged victim or the respondent is a juvenile. If any such complainant does not file a petition, the intake
2417 officer may file it. In cases in which a child is alleged to be abused, neglected, in need of services, in need of
2418 supervision, or delinquent, if the intake officer believes that probable cause does not exist, or that the
2419 authorization of a petition will not be in the best interest of the family or juvenile or that the matter may be
2420 effectively dealt with by some agency other than the court, he may refuse to authorize the filing of a petition.
2421 The intake officer shall provide to a person seeking a protective order pursuant to § 16.1-253.1, 16.1-253.4,
2422 or 16.1-279.1 a written explanation of the conditions, procedures and time limits applicable to the issuance of
2423 protective orders pursuant to § 16.1-253.1, 16.1-253.4, or 16.1-279.1. If the person is seeking a protective
2424 order pursuant to § 19.2-152.8, 19.2-152.9, or 19.2-152.10, the intake officer shall provide a written
2425 explanation of the conditions, procedures, and time limits applicable to the issuance of protective orders
2426 pursuant to § 19.2-152.8, 19.2-152.9, or 19.2-152.10.

2427 D. Prior to the filing of any petition alleging that a child is in need of supervision, the matter shall be
2428 reviewed by an intake officer who shall determine whether the petitioner and the child alleged to be in need
2429 of supervision have utilized or attempted to utilize treatment and services available in the community and
2430 have exhausted all appropriate nonjudicial remedies which are available to them. When the intake officer
2431 determines that the parties have not attempted to utilize available treatment or services or have not exhausted
2432 all appropriate nonjudicial remedies which are available, he shall refer the petitioner and the child alleged to
2433 be in need of supervision to the appropriate agency, treatment facility, or individual to receive treatment or
2434 services, and a petition shall not be filed. Only after the intake officer determines that the parties have made a
2435 reasonable effort to utilize available community treatment or services may he permit the petition to be filed.

2436 E. If the intake officer refuses to authorize a petition relating to an offense that if committed by an adult
2437 would be punishable as a Class 1 misdemeanor or as a felony, when such refusal is based solely upon a
2438 finding that no probable cause exists, the complainant shall be notified in writing at that time of the
2439 complainant's right to apply to a magistrate for a warrant. The application for a warrant to the magistrate shall
2440 be filed within 10 days of the issuance of the written notification. The written notification shall indicate that
2441 the intake officer made a finding that no probable cause exists and shall provide notice that the complainant
2442 has 10 days to apply for a warrant to the magistrate. The complainant shall provide the magistrate with a copy
2443 of the written notification upon application to the magistrate. If a magistrate determines that probable cause
2444 exists, he shall issue a warrant returnable to the juvenile and domestic relations district court. The warrant
2445 shall be delivered forthwith to the juvenile court, and the intake officer shall accept and file a petition
2446 founded upon the warrant. If the court is closed and the magistrate finds that the criteria for detention or
2447 shelter care set forth in § 16.1-248.1 have been satisfied, the juvenile may be detained pursuant to the warrant
2448 issued in accordance with this subsection. If the intake officer refuses to authorize a petition relating to a
2449 child in need of services or in need of supervision, a status offense, or a misdemeanor other than Class 1, his

2450 decision is final. If the intake officer refuses to authorize a petition relating to an offense that if committed by
 2451 an adult would be punishable as a Class 1 misdemeanor or as a felony when such refusal is based upon a
 2452 finding that (i) probable cause exists, but that (ii) the matter is appropriate for diversion, his decision is final
 2453 and the complainant shall not have a right to apply to a magistrate for a warrant.

2454 Upon delivery to the juvenile court of a warrant issued pursuant to subdivision 2 of § 16.1-256, the intake
 2455 officer shall accept and file a petition founded upon the warrant.

2456 F. The intake officer shall notify the attorney for the Commonwealth of the filing of any petition which
 2457 alleges facts of an offense which would be a felony if committed by an adult.

2458 G. Notwithstanding the provisions of Article 12 (§ 16.1-299 et seq.), the intake officer shall file a report
 2459 with the division superintendent of the school division in which any student who is the subject of a petition
 2460 alleging that such student who is a juvenile has committed an act, wherever committed, which would be a
 2461 crime if committed by an adult, or that such student who is an adult has committed a crime and is alleged to
 2462 be within the jurisdiction of the court. The report shall notify the division superintendent of the filing of the
 2463 petition and the nature of the offense, if the violation involves:

2464 1. A firearm offense pursuant to Article 4 (§ 18.2-279 et seq.), 5 (§ 18.2-288 et seq.), 6 (§ 18.2-299 et
 2465 seq.), 6.1 (§ 18.2-307.1 et seq.), or 7 (§ 18.2-308.1 et seq.) of Chapter 7 of Title 18.2;

2466 2. Homicide, pursuant to Article 1 (§ 18.2-30 et seq.) of Chapter 4 of Title 18.2;

2467 3. Felonious assault and bodily wounding, pursuant to Article 4 (§ 18.2-51 et seq.) of Chapter 4 of Title
 2468 18.2;

2469 4. Criminal sexual assault, pursuant to Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2;

2470 5. Manufacture, sale, gift, distribution or possession of Schedule I or II controlled substances, pursuant to
 2471 Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2;

2472 6. Manufacture, sale or distribution of marijuana pursuant to ~~Article 4~~ *Chapter 11* (§ ~~18.2-247 4.1-1100~~ et
 2473 seq.) of ~~Chapter 7~~ of Title ~~18.2 4.1~~;

2474 7. Arson and related crimes, pursuant to Article 1 (§ 18.2-77 et seq.) of Chapter 5 of Title 18.2;

2475 8. Burglary and related offenses, pursuant to §§ 18.2-89 through 18.2-93;

2476 9. Robbery pursuant to § 18.2-58;

2477 10. Prohibited criminal street gang activity pursuant to § 18.2-46.2;

2478 11. Recruitment of other juveniles for a criminal street gang activity pursuant to § 18.2-46.3;

2479 12. An act of violence by a mob pursuant to § 18.2-42.1;

2480 13. Abduction of any person pursuant to § 18.2-47 or 18.2-48; or

2481 14. A threat pursuant to § 18.2-60.

2482 The failure to provide information regarding the school in which the student who is the subject of the
 2483 petition may be enrolled shall not be grounds for refusing to file a petition.

2484 The information provided to a division superintendent pursuant to this section may be disclosed only as
 2485 provided in § 16.1-305.2.

2486 H. The filing of a petition shall not be necessary:

2487 1. In the case of violations of the traffic laws, including offenses involving bicycles, hitchhiking and other
 2488 pedestrian offenses, game and fish laws, or a violation of the ordinance of any city regulating surfing or any
 2489 ordinance establishing curfew violations, animal control violations, or littering violations. In such cases the
 2490 court may proceed on a summons issued by the officer investigating the violation in the same manner as
 2491 provided by law for adults. Additionally, an officer investigating a motor vehicle accident may, at the scene
 2492 of the accident or at any other location where a juvenile who is involved in such an accident may be located,
 2493 proceed on a summons in lieu of filing a petition.

2494 2. In the case of seeking consent to apply for the issuance of a work permit pursuant to subsection H of §
 2495 16.1-241.

2496 3. In the case of a misdemeanor violation of § 18.2-266, 18.2-266.1, or 29.1-738 or the commission of any
 2497 other alcohol-related offense, provided that the juvenile is released to the custody of a parent or legal
 2498 guardian pending the initial court date. The officer releasing a juvenile to the custody of a parent or legal
 2499 guardian shall issue a summons to the juvenile and shall also issue a summons requiring the parent or legal
 2500 guardian to appear before the court with the juvenile. Disposition of the charge shall be in the manner
 2501 provided in § 16.1-278.8, 16.1-278.8:01, or 16.1-278.9. If the juvenile so charged with a violation of §
 2502 18.2-51.4, 18.2-266, 18.2-266.1, 18.2-272, or 29.1-738 refuses to provide a sample of blood or breath or
 2503 samples of both blood and breath for chemical analysis pursuant to §§ 18.2-268.1 through 18.2-268.12 or
 2504 29.1-738.2, the provisions of these sections shall be followed except that the magistrate shall authorize
 2505 execution of the warrant as a summons. The summons shall be served on a parent or legal guardian and the
 2506 juvenile, and a copy of the summons shall be forwarded to the court in which the violation is to be tried.
 2507 When a violation of § 4.1-305 *or 4.1-1105* is charged by summons, the juvenile shall be entitled to have the
 2508 charge referred to intake for consideration of informal proceedings pursuant to subsection B, provided that
 2509 such right is exercised by written notification to the clerk not later than 10 days prior to trial. At the time such
 2510 summons alleging a violation of § 4.1-305 *or 4.1-1105* is served, the officer shall also serve upon the juvenile

2511 written notice of the right to have the charge referred to intake on a form approved by the Supreme Court and
 2512 make return of such service to the court. If the officer fails to make such service or return, the court shall
 2513 dismiss the summons without prejudice.

2514 4. In the case of offenses, *other than marijuana-related offenses*, which, if committed by an adult, would
 2515 be punishable as a Class 3 or Class 4 misdemeanor. In such cases the court may direct that an intake officer
 2516 proceed as provided in § 16.1-237 on a summons issued by the officer investigating the violation in the same
 2517 manner as provided by law for adults provided that notice of the summons to appear is mailed by the
 2518 investigating officer within five days of the issuance of the summons to a parent or legal guardian of the
 2519 juvenile.

2520 I. Failure to comply with the procedures set forth in this section shall not divest the juvenile court of the
 2521 jurisdiction granted it in § 16.1-241.

2522 **§ 16.1-273. Court may require investigation of social history and preparation of victim impact**
 2523 **statement.**

2524 A. When a juvenile and domestic relations district court or circuit court has adjudicated any case
 2525 involving a child subject to the jurisdiction of the court hereunder, except for a traffic violation, a violation of
 2526 the game and fish law, or a violation of any city ordinance regulating surfing or establishing curfew
 2527 violations, the court before final disposition thereof may require an investigation, which (i) shall include a
 2528 drug screening and (ii) may, and for the purposes of subdivision A 14 or 17 of § 16.1-278.8 shall, include a
 2529 social history of the physical, mental, and social conditions, including an assessment of any affiliation with a
 2530 criminal street gang as defined in § 18.2-46.1, and personality of the child and the facts and circumstances
 2531 surrounding the violation of law. However, in the case of a juvenile adjudicated delinquent on the basis of an
 2532 act committed on or after January 1, 2000, which would be (a) a felony if committed by an adult, ~~or~~ (b) a
 2533 violation under Article 1 (§ 18.2-247 et seq.) or Article 1.1 (§ 18.2-265.1 et seq.) of Chapter 7 of Title 18.2
 2534 and such offense would be punishable as a Class 1 or Class 2 misdemeanor if committed by an adult, *or (c) a*
 2535 *violation of § 4.1-1105*, the court shall order the juvenile to undergo a drug screening. If the drug screening
 2536 indicates that the juvenile has a substance abuse or dependence problem, an assessment shall be completed by
 2537 a certified substance abuse counselor as defined in § 54.1-3500 employed by the Department of Juvenile
 2538 Justice or by a locally operated court services unit or by an individual employed by or currently under
 2539 contract to such agencies and who is specifically trained to conduct such assessments under the supervision
 2540 of such counselor.

2541 B. The court also shall, on motion of the attorney for the Commonwealth with the consent of the victim,
 2542 or may in its discretion, require the preparation of a victim impact statement in accordance with the
 2543 provisions of § 19.2-299.1 if the court determines that the victim may have suffered significant physical,
 2544 psychological, or economic injury as a result of the violation of law.

2545 **§ 16.1-278.9. Delinquent children; loss of driving privileges for alcohol, firearm, and drug offenses;**
 2546 **truancy.**

2547 A. If a court has found facts which would justify a finding that a child at least 13 years of age at the time
 2548 of the offense is delinquent and such finding involves (i) a violation of § 18.2-266 or of a similar ordinance of
 2549 any county, city, or town; (ii) a refusal to take a breath test in violation of § 18.2-268.2; (iii) a felony violation
 2550 of Chapter 11 (§ 4.1-1100 et seq.) of Title 4.1 or § 18.2-248; ~~18.2-248.1~~, or 18.2-250; (iv) a misdemeanor
 2551 violation of Chapter 11 (§ 4.1-1100 et seq.) of Title 4.1 or § 18.2-248; ~~18.2-248.1~~, or 18.2-250 *or a violation*
 2552 *of § 4.1-1105*; (v) the unlawful purchase, possession, or consumption of alcohol in violation of § 4.1-305 or
 2553 the unlawful drinking or possession of alcoholic beverages in or on public school grounds in violation of §
 2554 4.1-309; (vi) public intoxication in violation of § 18.2-388 or a similar ordinance of a county, city, or town;
 2555 (vii) the unlawful use or possession of a handgun or possession of a "streetsweeper" as defined below; or
 2556 (viii) a violation of § 18.2-83, the court shall order, in addition to any other penalty that it may impose as
 2557 provided by law for the offense, that the child be denied a driver's license. In addition to any other penalty
 2558 authorized by this section, if the offense involves a violation designated under clause (i) and the child was
 2559 transporting a person 17 years of age or younger, the court shall impose the additional fine and order
 2560 community service as provided in § 18.2-270. If the offense involves a violation designated under clause (i),
 2561 (ii), (iii), or (viii), the denial of a driver's license shall be for a period of one year or until the juvenile reaches
 2562 the age of 17, whichever is longer, for a first such offense or for a period of one year or until the juvenile
 2563 reaches the age of 18, whichever is longer, for a second or subsequent such offense. If the offense involves a
 2564 violation designated under clause (iv), (v), or (vi) the denial of driving privileges shall be for a period of six
 2565 months unless the offense is committed by a child under the age of 16 years and three months, in which case
 2566 the child's ability to apply for a driver's license shall be delayed for a period of six months following the date
 2567 he reaches the age of 16 and three months. If the offense involves a first violation designated under clause (v)
 2568 or (vi), the court shall impose the license sanction and may enter a judgment of guilt or, without entering a
 2569 judgment of guilt, may defer disposition of the delinquency charge until such time as the court disposes of the
 2570 case pursuant to subsection F. If the offense involves a violation designated under clause (iii) or (iv), the
 2571 court shall impose the license sanction and shall dispose of the delinquency charge pursuant to the provisions

2572 of this chapter or § 18.2-251. If the offense involves a violation designated under clause (vii), the denial of
 2573 driving privileges shall be for a period of not less than 30 days, except when the offense involves possession
 2574 of a concealed handgun or a striker 12, commonly called a "streetsweeper," or any semi-automatic folding
 2575 stock shotgun of like kind with a spring tension drum magazine capable of holding 12 shotgun shells, in
 2576 which case the denial of driving privileges shall be for a period of two years unless the offense is committed
 2577 by a child under the age of 16 years and three months, in which event the child's ability to apply for a driver's
 2578 license shall be delayed for a period of two years following the date he reaches the age of 16 and three
 2579 months.

2580 A1. If a court finds that a child at least 13 years of age has failed to comply with school attendance and
 2581 meeting requirements as provided in § 22.1-258, the court shall order the denial of the child's driving
 2582 privileges for a period of not less than 30 days. If such failure to comply involves a child under the age of 16
 2583 years and three months, the child's ability to apply for a driver's license shall be delayed for a period of not
 2584 less than 30 days following the date he reaches the age of 16 and three months.

2585 If the court finds a second or subsequent such offense, it may order the denial of a driver's license for a
 2586 period of one year or until the juvenile reaches the age of 18, whichever is longer, or delay the child's ability
 2587 to apply for a driver's license for a period of one year following the date he reaches the age of 16 and three
 2588 months, as may be appropriate.

2589 A2. If a court finds that a child at least 13 years of age has refused to take a blood test in violation of §
 2590 18.2-268.2, the court shall order that the child be denied a driver's license for a period of one year or until the
 2591 juvenile reaches the age of 17, whichever is longer, for a first such offense or for a period of one year or until
 2592 the juvenile reaches the age of 18, whichever is longer, for a second or subsequent such offense.

2593 B. Any child who has a driver's license at the time of the offense or at the time of the court's finding as
 2594 provided in subsection A1 or A2 shall be ordered to surrender his driver's license, which shall be held in the
 2595 physical custody of the court during any period of license denial.

2596 C. The court shall report any order issued under this section to the Department of Motor Vehicles, which
 2597 shall preserve a record thereof. The report and the record shall include a statement as to whether the child was
 2598 represented by or waived counsel or whether the order was issued pursuant to subsection A1 or A2.
 2599 Notwithstanding the provisions of Article 12 (§ 16.1-299 et seq.) or the provisions of Title 46.2, this record
 2600 shall be available only to all law-enforcement officers, attorneys for the Commonwealth and courts. No other
 2601 record of the proceeding shall be forwarded to the Department of Motor Vehicles unless the proceeding
 2602 results in an adjudication of guilt pursuant to subsection F.

2603 The Department of Motor Vehicles shall refuse to issue a driver's license to any child denied a driver's
 2604 license until such time as is stipulated in the court order or until notification by the court of withdrawal of the
 2605 order of denial under subsection E.

2606 D. If the finding as to the child involves a violation designated under clause (i), (ii), (iii) or (vi) of
 2607 subsection A or a violation designated under subsection A2, the child may be referred to a certified alcohol
 2608 safety action program in accordance with § 18.2-271.1 upon such terms and conditions as the court may set
 2609 forth. If the finding as to such child involves a violation designated under clause (iii), (iv), (v), (vii) or (viii)
 2610 of subsection A, such child may be referred to appropriate rehabilitative or educational services upon such
 2611 terms and conditions as the court may set forth.

2612 The court, in its discretion and upon a demonstration of hardship, may authorize the use of a restricted
 2613 permit to operate a motor vehicle by any child who has a driver's license at the time of the offense or at the
 2614 time of the court's finding as provided in subsection A1 or A2 for any of the purposes set forth in subsection
 2615 E of § 18.2-271.1 or for travel to and from school, except that no restricted license shall be issued for travel to
 2616 and from home and school when school-provided transportation is available and no restricted license shall be
 2617 issued if the finding as to such child involves a violation designated under clause (iii) or (iv) of subsection A,
 2618 or if it involves a second or subsequent violation of any offense designated in subsection A, a second finding
 2619 by the court of failure to comply with school attendance and meeting requirements as provided in subsection
 2620 A1, or a second or subsequent finding by the court of a refusal to take a blood test as provided in subsection
 2621 A2. The issuance of the restricted permit shall be set forth within the court order, a copy of which shall be
 2622 provided to the child, and shall specifically enumerate the restrictions imposed and contain such information
 2623 regarding the child as is reasonably necessary to identify him. The child may operate a motor vehicle under
 2624 the court order in accordance with its terms. Any child who operates a motor vehicle in violation of any
 2625 restrictions imposed pursuant to this section is guilty of a violation of § 46.2-301.

2626 E. Upon petition made at least 90 days after issuance of the order, the court may review and withdraw any
 2627 order of denial of a driver's license if for a first such offense or finding as provided in subsection A1 or A2.
 2628 For a second or subsequent such offense or finding, the order may not be reviewed and withdrawn until one
 2629 year after its issuance.

2630 F. If the finding as to such child involves a first violation designated under clause (vii) of subsection A,
 2631 upon fulfillment of the terms and conditions prescribed by the court and after the child's driver's license has
 2632 been restored, the court shall or, in the event the violation resulted in the injury or death of any person or if

2633 the finding involves a violation designated under clause (i), (ii), (v), or (vi) of subsection A, may discharge
 2634 the child and dismiss the proceedings against him. Discharge and dismissal under these provisions shall be
 2635 without an adjudication of guilt but a record of the proceeding shall be retained for the purpose of applying
 2636 this section in subsequent proceedings. Failure of the child to fulfill such terms and conditions shall result in
 2637 an adjudication of guilt. If the finding as to such child involves a violation designated under clause (iii) or (iv)
 2638 of subsection A, the charge shall not be dismissed pursuant to this subsection but shall be disposed of
 2639 pursuant to the provisions of this chapter or § 18.2-251. If the finding as to such child involves a second
 2640 violation under clause (v), (vi) or (vii) of subsection A, the charge shall not be dismissed pursuant to this
 2641 subsection but shall be disposed of under § 16.1-278.8.

2642 **§ 18.2-46.1. Definitions.**

2643 As used in this article, unless the context requires a different meaning:

2644 "Act of violence" means those felony offenses described in subsection C of § 17.1-805 or subsection A of
 2645 § 19.2-297.1.

2646 "Criminal street gang" means any ongoing organization, association, or group of three or more persons,
 2647 whether formal or informal, (i) which has as one of its primary objectives or activities the commission of one
 2648 or more criminal activities; (ii) which has an identifiable name or identifying sign or symbol; and (iii) whose
 2649 members individually or collectively have engaged in the commission of, attempt to commit, conspiracy to
 2650 commit, or solicitation of two or more predicate criminal acts, at least one of which is an act of violence,
 2651 provided such acts were not part of a common act or transaction.

2652 "Predicate criminal act" means (i) an act of violence; (ii) any violation of § 18.2-42, 18.2-46.3, 18.2-56.1,
 2653 18.2-57, 18.2-57.2, 18.2-59, 18.2-83, 18.2-95, 18.2-103.1, 18.2-108.1, 18.2-121, 18.2-127, 18.2-128,
 2654 18.2-137, 18.2-138, 18.2-146, 18.2-147, 18.2-248.01, 18.2-248.03, 18.2-255, 18.2-255.2, 18.2-287.4,
 2655 18.2-300, 18.2-308.1, 18.2-308.2, 18.2-308.2:01, 18.2-308.4, or 18.2-357.1; (iii) a felony violation of §
 2656 18.2-60.3, 18.2-346.01, 18.2-348, or 18.2-349; (iv) a felony violation of § 4.1-1101; *or* 18.2-248; ~~or~~
 2657 ~~18.2-248.1~~ or a conspiracy to commit a felony violation of § 4.1-1101; *or* 18.2-248; ~~or 18.2-248.1~~; (v) any
 2658 violation of a local ordinance adopted pursuant to § 15.2-1812.2; or (vi) any substantially similar offense
 2659 under the laws of another state or territory of the United States, the District of Columbia, or the United States.

2660 **§ 18.2-247. Use of terms "controlled substances," "Schedules I, II, III, IV, V, and VI," "imitation**
 2661 **controlled substance," and "counterfeit controlled substance" in Title 18.2.**

2662 A. Wherever the terms "controlled substances" and "Schedules I, II, III, IV, V, and VI" are used in Title
 2663 18.2, such terms refer to those terms as they are used or defined in the Drug Control Act (§ 54.1-3400 et
 2664 seq.).

2665 B. The term "imitation controlled substance" when used in this article means (i) a counterfeit controlled
 2666 substance or (ii) a pill, capsule, tablet, or substance in any form whatsoever ~~which~~ *that* is not a controlled
 2667 substance subject to abuse, and:

2668 1. Which by overall dosage unit appearance, including color, shape, size, marking, and packaging or by
 2669 representations made, would cause the likelihood that such a pill, capsule, tablet, or substance in any other
 2670 form whatsoever will be mistaken for a controlled substance unless such substance was introduced into
 2671 commerce prior to the initial introduction into commerce of the controlled substance which it is alleged to
 2672 imitate; or

2673 2. Which by express or implied representations purports to act like a controlled substance as a stimulant or
 2674 depressant of the central nervous system and which is not commonly used or recognized for use in that
 2675 particular formulation for any purpose other than for such stimulant or depressant effect, unless marketed,
 2676 promoted, or sold as permitted by the U.S. Food and Drug Administration.

2677 C. In determining whether a pill, capsule, tablet, or substance in any other form whatsoever, is an
 2678 "imitation controlled substance," there shall be considered, in addition to all other relevant factors,
 2679 comparisons with accepted methods of marketing for legitimate nonprescription drugs for medicinal purposes
 2680 rather than for drug abuse or any similar nonmedicinal use, including consideration of the packaging of the
 2681 drug and its appearance in overall finished dosage form, promotional materials or representations, oral or
 2682 written, concerning the drug, and the methods of distribution of the drug and where and how it is sold to the
 2683 public.

2684 D. The term "marijuana" when used in this article means any part of a plant of the genus *Cannabis*,
 2685 whether growing or not, its seeds or resin; and every compound, manufacture, salt, derivative, mixture, or
 2686 preparation of such plant, its seeds, its resin, or any extract containing one or more cannabinoids. "Marijuana"
 2687 does not include (i) the mature stalks of such plant, fiber produced from such stalk, oil or cake made from the
 2688 seed of such plant, unless such stalks, fiber, oil or cake is combined with other parts of plants of the genus
 2689 *Cannabis*; (ii) industrial hemp, as defined in § 3.2-4112, that is possessed by a person registered pursuant to
 2690 subsection A of § 3.2-4115 or his agent; (iii) industrial hemp, as defined in § 3.2-4112, that is possessed by a
 2691 person who holds a hemp producer license issued by the U.S. Department of Agriculture pursuant to 7 C.F.R.
 2692 Part 990; (iv) a hemp product, as defined in § 3.2-4112; (v) an industrial hemp extract, as defined in §
 2693 3.2-5145.1; or (vi) any substance containing a tetrahydrocannabinol isomer, ester, ether, salt or salts of such

2694 isomer, ester, or ether that has been placed by the Board of Pharmacy into one of the schedules set forth in the
2695 Drug Control Act (§ 54.1-3400 et seq.) pursuant to § 54.1-3443.

2696 E. The term "counterfeit controlled substance" means a controlled substance that, without authorization,
2697 bears, is packaged in a container or wrapper that bears, or is otherwise labeled to bear, the trademark, trade
2698 name, or other identifying mark, imprint or device or any likeness thereof, of a drug manufacturer, processor,
2699 packer, or distributor other than the manufacturer, processor, packer, or distributor who did in fact so
2700 manufacture, process, pack or distribute such drug.

2701 F. E. The term "tetrahydrocannabinol" means any naturally occurring or synthetic tetrahydrocannabinol,
2702 including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of
2703 isomers is possible within the specific chemical designation and any preparation, mixture, or substance
2704 containing, or mixed or infused with, any detectable amount of tetrahydrocannabinol. For the purposes of this
2705 definition, "isomer" means the optical, position, and geometric isomers.

2706 G. F. The term "total tetrahydrocannabinol" means the sum, after the application of any necessary
2707 conversion factor, of the percentage by weight of tetrahydrocannabinol and the percentage by weight of
2708 tetrahydrocannabinolic acid.

2709 H. G. The Department of Forensic Science shall determine the proper methods for detecting the
2710 concentration of tetrahydrocannabinol in substances for the purposes of this title, Chapter 11 (§ 4.1-1100 et
2711 seq.) of Title 4.1, and § 54.1-3401. The testing methodology shall use post-decarboxylation testing or other
2712 equivalent method and shall consider the potential conversion of tetrahydrocannabinolic acid into
2713 tetrahydrocannabinol.

2714 § 18.2-248. Manufacturing, selling, giving, distributing, or possessing with intent to manufacture,
2715 sell, give, or distribute a controlled substance or an imitation controlled substance prohibited;
2716 penalties.

2717 A. Except as authorized in the Drug Control Act (§ 54.1-3400 et seq.), it shall be unlawful for any
2718 person to manufacture, sell, give, distribute, or possess with intent to manufacture, sell, give or distribute a
2719 controlled substance or an imitation controlled substance.

2720 B. In determining whether any person intends to manufacture, sell, give or distribute an imitation
2721 controlled substance, the court may consider, in addition to all other relevant evidence, whether any
2722 distribution or attempted distribution of such pill, capsule, tablet or substance in any other form whatsoever
2723 included an exchange of or a demand for money or other property as consideration, and, if so, whether the
2724 amount of such consideration was substantially greater than the reasonable value of such pill, capsule, tablet
2725 or substance in any other form whatsoever, considering the actual chemical composition of such pill, capsule,
2726 tablet or substance in any other form whatsoever and, where applicable, the price at which over-the-counter
2727 substances of like chemical composition sell.

2728 C. Except as provided in subsection C1, any person who violates this section with respect to a controlled
2729 substance classified in Schedule I or II shall upon conviction be imprisoned for not less than five nor more
2730 than 40 years and fined not more than \$500,000. Upon a second conviction of such a violation, and it is
2731 alleged in the warrant, indictment, or information that the person has been before convicted of such an
2732 offense or of a substantially similar offense in any other jurisdiction, which offense would be a felony if
2733 committed in the Commonwealth, and such prior conviction occurred before the date of the offense alleged in
2734 the warrant, indictment, or information, any such person may, in the discretion of the court or jury imposing
2735 the sentence, be sentenced to imprisonment for life or for any period not less than five years, three years of
2736 which shall be a mandatory minimum term of imprisonment to be served consecutively with any other
2737 sentence, and he shall be fined not more than \$500,000.

2738 When a person is convicted of a third or subsequent offense under this subsection and it is alleged in the
2739 warrant, indictment or information that he has been before convicted of two or more such offenses or of
2740 substantially similar offenses in any other jurisdiction which offenses would be felonies if committed in the
2741 Commonwealth and such prior convictions occurred before the date of the offense alleged in the warrant,
2742 indictment, or information, he shall be sentenced to imprisonment for life or for a period of not less than 10
2743 years, 10 years of which shall be a mandatory minimum term of imprisonment to be served consecutively
2744 with any other sentence, and he shall be fined not more than \$500,000.

2745 Any person who manufactures, sells, gives, distributes or possesses with the intent to manufacture, sell,
2746 give, or distribute the following is guilty of a felony punishable by a fine of not more than \$1 million and
2747 imprisonment for five years to life, five years of which shall be a mandatory minimum term of imprisonment
2748 to be served consecutively with any other sentence:

- 2749 1. 100 grams or more of a mixture or substance containing a detectable amount of heroin;
- 2750 2. 500 grams or more of a mixture or substance containing a detectable amount of:
 - 2751 a. Coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and
2752 derivatives of ecgonine or their salts have been removed;
 - 2753 b. Cocaine, its salts, optical and geometric isomers, and salts of isomers;
 - 2754 c. Ecgonine, its derivatives, their salts, isomers, and salts of isomers; or
 - 2755 d. Any compound, mixture, or preparation that contains any quantity of any of the substances referred to

2756 in subdivisions ~~2a through 2e~~ *a, b, and c*;

2757 3. 250 grams or more of a mixture or substance described in subdivisions ~~2a 2 a through 2d~~ that contain
2758 cocaine base; or

2759 4. 10 grams or more of methamphetamine, its salts, isomers, or salts of its isomers or 20 grams or more of
2760 a mixture or substance containing a detectable amount of methamphetamine, its salts, isomers, or salts of its
2761 isomers.

2762 The mandatory minimum term of imprisonment to be imposed for a violation of this subsection shall not
2763 be applicable if the court finds that:

2764 a. The person does not have a prior conviction for an offense listed in subsection C of § 17.1-805;

2765 b. The person did not use violence or credible threats of violence or possess a firearm or other dangerous
2766 weapon in connection with the offense or induce another participant in the offense to do so;

2767 c. The offense did not result in death or serious bodily injury to any person;

2768 d. The person was not an organizer, leader, manager, or supervisor of others in the offense, and was not
2769 engaged in a continuing criminal enterprise as defined in subsection I; and

2770 e. Not later than the time of the sentencing hearing, the person has truthfully provided to the
2771 Commonwealth all information and evidence the person has concerning the offense or offenses that were part
2772 of the same course of conduct or of a common scheme or plan, but the fact that the person has no relevant or
2773 useful other information to provide or that the Commonwealth already is aware of the information shall not
2774 preclude a determination by the court that the defendant has complied with this requirement.

2775 C1. Any person who violates this section with respect to the manufacturing of methamphetamine, its salts,
2776 isomers, or salts of its isomers or less than 200 grams of a mixture or substance containing a detectable
2777 amount of methamphetamine, its salts, isomers, or salts of its isomers shall, upon conviction, be imprisoned
2778 for not less than 10 nor more than 40 years and fined not more than \$500,000. Upon a second conviction of
2779 such a violation, any such person may, in the discretion of the court or jury imposing the sentence, be
2780 sentenced to imprisonment for life or for any period not less than 10 years, and be fined not more than
2781 \$500,000. When a person is convicted of a third or subsequent offense under this subsection and it is alleged
2782 in the warrant, indictment, or information that he has been previously convicted of two or more such offenses
2783 or of substantially similar offenses in any other jurisdiction, which offenses would be felonies if committed in
2784 the Commonwealth and such prior convictions occurred before the date of the offense alleged in the warrant,
2785 indictment, or information, he shall be sentenced to imprisonment for life or for a period not less than 10
2786 years, three years of which shall be a mandatory minimum term of imprisonment to be served consecutively
2787 with any other sentence and he shall be fined not more than \$500,000.

2788 Upon conviction, in addition to any other punishment, a person found guilty of this offense shall be
2789 ordered by the court to make restitution, as the court deems appropriate, to any innocent property owner
2790 whose property is damaged, destroyed, or otherwise rendered unusable as a result of such methamphetamine
2791 production. This restitution shall include the person's or his estate's estimated or actual expenses associated
2792 with cleanup, removal, or repair of the affected property. If the property that is damaged, destroyed, or
2793 otherwise rendered unusable as a result of such methamphetamine production is property owned in whole or
2794 in part by the person convicted, the court shall order the person to pay to the Methamphetamine Cleanup
2795 Fund authorized in § 18.2-248.04 the reasonable estimated or actual expenses associated with cleanup,
2796 removal, or repair of the affected property or, if actual or estimated expenses cannot be determined, the sum
2797 of \$10,000. The convicted person shall also pay the cost of certifying that any building that is cleaned up or
2798 repaired pursuant to this section is safe for human occupancy according to the guidelines established pursuant
2799 to § 32.1-11.7.

2800 D. If such person proves that he gave, distributed or possessed with intent to give or distribute a controlled
2801 substance classified in Schedule I or II only as an accommodation to another individual who is not an inmate
2802 in a community correctional facility, local correctional facility or state correctional facility as defined in §
2803 53.1-1 or in the custody of an employee thereof, and not with intent to profit thereby from any consideration
2804 received or expected nor to induce the recipient or intended recipient of the controlled substance to use or
2805 become addicted to or dependent upon such controlled substance, he ~~shall be~~ *is* guilty of a Class 5 felony.

2806 E. If the violation of the provisions of this article consists of the filling by a pharmacist of the prescription
2807 of a person authorized under this article to issue the same, which prescription has not been received in writing
2808 by the pharmacist prior to the filling thereof, and such written prescription is in fact received by the
2809 pharmacist within one week of the time of filling the same, or if such violation consists of a request by such
2810 authorized person for the filling by a pharmacist of a prescription which has not been received in writing by
2811 the pharmacist and such prescription is, in fact, written at the time of such request and delivered to the
2812 pharmacist within one week thereof, either such offense shall constitute a Class 4 misdemeanor.

2813 E1. Any person who violates this section with respect to a controlled substance classified in Schedule III
2814 except for an anabolic steroid classified in Schedule III, constituting a violation of § 18.2-248.5, ~~shall be~~ *is*
2815 guilty of a Class 5 felony.

2816 E2. Any person who violates this section with respect to a controlled substance classified in Schedule IV

2817 shall be is guilty of a Class 6 felony.

2818 E3. Any person who proves that he gave, distributed or possessed with the intent to give or distribute a
2819 controlled substance classified in Schedule III or IV, except for an anabolic steroid classified in Schedule III,
2820 constituting a violation of § 18.2-248.5, only as an accommodation to another individual who is not an inmate
2821 in a community correctional facility, local correctional facility or state correctional facility as defined in §
2822 53.1-1 or in the custody of an employee thereof, and not with the intent to profit thereby from any
2823 consideration received or expected nor to induce the recipient or intended recipient of the controlled
2824 substance to use or become addicted to or dependent upon such controlled substance, is guilty of a Class 1
2825 misdemeanor.

2826 F. Any person who violates this section with respect to a controlled substance classified in Schedule V or
2827 Schedule VI or an imitation controlled substance which that imitates a controlled substance classified in
2828 Schedule V or Schedule VI, shall be is guilty of a Class 1 misdemeanor.

2829 G. Any person who violates this section with respect to an imitation controlled substance which that
2830 imitates a controlled substance classified in Schedule I, II, III, or IV shall be is guilty of a Class 6 felony. In
2831 any prosecution brought under this subsection, it is not a defense to a violation of this subsection that the
2832 defendant believed the imitation controlled substance to actually be a controlled substance.

2833 H. Any person who manufactures, sells, gives, distributes or possesses with the intent to manufacture, sell,
2834 give or distribute the following:

- 2835 1. 1.0 kilograms or more of a mixture or substance containing a detectable amount of heroin;
- 2836 2. 5.0 kilograms or more of a mixture or substance containing a detectable amount of:
 - 2837 a. Coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and
 - 2838 derivatives of ecgonine or their salts have been removed;
 - 2839 b. Cocaine, its salts, optical and geometric isomers, and salts of isomers;
 - 2840 c. Ecgonine, its derivatives, their salts, isomers, and salts of isomers; or
 - 2841 d. Any compound, mixture, or preparation which that contains any quantity of any of the substances
 - 2842 referred to in subdivisions a through, b, and c;

2843 3. 2.5 kilograms or more of a mixture or substance described in subdivision 2 which that contains cocaine
2844 base; or

2845 4. 100 kilograms or more of a mixture or substance containing a detectable amount of marijuana; or

2846 5. 100 grams or more of methamphetamine, its salts, isomers, or salts of its isomers or 200 grams or more
2847 of a mixture or substance containing a detectable amount of methamphetamine, its salts, isomers, or salts of
2848 its isomers shall be is guilty of a felony punishable by a fine of not more than \$1 million and imprisonment
2849 for 20 years to life, 20 years of which shall be a mandatory minimum sentence. Such mandatory minimum
2850 sentence shall not be applicable if the court finds that (i) the person does not have a prior conviction for an
2851 offense listed in subsection C of § 17.1-805; (ii) the person did not use violence or credible threats of
2852 violence or possess a firearm or other dangerous weapon in connection with the offense or induce another
2853 participant in the offense to do so; (iii) the offense did not result in death or serious bodily injury to any
2854 person; (iv) the person was not an organizer, leader, manager, or supervisor of others in the offense, and was
2855 not engaged in a continuing criminal enterprise as defined in subsection I of this section; and (v) not later
2856 than the time of the sentencing hearing, the person has truthfully provided to the Commonwealth all
2857 information and evidence the person has concerning the offense or offenses that were part of the same course
2858 of conduct or of a common scheme or plan, but the fact that the person has no relevant or useful other
2859 information to provide or that the Commonwealth already is aware of the information shall not preclude a
2860 determination by the court that the defendant has complied with this requirement.

2861 H1. Any person who was the principal or one of several principal administrators, organizers or leaders of
2862 a continuing criminal enterprise shall be is guilty of a felony if (i) the enterprise received at least \$100,000
2863 but less than \$250,000 in gross receipts during any 12-month period of its existence from the manufacture,
2864 importation, or distribution of heroin or cocaine or ecgonine or methamphetamine or the derivatives, salts,
2865 isomers, or salts of isomers thereof or marijuana or (ii) the person engaged in the enterprise to manufacture,
2866 sell, give, distribute or possess with the intent to manufacture, sell, give or distribute the following during any
2867 12-month period of its existence:

- 2868 1. At least 1.0 kilograms but less than 5.0 kilograms of a mixture or substance containing a detectable
2869 amount of heroin;
- 2870 2. At least 5.0 kilograms but less than 10 kilograms of a mixture or substance containing a detectable
2871 amount of:
 - 2872 a. Coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and
 - 2873 derivatives of ecgonine or their salts have been removed;
 - 2874 b. Cocaine, its salts, optical and geometric isomers, and salts of isomers;
 - 2875 c. Ecgonine, its derivatives, their salts, isomers, and salts of isomers; or
 - 2876 d. Any compound, mixture, or preparation which that contains any quantity of any of the substances
 - 2877 referred to in subdivisions a through, b, and c;
- 2878 3. At least 2.5 kilograms but less than 5.0 kilograms of a mixture or substance described in subdivision 2

2879 ~~which that~~ contains cocaine base; *or*

2880 4. ~~At least 100 kilograms but less than 250 kilograms of a mixture or substance containing a detectable~~
2881 ~~amount of marijuana; *or*~~

2882 ~~5-~~ At least 100 grams but less than 250 grams of methamphetamine, its salts, isomers, or salts of its
2883 isomers or at least 200 grams but less than 1.0 kilograms of a mixture or substance containing a detectable
2884 amount of methamphetamine, its salts, isomers, or salts of its isomers.

2885 A conviction under this section shall be punishable by a fine of not more than \$1 million and
2886 imprisonment for 20 years to life, 20 years of which shall be a mandatory minimum sentence.

2887 H2. Any person who was the principal or one of several principal administrators, organizers or leaders of
2888 a continuing criminal enterprise if (i) the enterprise received \$250,000 or more in gross receipts during any
2889 12-month period of its existence from the manufacture, importation, or distribution of heroin or cocaine or
2890 ecgonine or methamphetamine or the derivatives, salts, isomers, or salts of isomers thereof ~~or marijuana~~ or
2891 (ii) the person engaged in the enterprise to manufacture, sell, give, distribute or possess with the intent to
2892 manufacture, sell, give or distribute the following during any 12-month period of its existence:

2893 1. At least 5.0 kilograms of a mixture or substance containing a detectable amount of heroin;

2894 2. At least 10 kilograms of a mixture or substance containing a detectable amount of:

2895 a. Coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and
2896 derivatives of ecgonine or their salts have been removed;

2897 b. Cocaine, its salts, optical and geometric isomers, and salts of isomers;

2898 c. Ecgonine, its derivatives, their salts, isomers, and salts of isomers; or

2899 d. Any compound, mixture, or preparation ~~which that~~ contains any quantity of any of the substances
2900 referred to in subdivisions a ~~through, b, and c;~~

2901 3. At least 5.0 kilograms of a mixture or substance described in subdivision 2 ~~which that~~ contains cocaine
2902 base; *or*

2903 4. ~~At least 250 kilograms of a mixture or substance containing a detectable amount of marijuana; *or*~~

2904 ~~5-~~ At least 250 grams of methamphetamine, its salts, isomers, or salts of its isomers or at least 1.0
2905 kilograms of a mixture or substance containing a detectable amount of methamphetamine, its salts, isomers,
2906 or salts of its isomers ~~shall be~~ *is* guilty of a felony punishable by a fine of not more than \$1 million and
2907 imprisonment for life, which shall be served with no suspension in whole or in part. Such punishment shall be
2908 made to run consecutively with any other sentence. However, the court may impose a mandatory minimum
2909 sentence of 40 years if the court finds that the defendant substantially cooperated with law-enforcement
2910 authorities.

2911 I. For purposes of this section, a person is engaged in a continuing criminal enterprise if (i) he violates any
2912 provision of this section, the punishment for which is a felony and either (ii) such violation is a part of a
2913 continuing series of violations of this section which are undertaken by such person in concert with five or
2914 more other persons with respect to whom such person occupies a position of organizer, a supervisory
2915 position, or any other position of management, and from which such person obtains substantial income or
2916 resources or (iii) such violation is committed, with respect to methamphetamine or other controlled substance
2917 classified in Schedule I or II, for the benefit of, at the direction of, or in association with any criminal street
2918 gang as defined in § 18.2-46.1.

2919 J. Except as authorized in the Drug Control Act (§ 54.1-3400 et seq.), any person who possesses any two
2920 or more different substances listed below with the intent to manufacture methamphetamine, methcathinone,
2921 or amphetamine is guilty of a Class 6 felony: liquefied ammonia gas, ammonium nitrate, ether,
2922 hypophosphorus acid solutions, hypophosphite salts, hydrochloric acid, iodine crystals or tincture of iodine,
2923 phenylacetone, phenylacetic acid, red phosphorus, methylamine, methyl formamide, lithium, sodium metal,
2924 sulfuric acid, sodium hydroxide, potassium dichromate, sodium dichromate, potassium permanganate,
2925 chromium trioxide, methylbenzene, methamphetamine precursor drugs, trichloroethane, or 2-propanone.

2926 K. The term "methamphetamine precursor drug," when used in this article, means a drug or product
2927 containing ephedrine, pseudoephedrine, or phenylpropanolamine or any of their salts, optical isomers, or salts
2928 of optical isomers.

2929 **§ 18.2-248.01. Transporting controlled substances into the Commonwealth; penalty.**

2930 Except as authorized in the Drug Control Act (§ 54.1-3400 et seq.) it is unlawful for any person to
2931 transport into the Commonwealth by any means with intent to sell or distribute one ounce or more of cocaine,
2932 coca leaves or any salt, compound, derivative or preparation thereof as described in Schedule II of the Drug
2933 Control Act or one ounce or more of any other Schedule I or II controlled substance ~~or five or more pounds~~
2934 ~~of marijuana~~. A violation of this section shall constitute a separate and distinct felony. Upon conviction, the
2935 person shall be sentenced to not less than five years nor more than 40 years imprisonment, three years of
2936 which shall be a mandatory minimum term of imprisonment, and a fine not to exceed ~~\$1,000,000~~ *\$1 million*.
2937 A second or subsequent conviction hereunder shall be punishable by a mandatory minimum term of
2938 imprisonment of 10 years, which shall be served consecutively with any other sentence.

2939 **§ 18.2-251. Persons charged with first offense may be placed on probation; conditions; substance**

2940 **abuse screening, assessment treatment and education programs or services; drug tests; costs and fees;**
 2941 **violations; discharge.**

2942 Whenever any person who has not previously been convicted of any criminal offense under this article or
 2943 under any statute of the United States or of any state relating to narcotic drugs, ~~marijuana~~, or stimulant,
 2944 depressant, or hallucinogenic drugs, ~~with the exception of any misdemeanor conviction for possession of~~
 2945 ~~marijuana~~, or has not previously had a proceeding against him for violation of such an offense dismissed as
 2946 provided in this section, ~~except a dismissal of a misdemeanor offense for possession of marijuana~~, pleads
 2947 guilty to or enters a plea of not guilty to possession of a controlled substance under § 18.2-250, the court,
 2948 upon such plea if the facts found by the court would justify a finding of guilt, without entering a judgment of
 2949 guilt and with the consent of the accused, may defer further proceedings and place him on probation upon
 2950 terms and conditions. If the court defers further proceedings, at that time the court shall determine whether
 2951 the clerk of court has been provided with the fingerprint identification information or fingerprints of the
 2952 person, taken by a law-enforcement officer pursuant to § 19.2-390, and, if not, shall order that the fingerprints
 2953 and photograph of the person be taken by a law-enforcement officer.

2954 As a term or condition, the court shall require the accused to undergo a substance abuse assessment
 2955 pursuant to § 18.2-251.01 or 19.2-299.2, as appropriate, and enter treatment and/or education program or
 2956 services, if available, such as, in the opinion of the court, may be best suited to the needs of the accused based
 2957 upon consideration of the substance abuse assessment. The program or services may be located in the judicial
 2958 district in which the charge is brought or in any other judicial district as the court may provide. The services
 2959 shall be provided by (i) a program licensed by the Department of Behavioral Health and Developmental
 2960 Services, by a similar program which is made available through the Department of Corrections, (ii) a local
 2961 community-based probation services agency established pursuant to § 9.1-174, or (iii) an ASAP program
 2962 certified by the Commission on VASAP.

2963 The court shall require the person entering such program under the provisions of this section to pay all or
 2964 part of the costs of the program, including the costs of the screening, assessment, testing, and treatment,
 2965 based upon the accused's ability to pay unless the person is determined by the court to be indigent.

2966 As a condition of probation, the court shall require the accused (a) to successfully complete treatment or
 2967 education program or services, (b) to remain drug and alcohol free during the period of probation and submit
 2968 to such tests during that period as may be necessary and appropriate to determine if the accused is drug and
 2969 alcohol free, (c) to make reasonable efforts to secure and maintain employment, and (d) to comply with a
 2970 plan of at least 100 hours of community service for a felony and up to 24 hours of community service for a
 2971 misdemeanor. Such testing shall be conducted by personnel of the supervising probation agency or personnel
 2972 of any program or agency approved by the supervising probation agency.

2973 Upon violation of a term or condition, the court may enter an adjudication of guilt and proceed as
 2974 otherwise provided. Upon fulfillment of the terms and conditions, and upon determining that the clerk of
 2975 court has been provided with the fingerprint identification information or fingerprints of such person, the
 2976 court shall discharge the person and dismiss the proceedings against him. Discharge and dismissal under this
 2977 section shall be without adjudication of guilt and is a conviction only for the purposes of applying this section
 2978 in subsequent proceedings.

2979 Notwithstanding any other provision of this section, whenever a court places an individual on probation
 2980 upon terms and conditions pursuant to this section, such action shall be treated as a conviction for purposes of
 2981 § 22.1-315. The provisions of this paragraph shall not be applicable to any offense for which a juvenile has
 2982 had his license suspended or denied pursuant to § 16.1-278.9 for the same offense.

2983 **§ 18.2-251.03. Arrest and prosecution when experiencing or reporting overdoses.**

2984 A. For purposes of this section, "overdose" means a life-threatening condition resulting from the
 2985 consumption or use of a controlled substance, alcohol, or any combination of such substances.

2986 B. No individual shall be subject to arrest or prosecution for the unlawful purchase, possession, or
 2987 consumption of alcohol pursuant to § 4.1-305, unlawful purchase, possession, or consumption of marijuana
 2988 pursuant to ~~§ 4.1-1105.1~~ 4.1-1105, possession of a controlled substance pursuant to § 18.2-250, intoxication
 2989 in public pursuant to § 18.2-388, or possession of controlled paraphernalia pursuant to § 54.1-3466 if:

2990 1. Such individual (i) in good faith, seeks or obtains emergency medical attention (a) for himself, if he is
 2991 experiencing an overdose, or (b) for another individual, if such other individual is experiencing an overdose;
 2992 (ii) is experiencing an overdose and another individual, in good faith, seeks or obtains emergency medical
 2993 attention for such individual, by contemporaneously reporting such overdose to a firefighter, as defined in §
 2994 65.2-102, emergency medical services personnel, as defined in § 32.1-111.1, a law-enforcement officer, as
 2995 defined in § 9.1-101, or an emergency 911 system; or (iii) in good faith, renders emergency care or
 2996 assistance, including cardiopulmonary resuscitation (CPR) or the administration of naloxone or other opioid
 2997 antagonist for overdose reversal, to an individual experiencing an overdose while another individual seeks or
 2998 obtains emergency medical attention in accordance with this subdivision;

2999 2. Such individual remains at the scene of the overdose or at any alternative location to which he or the
 3000 person requiring emergency medical attention has been transported until a law-enforcement officer responds

3001 to the report of an overdose. If no law-enforcement officer is present at the scene of the overdose or at the
 3002 alternative location, then such individual shall cooperate with law enforcement as otherwise set forth herein;

3003 3. Such individual identifies himself to the law-enforcement officer who responds to the report of the
 3004 overdose; and

3005 4. The evidence for the prosecution of an offense enumerated in this subsection was obtained as a result of
 3006 the individual seeking or obtaining emergency medical attention or rendering emergency care or assistance.

3007 C. The provisions of this section shall not apply to any person who seeks or obtains emergency medical
 3008 attention for himself or another individual, to a person experiencing an overdose when another individual
 3009 seeks or obtains emergency medical attention for him, or to a person who renders emergency care or
 3010 assistance to an individual experiencing an overdose while another person seeks or obtains emergency
 3011 medical attention during the execution of a search warrant or during the conduct of a lawful search or a
 3012 lawful arrest.

3013 D. This section does not establish protection from arrest or prosecution for any individual or offense other
 3014 than those listed in subsection B.

3015 E. No law-enforcement officer acting in good faith shall be found liable for false arrest if it is later
 3016 determined that the person arrested was immune from prosecution under this section.

3017 **§ 18.2-251.1:1. Possession or distribution of cannabis oil; public schools.**

3018 No school nurse employed by a local school board, person employed by a local health department who is
 3019 assigned to the public school pursuant to an agreement between the local health department and the school
 3020 board, or other person employed by or contracted with a local school board to deliver health-related services
 3021 shall be prosecuted under Chapter 11 (§ 4.1-1100 et seq.) of Title 4.1 or § 18.2-248, ~~18.2-248.1~~, 18.2-250, or
 3022 18.2-255 for the possession or distribution of cannabis oil for storing, dispensing, or administering cannabis
 3023 oil, in accordance with a policy adopted by the local school board, to a student who has been issued a valid
 3024 written certification for the use of cannabis oil in accordance with § 4.1-1601.

3025 **§ 18.2-251.1:2. Possession or distribution of cannabis oil; nursing homes and certified nursing
 3026 facilities; hospice and hospice facilities; assisted living facilities.**

3027 No person employed by a nursing home, hospice, hospice facility, or assisted living facility and
 3028 authorized to possess, distribute, or administer medications to patients or residents shall be prosecuted under
 3029 Chapter 11 (§ 4.1-1100 et seq.) of Title 4.1 or § 18.2-248; ~~18.2-248.1~~; or 18.2-250 for the possession or
 3030 distribution of cannabis oil for the purposes of storing, dispensing, or administering cannabis oil to a patient
 3031 or resident who has been issued a valid written certification for the use of cannabis oil in accordance with §
 3032 4.1-1601.

3033 **§ 18.2-251.1:3. Possession or distribution of cannabis oil, or industrial hemp; laboratories;
 3034 Department of Agriculture and Consumer Services, Department of Law employees.**

3035 A. No person employed by an analytical laboratory to retrieve, deliver, or possess cannabis oil or
 3036 industrial hemp samples from a permitted pharmaceutical processor, a registered industrial hemp grower, a
 3037 federally licensed hemp producer, or a registered industrial hemp processor for the purpose of performing
 3038 required testing shall be prosecuted under Chapter 11 (§ 4.1-1100 et seq.) of Title 4.1 or § 18.2-248,
 3039 ~~18.2-248.1~~, 18.2-250, or 18.2-255 for the possession or distribution of cannabis oil or industrial hemp or for
 3040 storing cannabis oil or industrial hemp for testing purposes in accordance with regulations promulgated by
 3041 the Board of Pharmacy of Directors of the Virginia Cannabis Control Authority and the Board of Agriculture
 3042 and Consumer Services.

3043 B. No employee of the Department of Agriculture and Consumer Services or of the Department of Law
 3044 shall be prosecuted under *Chapter 11 (§ 4.1-1100 et seq.) of Title 4.1* or § ~~18.2-247~~, 18.2-248, 18.2-248.01,
 3045 ~~18.2-248.1~~, or 18.2-250 for the possession or distribution of industrial hemp or any substance containing
 3046 tetrahydrocannabinol when possession of industrial hemp or any substance containing tetrahydrocannabinol
 3047 is necessary in the performance of his duties.

3048 **§ 18.2-252. Suspended sentence conditioned upon substance abuse screening, assessment, testing,
 3049 and treatment or education.**

3050 The trial judge or court trying the case of any person found guilty of a criminal violation of any law
 3051 concerning the use, in any manner, of drugs, controlled substances, narcotics, ~~marijuana~~, noxious chemical
 3052 substances and like substances shall condition any suspended sentence by first requiring such person to agree
 3053 to undergo a substance abuse screening pursuant to § 18.2-251.01 and to submit to such periodic substance
 3054 abuse testing, to include alcohol testing, as may be directed by the court. Such testing shall be conducted by
 3055 the supervising probation agency or by personnel of any program or agency approved by the supervising
 3056 probation agency. The cost of such testing ordered by the court shall be paid by the Commonwealth and taxed
 3057 as a part of the costs of such proceedings. The judge or court shall order the person, as a condition of any
 3058 suspended sentence, to undergo such treatment or education for substance abuse, if available, as the judge or
 3059 court deems appropriate based upon consideration of the substance abuse assessment. The treatment or
 3060 education shall be provided by a program or agency licensed by the Department of Behavioral Health and
 3061 Developmental Services, by a similar program or services available through the Department of Corrections if

3062 the court imposes a sentence of one year or more or, if the court imposes a sentence of 12 months or less, by a
 3063 similar program or services available through a local or regional jail, a local community-based probation
 3064 services agency established pursuant to § 9.1-174, or an ASAP program certified by the Commission on
 3065 VASAP.

3066 **§ 18.2-254. Commitment of convicted person for treatment for substance abuse.**

3067 A. Whenever any person who has not previously been convicted of any criminal offense under this article
 3068 or under any statute of the United States or of any state relating to narcotic drugs, ~~marijuana~~, stimulant,
 3069 depressant, or hallucinogenic drugs or has not previously had a proceeding against him for violation of such
 3070 an offense dismissed as provided in § 18.2-251 is found guilty of violating any law concerning the use, in any
 3071 manner, of drugs, controlled substances, narcotics, ~~marijuana~~, noxious chemical substances, and like
 3072 substances, the judge or court shall require such person to undergo a substance abuse screening pursuant to §
 3073 18.2-251.01 and to submit to such periodic substance abuse testing, to include alcohol testing, as may be
 3074 directed by the court. The cost of such testing ordered by the court shall be paid by the Commonwealth and
 3075 taxed as a part of the costs of the criminal proceedings. The judge or court shall also order the person to
 3076 undergo such treatment or education for substance abuse, if available, as the judge or court deems appropriate
 3077 based upon consideration of the substance abuse assessment. The treatment or education shall be provided by
 3078 a program or agency licensed by the Department of Behavioral Health and Developmental Services or by a
 3079 similar program or services available through the Department of Corrections if the court imposes a sentence
 3080 of one year or more or, if the court imposes a sentence of 12 months or less, by a similar program or services
 3081 available through a local or regional jail, a local community-based probation services agency established
 3082 pursuant to § 9.1-174, or an ASAP program certified by the Commission on VASAP.

3083 B. The court trying the case of any person alleged to have committed any criminal offense designated by
 3084 this article or by the Drug Control Act (§ 54.1-3400 et seq.) or in any other criminal case in which the
 3085 commission of the offense was motivated by or closely related to the use of drugs and determined by the
 3086 court, pursuant to a substance abuse screening and assessment, to be in need of treatment for the use of drugs
 3087 may commit, based upon a consideration of the substance abuse assessment, such person, upon his
 3088 conviction, to any facility for the treatment of persons with substance abuse, licensed by the Department of
 3089 Behavioral Health and Developmental Services, if space is available in such facility, for a period of time not
 3090 in excess of the maximum term of imprisonment specified as the penalty for conviction of such offense or, if
 3091 sentence was determined by a jury, not in excess of the term of imprisonment as set by such jury.
 3092 Confinement under such commitment shall be, in all regards, treated as confinement in a penal institution and
 3093 the person so committed may be convicted of escape if he leaves the place of commitment without authority.
 3094 A charge of escape may be prosecuted in either the jurisdiction where the treatment facility is located or the
 3095 jurisdiction where the person was sentenced to commitment. The court may revoke such commitment at any
 3096 time and transfer the person to an appropriate state or local correctional facility. Upon presentation of a
 3097 certified statement from the director of the treatment facility to the effect that the confined person has
 3098 successfully responded to treatment, the court may release such confined person prior to the termination of
 3099 the period of time for which such person was confined and may suspend the remainder of the term upon such
 3100 conditions as the court may prescribe.

3101 C. The court trying a case in which commission of the criminal offense was related to the defendant's
 3102 habitual abuse of alcohol and in which the court determines, pursuant to a substance abuse screening and
 3103 assessment, that such defendant is in need of treatment, may commit, based upon a consideration of the
 3104 substance abuse assessment, such person, upon his conviction, to any facility for the treatment of persons
 3105 with substance abuse licensed by the Department of Behavioral Health and Developmental Services, if space
 3106 is available in such facility, for a period of time not in excess of the maximum term of imprisonment
 3107 specified as the penalty for conviction. Confinement under such commitment shall be, in all regards, treated
 3108 as confinement in a penal institution and the person so committed may be convicted of escape if he leaves the
 3109 place of commitment without authority. The court may revoke such commitment at any time and transfer the
 3110 person to an appropriate state or local correctional facility. Upon presentation of a certified statement from
 3111 the director of the treatment facility to the effect that the confined person has successfully responded to
 3112 treatment, the court may release such confined person prior to the termination of the period of time for which
 3113 such person was confined and may suspend the remainder of the term upon such conditions as the court may
 3114 prescribe.

3115 **§ 18.2-255. Distribution of certain drugs to persons under 18 prohibited; penalty.**

3116 A. Except as authorized in the Drug Control Act, ~~Chapter 34~~ (§ 54.1-3400 et seq.) of Title 54-1, it shall be
 3117 *is* unlawful for any person who is at least 18 years of age to knowingly or intentionally (i) distribute any drug
 3118 classified in Schedule I, II, III, or IV ~~or marijuana~~ to any person under 18 years of age who is at least three
 3119 years his junior or (ii) cause any person under 18 years of age to assist in such distribution of any drug
 3120 classified in Schedule I, II, III, or IV ~~or marijuana~~. Any person violating this provision shall upon conviction
 3121 be imprisoned in a state correctional facility for a period not less than 10 nor more than 50 years, and fined
 3122 not more than \$100,000. Five years of the sentence imposed for a conviction under this section involving a

3123 Schedule I or II controlled substance ~~or one ounce or more of marijuana~~ shall be a mandatory minimum
 3124 sentence. ~~Two years of the sentence imposed for a conviction under this section involving less than one~~
 3125 ~~ounce of marijuana shall be a mandatory minimum sentence.~~

3126 B. It ~~shall be~~ *is* unlawful for any person who is at least 18 years of age to knowingly or intentionally (i)
 3127 distribute any imitation controlled substance to a person under 18 years of age who is at least three years his
 3128 junior or (ii) cause any person under 18 years of age to assist in such distribution of any imitation controlled
 3129 substance. Any person violating this provision ~~shall be~~ *is* guilty of a Class 6 felony.

3130 **§ 18.2-255.1. Distribution, sale or display of printed material advertising instruments for use in**
 3131 **administering controlled substances to minors; penalty.**

3132 It ~~shall be~~ *is* a Class 1 misdemeanor for any person knowingly to sell, distribute, or display for sale to a
 3133 minor any book, pamphlet, periodical, or other printed matter ~~which~~ *that* he knows advertises for sale any
 3134 instrument, device, article, or contrivance for advertised use in unlawfully ingesting, smoking, administering,
 3135 preparing, or growing ~~marijuana~~ or a controlled substance.

3136 **§ 18.2-255.2. Prohibiting the sale or manufacture of drugs on or near certain properties; penalty.**

3137 A. It ~~shall be~~ *is* unlawful for any person to manufacture, sell or distribute or possess with intent to sell,
 3138 give, or distribute any controlled substance; *or* imitation controlled substance; ~~or marijuana~~ while:

3139 1. Upon the property, including buildings and grounds, of any public or private elementary or secondary
 3140 school, any institution of higher education, or any clearly marked licensed child day center as defined in §
 3141 22.1-289.02;

3142 2. Upon public property or any property open to public use within 1,000 feet of the property described in
 3143 subdivision 1;

3144 3. On any school bus as defined in § 46.2-100;

3145 4. Upon a designated school bus stop, or upon either public property or any property open to public use
 3146 which is within 1,000 feet of such school bus stop, during the time when school children are waiting to be
 3147 picked up and transported to or are being dropped off from school or a school-sponsored activity;

3148 5. Upon the property, including buildings and grounds, of any publicly owned or publicly operated
 3149 recreation or community center facility or any public library; or

3150 6. Upon the property of any state facility as defined in § 37.2-100 or upon public property or property
 3151 open to public use within 1,000 feet of such ~~an institution~~ *facility*. It is a violation of the provisions of this
 3152 section if the person possessed the controlled substance; *or* imitation controlled substance; ~~or marijuana~~ on
 3153 the property described in subdivisions 1 through 6, regardless of where the person intended to sell, give, or
 3154 distribute the controlled substance; *or* imitation controlled substance; ~~or marijuana~~. Nothing in this section
 3155 shall prohibit the authorized distribution of controlled substances.

3156 B. Violation of this section shall constitute a separate and distinct felony. Any person violating the
 3157 provisions of this section shall, upon conviction, be imprisoned for a term of not less than one year nor more
 3158 than five years and fined not more than \$100,000. A second or subsequent conviction hereunder for an
 3159 offense involving a controlled substance classified in Schedule I, II, or III of the Drug Control Act (§
 3160 54.1-3400 et seq.) ~~or more than one-half ounce of marijuana~~ shall be punished by a mandatory minimum term
 3161 of imprisonment of one year to be served consecutively with any other sentence. However, if such person
 3162 proves that he sold such controlled substance ~~or marijuana~~ only as an accommodation to another individual
 3163 and not with intent to profit thereby from any consideration received or expected nor to induce the recipient
 3164 or intended recipient of the controlled substance ~~or marijuana~~ to use or become addicted to or dependent upon
 3165 such controlled substance ~~or marijuana~~, he is guilty of a Class 1 misdemeanor.

3166 C. If a person commits an act violating the provisions of this section, and the same act also violates
 3167 another provision of law that provides for penalties greater than those provided for by this section, then
 3168 nothing in this section shall prohibit or bar any prosecution or proceeding under that other provision of law or
 3169 the imposition of any penalties provided for thereby.

3170 **§ 18.2-258. Certain premises deemed common nuisance; penalty.**

3171 Any office, store, shop, restaurant, dance hall, theater, poolroom, clubhouse, storehouse, warehouse,
 3172 dwelling house, apartment, building of any kind, vehicle, vessel, boat, or aircraft, which with the knowledge
 3173 of the owner, lessor, agent of any such lessor, manager, chief executive officer, operator, or tenant thereof, is
 3174 frequented by persons under the influence of illegally obtained controlled substances ~~or marijuana~~, as defined
 3175 in § 54.1-3401, or for the purpose of illegally obtaining possession of, manufacturing, or distributing
 3176 controlled substances ~~or marijuana~~, or is used for the illegal possession, manufacture, or distribution of
 3177 controlled substances ~~or marijuana~~ shall be deemed a common nuisance. Any such owner, lessor, agent of
 3178 any such lessor, manager, chief executive officer, operator, or tenant who knowingly permits, establishes,
 3179 keeps or maintains such a common nuisance is guilty of a Class 1 misdemeanor and; for a second or
 3180 subsequent offense, a Class 6 felony.

3181 **§ 18.2-258.02. Maintaining a fortified drug house; penalty.**

3182 Any office, store, shop, restaurant, dance hall, theater, poolroom, clubhouse, storehouse, warehouse,
 3183 dwelling house, apartment or building or structure of any kind ~~which~~ *that* is (i) substantially altered from its

3184 original status by means of reinforcement with the intent to impede, deter or delay lawful entry by a
 3185 law-enforcement officer into such structure, (ii) being used for the purpose of manufacturing or distributing
 3186 controlled substances ~~or marijuana~~, and (iii) the object of a valid search warrant, shall be considered a
 3187 fortified drug house. Any person who maintains or operates a fortified drug house is guilty of a Class 5
 3188 felony.

3189 **§ 18.2-258.1. Obtaining drugs, procuring administration of controlled substances, etc., by fraud,**
 3190 **deceit or forgery.**

3191 A. It ~~shall be~~ *is* unlawful for any person to obtain or attempt to obtain any drug or procure or attempt to
 3192 procure the administration of any controlled substance ~~or marijuana~~: (i) by fraud, deceit, misrepresentation,
 3193 embezzlement, or subterfuge; (ii) by the forgery or alteration of a prescription or of any written order; (iii) by
 3194 the concealment of a material fact; or (iv) by the use of a false name or the giving of a false address.

3195 B. It ~~shall be~~ *is* unlawful for any person to furnish false or fraudulent information in or omit any
 3196 information from, or willfully make a false statement in, any prescription, order, report, record, or other
 3197 document required by ~~Chapter 34 the Drug Control Act (§ 54.1-3400 et seq.) of Title 54.1.~~

3198 C. It ~~shall be~~ *is* unlawful for any person to use in the course of the manufacture or distribution of a
 3199 controlled substance ~~or marijuana~~ a license number ~~which~~ *that* is fictitious, revoked, suspended, or issued to
 3200 another person.

3201 D. It ~~shall be~~ *is* unlawful for any person, for the purpose of obtaining any controlled substance ~~or~~
 3202 ~~marijuana~~ to falsely assume the title of, or represent himself to be, a manufacturer, wholesaler, pharmacist,
 3203 physician, dentist, veterinarian or other authorized person.

3204 E. It ~~shall be~~ *is* unlawful for any person to make or utter any false or forged prescription or false or forged
 3205 written order.

3206 F. It ~~shall be~~ *is* unlawful for any person to affix any false or forged label to a package or receptacle
 3207 containing any controlled substance.

3208 G. This section shall not apply to officers and employees of the United States, of this Commonwealth or
 3209 of a political subdivision of this Commonwealth acting in the course of their employment, who obtain such
 3210 drugs for investigative, research or analytical purposes, or to the agents or duly authorized representatives of
 3211 any pharmaceutical manufacturer who obtain such drugs for investigative, research or analytical purposes and
 3212 who are acting in the course of their employment; provided that such manufacturer is licensed under the
 3213 provisions of the Federal Food, Drug and Cosmetic Act; and provided further, that such pharmaceutical
 3214 manufacturer, its agents and duly authorized representatives file with the Board such information as the
 3215 Board may deem appropriate.

3216 H. Except as otherwise provided in this subsection, any person who shall violate any provision herein
 3217 ~~shall be~~ *is* guilty of a Class 6 felony.

3218 Whenever any person who has not previously been convicted of any offense under this article or under
 3219 any statute of the United States or of any state relating to narcotic drugs, ~~marijuana~~, or stimulant, depressant,
 3220 or hallucinogenic drugs, or has not previously had a proceeding against him for violation of such an offense
 3221 dismissed, or reduced as provided in this section, pleads guilty to or enters a plea of not guilty to the court for
 3222 violating this section, upon such plea if the facts found by the court would justify a finding of guilt, the court
 3223 may place him on probation upon terms and conditions.

3224 As a term or condition, the court shall require the accused to be evaluated and enter a treatment and/or
 3225 education program, if available, such as, in the opinion of the court, may be best suited to the needs of the
 3226 accused. This program may be located in the judicial circuit in which the charge is brought or in any other
 3227 judicial circuit as the court may provide. The services shall be provided by a program certified or licensed by
 3228 the Department of Behavioral Health and Developmental Services. The court shall require the person entering
 3229 such program under the provisions of this section to pay all or part of the costs of the program, including the
 3230 costs of the screening, evaluation, testing and education, based upon the person's ability to pay unless the
 3231 person is determined by the court to be indigent.

3232 As a condition of supervised probation, the court shall require the accused to remain drug free during the
 3233 period of probation and submit to such tests during that period as may be necessary and appropriate to
 3234 determine if the accused is drug free. Such testing may be conducted by the personnel of any screening,
 3235 evaluation, and education program to which the person is referred or by the supervising agency.

3236 Unless the accused was fingerprinted at the time of arrest, the court shall order the accused to report to the
 3237 original arresting law-enforcement agency to submit to fingerprinting.

3238 Upon violation of a term or condition, the court may enter an adjudication of guilt upon the felony and
 3239 proceed as otherwise provided. Upon fulfillment of the terms and conditions of probation, the court shall find
 3240 the defendant guilty of a Class 1 misdemeanor.

3241 **§ 18.2-265.1. Definition.**

3242 As used in this article, the term "drug paraphernalia" means all equipment, products, and materials of any
 3243 kind which are either designed for use or which are intended by the person charged with violating §
 3244 18.2-265.3 for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding,

3245 converting, producing, processing, preparing, strength testing, analyzing, packaging, repackaging, storing,
 3246 containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body
 3247 ~~marijuana~~ or a controlled substance. It includes, but is not limited to:

3248 1. Kits intended for use or designed for use in planting, propagating, cultivating, growing or harvesting of
 3249 ~~marijuana~~ or any species of plant which is a controlled substance or from which a controlled substance can be
 3250 derived;

3251 2. Kits intended for use or designed for use in manufacturing, compounding, converting, producing,
 3252 processing, or preparing ~~marijuana~~ or controlled substances;

3253 3. Isomerization devices intended for use or designed for use in increasing the potency of ~~marijuana~~ or
 3254 any species of plant ~~which that~~ is a controlled substance;

3255 4. Testing equipment intended for use or designed for use in identifying or in analyzing the strength or
 3256 effectiveness of ~~marijuana~~ or controlled substances, other than narcotic testing products used to determine
 3257 whether a controlled substance contains fentanyl or a fentanyl analog;

3258 5. Scales and balances intended for use or designed for use in weighing or measuring ~~marijuana~~ or
 3259 controlled substances;

3260 6. Diluents and adulterants, such as quinine hydrochloride, mannitol, or mannite, intended for use or
 3261 designed for use in cutting controlled substances;

3262 7. ~~Separation gins and sifters intended for use or designed for use in removing twigs and seeds from, or in~~
 3263 ~~otherwise cleaning or refining, marijuana;~~

3264 ~~8-~~ Blenders, bowls, containers, spoons, and mixing devices intended for use or designed for use in
 3265 compounding controlled substances;

3266 ~~9-~~ 8. Capsules, balloons, envelopes, and other containers intended for use or designed for use in packaging
 3267 small quantities of ~~marijuana~~ or controlled substances;

3268 ~~10-~~ 9. Containers and other objects intended for use or designed for use in storing or concealing ~~marijuana~~
 3269 or controlled substances;

3270 ~~11-~~ 10. Hypodermic syringes, needles, and other objects intended for use or designed for use in
 3271 parenterally injecting controlled substances into the human body;

3272 ~~12-~~ 11. Objects intended for use or designed for use in ingesting, inhaling, or otherwise introducing
 3273 ~~marijuana, cocaine, hashish, or hashish oil~~ into the human body, such as:

3274 a. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent
 3275 screens, ~~hashish heads,~~ or punctured metal bowls;

3276 b. Water pipes;

3277 c. Carburetion tubes and devices;

3278 d. Smoking and carburetion masks;

3279 e. Roach clips, meaning objects used to hold burning material, ~~such as a marijuana cigarette,~~ that has
 3280 become too small or too short to be held in the hand;

3281 f. Miniature cocaine spoons, and cocaine vials;

3282 g. Chamber pipes;

3283 h. Carburetor pipes;

3284 i. Electric pipes;

3285 j. Air-driven pipes;

3286 k. Chillums;

3287 l. Bongs;

3288 m. Ice pipes or chillers.

3289 **§ 18.2-265.2. Evidence to be considered in cases under this article.**

3290 In determining whether an object is drug paraphernalia, the court may consider, in addition to all other
 3291 relevant evidence, the following:

3292 1. Constitutionally admissible statements by the accused concerning the use of the object;

3293 2. The proximity of the object to ~~marijuana~~ or controlled substances, which proximity is actually known to
 3294 the accused;

3295 3. Instructions, oral or written, provided with the object concerning its use;

3296 4. Descriptive materials accompanying the object ~~which that~~ explain or depict its use;

3297 5. National and local advertising within the actual knowledge of the accused concerning its use;

3298 6. The manner in which the object is displayed for sale;

3299 7. Whether the accused is a legitimate supplier of like or related items to the community, such as a
 3300 licensed distributor or dealer of tobacco products;

3301 8. Evidence of the ratio of sales of the objects defined in § 18.2-265.1 to the total sales of the business
 3302 enterprise;

3303 9. The existence and scope of legitimate uses for the object in the community;

3304 10. Expert testimony concerning its use or the purpose for which it was designed; *and*

3305 11. Relevant evidence of the intent of the accused to deliver it to persons who he knows, or should

3306 reasonably know, intend to use the object with an illegal drug. The innocence of an owner, or of anyone in
 3307 control of the object, as to a direct violation of this article shall not prevent a finding that the object is
 3308 intended for use or designed for use as drug paraphernalia.

3309 **§ 18.2-265.3. Penalties for sale, etc., of drug paraphernalia.**

3310 A. Any person who sells or possesses with intent to sell drug paraphernalia, knowing, or under
 3311 circumstances where one reasonably should know, that it is either designed for use or intended by such
 3312 person for use to illegally plant, propagate, cultivate, grow, harvest, manufacture, compound, convert,
 3313 produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or
 3314 otherwise introduce into the human body ~~marijuana~~ or a controlled substance, ~~shall be~~ *is* guilty of a Class 1
 3315 misdemeanor.

3316 B. Any person ~~eighteen~~ 18 years of age or older who violates subsection A ~~hereof~~ by selling drug
 3317 paraphernalia to a minor who is at least three years junior to the accused in age ~~shall be~~ *is* guilty of a Class 6
 3318 felony.

3319 C. Any person ~~eighteen~~ 18 years of age or older who distributes drug paraphernalia to a minor ~~shall be~~ *is*
 3320 guilty of a Class 1 misdemeanor.

3321 **§ 18.2-287.2. Wearing of body armor while committing a crime; penalty.**

3322 Any person who, while committing a crime of violence as defined in § 18.2-288 (2) or a felony violation
 3323 of § 18.2-248 ~~or subdivision (a) 2 or 3 of § 18.2-248.1~~, has in his possession a firearm or knife and is wearing
 3324 body armor designed to diminish the effect of the impact of a bullet or projectile ~~shall be~~ *is* guilty of a Class 4
 3325 felony.

3326 **§ 18.2-308.012. Prohibited conduct.**

3327 A. Any person permitted to carry a concealed handgun who is under the influence of alcohol, *marijuana*,
 3328 or illegal drugs while carrying such handgun in a public place is guilty of a Class 1 misdemeanor. Conviction
 3329 of any of the following offenses shall be prima facie evidence, subject to rebuttal, that the person is "under
 3330 the influence" for purposes of this section: manslaughter in violation of § 18.2-36.1, maiming in violation of
 3331 § 18.2-51.4, driving while intoxicated in violation of § 18.2-266, public intoxication in violation of §
 3332 18.2-388, or driving while intoxicated in violation of § 46.2-341.24. Upon such conviction that court shall
 3333 revoke the person's permit for a concealed handgun and promptly notify the issuing circuit court. A person
 3334 convicted of a violation of this subsection shall be ineligible to apply for a concealed handgun permit for a
 3335 period of five years.

3336 B. No person who carries a concealed handgun onto the premises of any restaurant or club as defined in §
 3337 4.1-100 for which a license to sell and serve alcoholic beverages for on-premises consumption has been
 3338 granted by the Virginia Alcoholic Beverage Control Authority under Title 4.1 may consume an alcoholic
 3339 beverage while on the premises. A person who carries a concealed handgun onto the premises of such a
 3340 restaurant or club and consumes alcoholic beverages is guilty of a Class 2 misdemeanor. However, nothing in
 3341 this subsection shall apply to a federal, state, or local law-enforcement officer.

3342 **§ 18.2-308.4. Possession of firearms while in possession of certain substances.**

3343 A. It ~~shall be~~ *is* unlawful for any person unlawfully in possession of a controlled substance classified in
 3344 Schedule I or II of the Drug Control Act (§ 54.1-3400 et seq.) of Title 54.1 to simultaneously with knowledge
 3345 and intent possess any firearm. A violation of this subsection is a Class 6 felony and constitutes a separate
 3346 and distinct felony.

3347 B. It ~~shall be~~ *is* unlawful for any person unlawfully in possession of a controlled substance classified in
 3348 Schedule I or II of the Drug Control Act (§ 54.1-3400 et seq.) to simultaneously with knowledge and intent
 3349 possess any firearm on or about his person. A violation of this subsection is a Class 6 felony and constitutes a
 3350 separate and distinct felony and any person convicted hereunder shall be sentenced to a mandatory minimum
 3351 term of imprisonment of two years. Such punishment shall be separate and apart from, and shall be made to
 3352 run consecutively with, any punishment received for the commission of the primary felony.

3353 C. It ~~shall be~~ *is* unlawful for any person to possess, use, or attempt to use any pistol, shotgun, rifle, or
 3354 other firearm or display such weapon in a threatening manner while committing or attempting to commit the
 3355 illegal manufacture, sale, distribution, or the possession with the intent to manufacture, sell, or distribute a
 3356 controlled substance classified in Schedule I or Schedule II of the Drug Control Act (§ 54.1-3400 et seq.) ~~or~~
 3357 ~~more than one pound of marijuana~~. A violation of this subsection is a Class 6 felony, and constitutes a
 3358 separate and distinct felony and any person convicted hereunder shall be sentenced to a mandatory minimum
 3359 term of imprisonment of five years. Such punishment shall be separate and apart from, and shall be made to
 3360 run consecutively with, any punishment received for the commission of the primary felony.

3361 **§ 18.2-460. Obstructing justice; resisting arrest; fleeing from a law-enforcement officer; penalties.**

3362 A. If any person without just cause knowingly obstructs a judge, magistrate, justice, juror, attorney for the
 3363 Commonwealth, witness, any law-enforcement officer, or animal control officer employed pursuant to §
 3364 3.2-6555 in the performance of his duties as such or fails or refuses without just cause to cease such
 3365 obstruction when requested to do so by such judge, magistrate, justice, juror, attorney for the Commonwealth,
 3366 witness, law-enforcement officer, or animal control officer employed pursuant to § 3.2-6555, he is guilty of a

3367 Class 1 misdemeanor.

3368 B. Except as provided in subsection C, any person who, by threats or force, knowingly attempts to
 3369 intimidate or impede a judge, magistrate, justice, juror, attorney for the Commonwealth, witness, any
 3370 law-enforcement officer, or an animal control officer employed pursuant to § 3.2-6555 lawfully engaged in
 3371 his duties as such, or to obstruct or impede the administration of justice in any court, is guilty of a Class 1
 3372 misdemeanor.

3373 C. If any person by threats of bodily harm or force knowingly attempts to intimidate or impede a judge,
 3374 magistrate, justice, juror, attorney for the Commonwealth, witness, ~~any~~ or law-enforcement officer, lawfully
 3375 engaged in the discharge of his duty, or to obstruct or impede the administration of justice in any court
 3376 relating to a violation of or conspiracy to violate § 18.2-248 or subdivision (a)(3), (b) or (c) of § 18.2-248.1,
 3377 or §, 18.2-46.2, or § 18.2-46.3, or relating to the violation of or conspiracy to violate any violent felony
 3378 offense listed in subsection C of § 17.1-805, he is guilty of a Class 5 felony.

3379 D. Any person who knowingly and willfully makes any materially false statement or representation to a
 3380 law-enforcement officer or an animal control officer employed pursuant to § 3.2-6555 who is in the course of
 3381 conducting an investigation of a crime by another is guilty of a Class 1 misdemeanor.

3382 E. Any person who intentionally prevents or attempts to prevent a law-enforcement officer from lawfully
 3383 arresting him, with or without a warrant, is guilty of a Class 1 misdemeanor. For purposes of this subsection,
 3384 intentionally preventing or attempting to prevent a lawful arrest means fleeing from a law-enforcement
 3385 officer when (i) the officer applies physical force to the person, or (ii) the officer communicates to the person
 3386 that he is under arrest and (a) the officer has the legal authority and the immediate physical ability to place
 3387 the person under arrest, and (b) a reasonable person who receives such communication knows or should know
 3388 that he is not free to leave.

3389 **§ 18.2-474.1. Delivery of drugs, firearms, explosives, etc., to prisoners or committed persons.**

3390 Notwithstanding the provisions of § 18.2-474, any person who shall willfully in any manner deliver,
 3391 attempt to deliver, or conspire with another to deliver to any prisoner confined under authority of the
 3392 Commonwealth of Virginia, or of any political subdivision thereof, or to any person committed to the
 3393 Department of Juvenile Justice in any juvenile correctional center, any drug ~~which~~ that is a controlled
 3394 substance regulated by the Drug Control Act in Chapter 34 (§ 54.1-3400 et seq.) of Title 54.1 or marijuana is
 3395 guilty of a Class 5 felony. Any person who shall willfully in any manner so deliver or attempt to deliver or
 3396 conspire to deliver to any such prisoner or confined or committed person, firearms, ammunitions, or
 3397 explosives of any nature is guilty of a Class 3 felony.

3398 Nothing herein contained shall be construed to repeal or amend § 18.2-473.

3399 **§ 19.2-66. When Attorney General or Chief Deputy Attorney General may apply for order**
 3400 **authorizing interception of communications.**

3401 A. The Attorney General or Chief Deputy Attorney General, if the Attorney General so designates in
 3402 writing, in any case where the Attorney General is authorized by law to prosecute or pursuant to a request in
 3403 his official capacity of an attorney for the Commonwealth in any city or county, may apply to a judge of
 3404 competent jurisdiction for an order authorizing the interception of wire, electronic or oral communications by
 3405 the Department of State Police, when such interception may reasonably be expected to provide evidence of
 3406 the commission of a felonious offense of extortion, bribery, kidnapping, murder, any felony violation of §
 3407 18.2-248 or 18.2-248.1, any felony violation of Chapter 29 (§ 59.1-364 et seq.) of Title 59.1, any felony
 3408 violation of Article 2 (§ 18.2-38 et seq.), Article 2.1 (§ 18.2-46.1 et seq.), Article 2.2 (§ 18.2-46.4 et seq.),
 3409 Article 5 (§ 18.2-58 et seq.), Article 6 (§ 18.2-59 et seq.) or any felonies that are not Class 6 felonies in
 3410 Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, or any conspiracy to commit any of the foregoing
 3411 offenses. The Attorney General or Chief Deputy Attorney General may apply for authorization for the
 3412 observation or monitoring of the interception by a police department of a county or city, by a sheriff's office,
 3413 or by law-enforcement officers of the United States. Such application shall be made, and such order may be
 3414 granted, in conformity with the provisions of § 19.2-68.

3415 B. The application for an order under subsection B of § 19.2-68 shall be made as follows:

3416 1. In the case of an application for a wire or electronic interception, a judge of competent jurisdiction shall
 3417 have the authority to issue an order under subsection B of § 19.2-68 if there is probable cause to believe that
 3418 an offense was committed, is being committed, or will be committed or the person or persons whose
 3419 communications are to be intercepted live, work, subscribe to a wire or electronic communication system,
 3420 maintain an address or a post office box, or are making the communication within the territorial jurisdiction
 3421 of the court.

3422 2. In the case of an application for an oral intercept, a judge of competent jurisdiction shall have the
 3423 authority to issue an order under subsection B of § 19.2-68 if there is probable cause to believe that an
 3424 offense was committed, is being committed, or will be committed or the physical location of the oral
 3425 communication to be intercepted is within the territorial jurisdiction of the court.

3426 C. For the purposes of an order entered pursuant to subsection B of § 19.2-68 for the interception of a wire
 3427 or electronic communication, such communication shall be deemed to be intercepted in the jurisdiction where

3428 the order is entered, regardless of the physical location or the method by which the communication is
3429 captured or routed to the monitoring location.

3430 **§ 19.2-81. Arrest without warrant authorized in certain cases.**

3431 A. The following officers shall have the powers of arrest as provided in this section:

- 3432 1. Members of the State Police force of the Commonwealth;
- 3433 2. Sheriffs of the various counties and cities, and their deputies;
- 3434 3. Members of any county police force or any duly constituted police force of any city or town of the
3435 Commonwealth;
- 3436 4. The Commissioner, members and employees of the Marine Resources Commission granted the power
3437 of arrest pursuant to § 28.2-900;
- 3438 5. Regular conservation police officers appointed pursuant to § 29.1-200;
- 3439 6. United States Coast Guard and United States Coast Guard Reserve commissioned, warrant, and petty
3440 officers authorized under § 29.1-205 to make arrests;
- 3441 7. Conservation officers appointed pursuant to § 10.1-115;
- 3442 8. Full-time sworn members of the enforcement division of the Department of Motor Vehicles appointed
3443 pursuant to § 46.2-217;
- 3444 9. Special agents of the Virginia Alcoholic Beverage Control Authority *or the Virginia Cannabis Control*
3445 *Authority*;
- 3446 10. Campus police officers appointed under Article 3 (§ 23.1-809 et seq.) of Chapter 8 of Title 23.1; and
- 3447 11. Members of the Division of Capitol Police.

3448 B. Such officers may arrest without a warrant any person who commits any crime in the presence of the
3449 officer and any person whom he has reasonable grounds or probable cause to suspect of having committed a
3450 felony not in his presence.

3451 Such officers may arrest without a warrant any person whom the officer has probable cause to suspect of
3452 operating any watercraft or motorboat while (i) intoxicated in violation of subsection B of § 29.1-738 or a
3453 substantially similar ordinance of any county, city, or town in the Commonwealth or (ii) in violation of an
3454 order issued pursuant to § 29.1-738.4 and may thereafter transfer custody of the person arrested to another
3455 officer, who may obtain a warrant based upon statements made to him by the arresting officer.

3456 C. Any such officer may, at the scene of any accident involving a motor vehicle, watercraft as defined in §
3457 29.1-733.2 or motorboat, or at any hospital or medical facility to which any person involved in such accident
3458 has been transported, or in the apprehension of any person charged with the theft of any motor vehicle, on
3459 any of the highways or waters of the Commonwealth, upon reasonable grounds to believe, based upon
3460 personal investigation, including information obtained from eyewitnesses, that a crime has been committed
3461 by any person then and there present, apprehend such person without a warrant of arrest. For purposes of this
3462 section, "the scene of any accident" shall include a reasonable location where a vehicle or person involved in
3463 an accident has been moved at the direction of a law-enforcement officer to facilitate the clearing of the
3464 highway or to ensure the safety of the motoring public.

3465 D. Such officers may, within three hours of the alleged offense, arrest without a warrant at any location
3466 any person whom the officer has probable cause to suspect of driving or operating a motor vehicle, watercraft
3467 or motorboat while intoxicated in violation of § 18.2-266, 18.2-266.1, 46.2-341.24, or subsection B of §
3468 29.1-738; or a substantially similar ordinance of any county, city, or town in the Commonwealth, whether or
3469 not the offense was committed in such officer's presence. Such officers may, within three hours of the alleged
3470 offense, arrest without a warrant at any location any person whom the officer has probable cause to suspect of
3471 operating a watercraft or motorboat in violation of an order issued pursuant to § 29.1-738.4, whether or not
3472 the offense was committed in such officer's presence.

3473 E. Such officers may arrest, without a warrant or a *capias*, persons duly charged with a crime in another
3474 jurisdiction upon receipt of a photocopy of a warrant or a *capias*, telegram, computer printout, facsimile
3475 printout, a radio, telephone or teletype message, in which photocopy of a warrant, telegram, computer
3476 printout, facsimile printout, radio, telephone or teletype message shall be given the name or a reasonably
3477 accurate description of such person wanted and the crime alleged.

3478 F. Such officers may arrest, without a warrant or a *capias*, for an alleged misdemeanor not committed in
3479 his presence when the officer receives a radio message from his department or other law-enforcement agency
3480 within the Commonwealth that a warrant or *capias* for such offense is on file.

3481 G. Such officers may also arrest without a warrant for an alleged misdemeanor not committed in their
3482 presence involving (i) shoplifting in violation of § 18.2-96 or 18.2-103 or a similar local ordinance, (ii)
3483 carrying a weapon on school property in violation of § 18.2-308.1, (iii) assault and battery, (iv) brandishing a
3484 firearm in violation of § 18.2-282, or (v) destruction of property in violation of § 18.2-137, when such
3485 property is located on premises used for business or commercial purposes, or a similar local ordinance, when
3486 any such arrest is based on probable cause upon reasonable complaint of the person who observed the alleged
3487 offense. The arresting officer may issue a summons to any person arrested under this section for a
3488 misdemeanor violation involving shoplifting.

3489 **§ 19.2-81.1. Arrest without warrant by correctional officers in certain cases.**

3490 Any correctional officer, as defined in § 53.1-1, may arrest, in the same manner as provided in § 19.2-81,
3491 persons for crimes involving:

- 3492 (a) 1. The escape of an inmate from a correctional institution, as defined in § 53.1-1;
3493 (b) 2. Assisting an inmate to escape from a correctional institution, as defined in § 53.1-1;
3494 (c) 3. The delivery of contraband to an inmate in violation of § 4.1-1117, 18.2-474, or § 18.2-474.1; and
3495 (d) 4. Any other criminal offense ~~which~~ *that* may contribute to the disruption of the safety, welfare, or
3496 security of the population of a correctional institution.

3497 **§ 19.2-83.1. Report of arrest of school employees and adult students for certain offenses.**

3498 A. Every state official or agency and every sheriff, police officer, or other local law-enforcement officer
3499 or conservator of the peace having the power to arrest for a felony, upon arresting a person who is known or
3500 discovered by the arresting official to be a full-time, part-time, permanent, or temporary teacher or any other
3501 employee in any local school division in the Commonwealth for a felony or a Class 1 misdemeanor or an
3502 equivalent offense in another state, shall file a report of such arrest with the division safety official designated
3503 pursuant to subsection F of § 22.1-279.8 in the school division in which such person is employed as soon as
3504 practicable but no later than 48 hours after such arrest. The contents of the report required pursuant to this
3505 subsection shall be utilized by the local school division solely to implement the provisions of subsection B of
3506 § 22.1-296.2 and § 22.1-315.

3507 B. The report required pursuant to subsection A shall be transmitted to the division safety official (i) via
3508 certified mail, return receipt requested, to the mailing address identified by the division superintendent
3509 pursuant to subsection F of § 22.1-279.8 or (ii) via fax and email to the fax number and email address
3510 identified by the division superintendent pursuant to subsection F of § 22.1-279.8. Any certified mail return
3511 receipt shall be retained in the case file.

3512 C. (Expires July 1, 2027) In the event that the law-enforcement agency has existing access to Virginia
3513 Employment Commission records, each arresting official shall request in writing that the Virginia
3514 Employment Commission provide the name of the current employer of each person arrested for an offense set
3515 forth in § 9.1-902 for purposes of determining whether a report is required pursuant to subsection A.

3516 D. Every state official or agency and every sheriff, police officer, or other local law-enforcement officer
3517 or conservator of the peace having the power to arrest for a felony shall file a report, as soon as practicable,
3518 with the division superintendent of the school division in which the student is enrolled upon arresting a
3519 person who is known or discovered by the arresting official to be a student age 18 or older in any local school
3520 division in the Commonwealth for:

- 3521 1. A firearm offense pursuant to Article 4 (§ 18.2-279 et seq.), 5 (§ 18.2-288 et seq.), 6 (§ 18.2-299 et
3522 seq.), 6.1 (§ 18.2-307.1 et seq.), or 7 (§ 18.2-308.1 et seq.) of Chapter 7 of Title 18.2;
3523 2. Homicide, pursuant to Article 1 (§ 18.2-30 et seq.) of Chapter 4 of Title 18.2;
3524 3. Felonious assault and bodily wounding, pursuant to Article 4 (§ 18.2-51 et seq.) of Chapter 4 of Title
3525 18.2;
3526 4. Criminal sexual assault, pursuant to Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2;
3527 5. Manufacture, sale, gift, distribution or possession of Schedule I or II controlled substances, pursuant to
3528 Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2;
3529 6. Manufacture, sale or distribution of marijuana pursuant to ~~Article 4 Chapter 11~~ *Chapter 11* (§ 18.2-247 4.1-1100 et
3530 seq.) of Chapter 7 of Title 18.2 4.1;
3531 7. Arson and related crimes, pursuant to Article 1 (§ 18.2-77 et seq.) of Chapter 5 of Title 18.2;
3532 8. Burglary and related offenses, pursuant to §§ 18.2-89 through 18.2-93;
3533 9. Robbery pursuant to § 18.2-58;
3534 10. Prohibited criminal street gang activity pursuant to § 18.2-46.2;
3535 11. Recruitment of juveniles for criminal street gang pursuant to § 18.2-46.3;
3536 12. An act of violence by a mob pursuant to § 18.2-42.1; or
3537 13. Abduction of any person pursuant to § 18.2-47 or 18.2-48.

3538 **§ 19.2-188.1. Testimony regarding identification of controlled substances.**

3539 A. In any preliminary hearing on a violation of Chapter 11 (§ 4.1-1100 et seq.) of Title 4.1, Article 1 (§
3540 18.2-247 et seq.) of Chapter 7 of Title 18.2, or subdivision 6 of § 53.1-203, any law-enforcement officer shall
3541 be permitted to testify as to the results of field tests that have been approved by the Department of Forensic
3542 Science pursuant to regulations adopted in accordance with the Administrative Process Act (§ 2.2-4000 et
3543 seq.), regarding whether or not any substance the identity of which is at issue in such hearing is a controlled
3544 substance, or imitation controlled substance, *as defined in § 18.2-247*, or marijuana, as defined in § ~~18.2-247~~
3545 4.1-600.

3546 B. In any trial for a violation of § ~~4.1-1105.1~~ *4.1-1104 or 4.1-1105*, any law-enforcement officer shall be
3547 permitted to testify as to the results of any marijuana field test approved as accurate and reliable by the
3548 Department of Forensic Science pursuant to regulations adopted in accordance with the Administrative
3549 Process Act (§ 2.2-4000 et seq.), regarding whether or not any plant material, the identity of which is at issue,
3550 is marijuana provided the defendant has been given written notice of his right to request a full chemical

3551 analysis. Such notice shall be on a form approved by the Supreme Court and shall be provided to the
3552 defendant prior to trial.

3553 In any case in which the person accused of a violation of § ~~4.1-1105.1~~ *4.1-1104* or *4.1-1105*, or the
3554 attorney of record for the accused, desires a full chemical analysis of the alleged plant material, he may, by
3555 motion prior to trial before the court in which the charge is pending, request such a chemical analysis. Upon
3556 such motion, the court shall order that the analysis be performed by the Department of Forensic Science in
3557 accordance with the provisions of § ~~18.2-247~~ *9.1-1101* and shall prescribe in its order the method of custody,
3558 transfer, and return of evidence submitted for chemical analysis.

3559 **§ 19.2-303.01. Reduction of sentence; substantial assistance to prosecution.**

3560 Notwithstanding any other provision of law or rule of court, upon motion of the attorney for the
3561 Commonwealth, the sentencing court may reduce the defendant's sentence if the defendant, after entry of the
3562 final judgment order, provided substantial assistance in investigating or prosecuting another person for (i) an
3563 act of violence as defined in § 19.2-297.1, an act of larceny of a firearm in violation of § 18.2-95, or any
3564 violation of § 18.2-248, 18.2-248.01, 18.2-248.02, 18.2-248.03, ~~18.2-248.1~~, 18.2-248.5, 18.2-251.2,
3565 18.2-251.3, 18.2-255, 18.2-255.2, 18.2-258, 18.2-258.02, 18.2-258.1, or 18.2-258.2, or any substantially
3566 similar offense in any other jurisdiction, which offense would be a felony if committed in the
3567 Commonwealth; (ii) a conspiracy to commit any of the offenses listed in clause (i); or (iii) violations as a
3568 principal in the second degree or accessory before the fact of any of the offenses listed in clause (i). In
3569 determining whether the defendant has provided substantial assistance pursuant to the provisions of this
3570 section, the court shall consider (a) the court's evaluation of the significance and usefulness of the defendant's
3571 assistance, taking into consideration the Commonwealth's evaluation of the assistance rendered; (b) the
3572 truthfulness, completeness, and reliability of any information or testimony provided by the defendant; (c) the
3573 nature and extent of the defendant's assistance; (d) any injury suffered or any danger or risk of injury to the
3574 defendant or his family resulting from his assistance; and (e) the timeliness of the defendant's assistance. If
3575 the motion is made more than one year after entry of the final judgment order, the court may reduce a
3576 sentence only if the defendant's substantial assistance involved (1) information not known to the defendant
3577 until more than one year after entry of the final judgment order, (2) information provided by the defendant
3578 within one year of entry of the final judgment order but that did not become useful to the Commonwealth
3579 until more than one year after entry of the final judgment order, or (3) information the usefulness of which
3580 could not reasonably have been anticipated by the defendant until more than one year after entry of the final
3581 judgment order and which was promptly provided to the Commonwealth by the defendant after its usefulness
3582 was reasonably apparent.

3583 **§ 19.2-386.22. Seizure of property used in connection with or derived from illegal drug transactions.**

3584 A. The following property shall be subject to lawful seizure by any officer charged with enforcing the
3585 provisions of *Chapter 11* (§ *4.1-1100 et seq.*) of *Title 4.1* or Article 1 (§ 18.2-247 et seq.) of Chapter 7 of
3586 Title 18.2: (i) all money, medical equipment, office equipment, laboratory equipment, motor vehicles, and all
3587 other personal and real property of any kind or character, used in substantial connection with (a) the illegal
3588 manufacture, sale or distribution of controlled substances or possession with intent to sell or distribute
3589 controlled substances in violation of § 18.2-248, (b) the sale or distribution of marijuana ~~or possession with~~
3590 ~~intent to distribute marijuana~~ in violation of subdivisions (a)(2), (a)(3) and (e) of § ~~18.2-248.1~~ § *4.1-1103*, or
3591 (c) a drug-related offense in violation of § *4.1-1117* or 18.2-474.1; (ii) everything of value furnished, or
3592 intended to be furnished, in exchange for a controlled substance in violation of § 18.2-248 or for marijuana in
3593 violation of § ~~18.2-248.1~~ *4.1-1103* or for a controlled substance or marijuana in violation of § *4.1-1117* or
3594 18.2-474.1; and (iii) all moneys or other property, real or personal, traceable to such an exchange, together
3595 with any interest or profits derived from the investment of such money or other property. Under the
3596 provisions of clause (i), real property shall not be subject to lawful seizure unless the minimum prescribed
3597 punishment for the violation is a term of not less than five years.

3598 B. All seizures and forfeitures under this section shall be governed by the procedures contained in Chapter
3599 22.1 (§ 19.2-386.1 et seq.).

3600 **§ 19.2-386.23. Disposal of seized controlled substances, marijuana, and paraphernalia.**

3601 A. All controlled substances, imitation controlled substances, marijuana, or paraphernalia, the lawful
3602 possession of which is not established or the title to which cannot be ascertained, which have come into the
3603 custody of a peace officer or have been seized in connection with violations of *Chapter 11* (§ *4.1-1100 et*
3604 *seq.*) of *Title 4.1* or Chapter 7 (§ 18.2-247 et seq.) of Title 18.2, shall be forfeited and disposed of as follows:

3605 1. Upon written application by (i) the Department of Forensic Science, (ii) the Department of State Police,
3606 or (iii) any police department or sheriff's office in a locality, the court may order the forfeiture of any such
3607 substance or paraphernalia to the Department of Forensic Science, the Department of State Police, or to such
3608 police department or sheriff's office for research and training purposes and for destruction pursuant to
3609 regulations of the United States Department of Justice Drug Enforcement Administration and of the Board of
3610 Pharmacy once these purposes have been fulfilled.

3611 2. In the event no application is made under subdivision 1, the court shall order the destruction of all such

3612 substances or paraphernalia, which order shall state the existence and nature of the substance or
3613 paraphernalia, the quantity thereof, the location where seized, the person or persons from whom the substance
3614 or paraphernalia was seized, if known, and the manner whereby such item shall be destroyed. However, the
3615 court may order that paraphernalia identified in subdivision 5 of § 18.2-265.1 not be destroyed and that it be
3616 given to a person or entity that makes a showing to the court of sufficient need for the property and an ability
3617 to put the property to a lawful and publicly beneficial use. A return under oath, reporting the time, place and
3618 manner of destruction shall be made to the court by the officer to whom the order is directed. A copy of the
3619 order and affidavit shall be made a part of the record of any criminal prosecution in which the substance or
3620 paraphernalia was used as evidence and shall, thereafter, be prima facie evidence of its contents. In the event
3621 a law-enforcement agency recovers, seizes, finds, is given or otherwise comes into possession of any such
3622 substances or paraphernalia that are not evidence in a trial in the Commonwealth, the chief law-enforcement
3623 officer of the agency or his designee may, with the written consent of the appropriate attorney for the
3624 Commonwealth, order destruction of same; provided that a statement under oath, reporting a description of
3625 the substances and paraphernalia destroyed and the time, place and manner of destruction, is made to the
3626 chief law-enforcement officer by the officer to whom the order is directed.

3627 B. No such substance or paraphernalia used or to be used in a criminal prosecution under *Chapter 11* (§
3628 *4.1-1100 et seq.*) of Title 4.1 or Chapter 7 (§ 18.2-247 et seq.) of Title 18.2 shall be disposed of as provided
3629 by this section until all rights of appeal have been exhausted, except as provided in § 19.2-386.24.

3630 C. The amount of any specific controlled substance, or imitation controlled substance, retained by any
3631 law-enforcement agency pursuant to a court order issued under this section shall not exceed five pounds, or
3632 25 pounds in the case of marijuana. Any written application to the court for controlled substances, imitation
3633 controlled substances, or marijuana, shall certify that the amount requested shall not result in the requesting
3634 agency's exceeding the limits allowed by this subsection.

3635 D. A law-enforcement agency that retains any controlled substance, imitation controlled substance, or
3636 marijuana, pursuant to a court order issued under this section shall (i) be required to conduct an inventory of
3637 such substance on a monthly basis, which shall include a description and weight of the substance, and (ii)
3638 destroy such substance pursuant to subdivision A 1 when no longer needed for research and training
3639 purposes. A written report outlining the details of the inventory shall be made to the chief law-enforcement
3640 officer of the agency within 10 days of the completion of the inventory, and the agency shall detail the
3641 substances that were used for research and training pursuant to a court order in the immediately preceding
3642 fiscal year. Destruction of such substance shall be certified to the court along with a statement prepared under
3643 oath, reporting a description of the substance destroyed, and the time, place, and manner of destruction.

3644 **§ 19.2-386.24. Destruction of seized controlled substances or marijuana prior to trial.**

3645 Where seizures of controlled substances or marijuana are made in excess of 10 pounds in connection with
3646 any prosecution or investigation under *Chapter 11* (§ 4.1-1100 et seq.) of Title 4.1 or Chapter 7 (§ 18.2-247 et
3647 seq.) of Title 18.2, the appropriate law-enforcement agency may retain 10 pounds of the substance randomly
3648 selected from the seized substance for representative purposes as evidence and destroy the remainder of the
3649 seized substance.

3650 Before any destruction is carried out under this section, the law-enforcement agency shall cause the
3651 material seized to be photographed with identification case numbers or other means of identification and shall
3652 prepare a report identifying the seized material. It shall also notify the accused, or other interested party, if
3653 known, or his attorney, at least five days in advance that the photography will take place and that they may be
3654 present. Prior to any destruction under this section, the law-enforcement agency shall also notify the accused
3655 or other interested party, if known, and his attorney at least seven days prior to the destruction of the time and
3656 place the destruction will occur. Any notice required under the provisions of this section shall be by first-
3657 class mail to the last known address of the person required to be notified. In addition to the substance retained
3658 for representative purposes as evidence, all photographs and records made under this section and properly
3659 identified shall be admissible in any court proceeding for any purposes for which the seized substance itself
3660 would have been admissible.

3661 **§ 19.2-386.25. Judge may order law-enforcement agency to maintain custody of controlled
3662 substances, etc.**

3663 Upon request of the clerk of any court, a judge of the court may order a law-enforcement agency to take
3664 into its custody or to maintain custody of substantial quantities of any controlled substances, imitation
3665 controlled substances, chemicals, marijuana, or paraphernalia used or to be used in a criminal prosecution
3666 under *Chapter 11* (§ 4.1-1100 et seq.) of Title 4.1 or Chapter 7 (§ 18.2-247 et seq.) of Title 18.2. The court in
3667 its order may make provision for ensuring integrity of these items until further order of the court.

3668 **§ 19.2-389. Dissemination of criminal history record information.**

3669 A. Criminal history record information shall be disseminated, whether directly or through an intermediary,
3670 only to:

3671 1. Authorized officers or employees of criminal justice agencies, as defined by § 9.1-101, for purposes of
3672 the administration of criminal justice and the screening of an employment application or review of

3673 employment by a criminal justice agency with respect to its own employees or applicants, and dissemination
 3674 to the Virginia Parole Board, pursuant to this subdivision, of such information on all state-responsible
 3675 inmates for the purpose of making parole determinations pursuant to subdivisions 1, 2, 3, 4, and 6 of §
 3676 53.1-136 shall include collective dissemination by electronic means every 30 days. For purposes of this
 3677 subdivision, criminal history record information includes information sent to the Central Criminal Records
 3678 Exchange pursuant to §§ 37.2-819 and 64.2-2014 when disseminated to any full-time or part-time employee
 3679 of the State Police, a police department or sheriff's office that is a part of or administered by the
 3680 Commonwealth or any political subdivision thereof, and who is responsible for the prevention and detection
 3681 of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth for the purposes of
 3682 the administration of criminal justice;

3683 2. Such other individuals and agencies that require criminal history record information to implement a
 3684 state or federal statute or executive order of the President of the United States or Governor that expressly
 3685 refers to criminal conduct and contains requirements or exclusions expressly based upon such conduct, except
 3686 that information concerning the arrest of an individual may not be disseminated to a noncriminal justice
 3687 agency or individual if an interval of one year has elapsed from the date of the arrest and no disposition of the
 3688 charge has been recorded and no active prosecution of the charge is pending;

3689 3. Individuals and agencies pursuant to a specific agreement with a criminal justice agency to provide
 3690 services required for the administration of criminal justice pursuant to that agreement which shall specifically
 3691 authorize access to data, limit the use of data to purposes for which given, and ensure the security and
 3692 confidentiality of the data;

3693 4. Individuals and agencies for the express purpose of research, evaluative, or statistical activities pursuant
 3694 to an agreement with a criminal justice agency that shall specifically authorize access to data, limit the use of
 3695 data to research, evaluative, or statistical purposes, and ensure the confidentiality and security of the data;

3696 5. Agencies of state or federal government that are authorized by state or federal statute or executive order
 3697 of the President of the United States or Governor to conduct investigations determining employment
 3698 suitability or eligibility for security clearances allowing access to classified information;

3699 6. Individuals and agencies where authorized by court order or court rule;

3700 7. Agencies of any political subdivision of the Commonwealth, public transportation companies owned,
 3701 operated or controlled by any political subdivision, and any public service corporation that operates a public
 3702 transit system owned by a local government for the conduct of investigations of applicants for employment,
 3703 permit, or license whenever, in the interest of public welfare or safety, it is necessary to determine under a
 3704 duly enacted ordinance if the past criminal conduct of a person with a conviction record would be compatible
 3705 with the nature of the employment, permit, or license under consideration;

3706 7a. Commissions created pursuant to the Transportation District Act of 1964 (§ 33.2-1900 et seq.) of Title
 3707 33.2 and their contractors, for the conduct of investigations of individuals who have been offered a position
 3708 of employment whenever, in the interest of public welfare or safety and as authorized in the Transportation
 3709 District Act of 1964, it is necessary to determine if the past criminal conduct of a person with a conviction
 3710 record would be compatible with the nature of the employment under consideration;

3711 8. Public or private agencies when authorized or required by federal or state law or interstate compact to
 3712 investigate (i) applicants for foster or adoptive parenthood or (ii) any individual, and the adult members of
 3713 that individual's household, with whom the agency is considering placing a child or from whom the agency is
 3714 considering removing a child due to abuse or neglect, on an emergency, temporary, or permanent basis
 3715 pursuant to §§ 63.2-901.1 and 63.2-1505, subject to the restriction that the data shall not be further
 3716 disseminated to any party other than a federal or state authority or court as may be required to comply with an
 3717 express requirement of law;

3718 9. To the extent permitted by federal law or regulation, public service companies as defined in § 56-1, for
 3719 the conduct of investigations of applicants for employment when such employment involves personal contact
 3720 with the public or when past criminal conduct of an applicant would be incompatible with the nature of the
 3721 employment under consideration;

3722 10. The appropriate authority for purposes of granting citizenship and for purposes of international travel,
 3723 including, but not limited to, issuing visas and passports;

3724 11. A person requesting a copy of his own criminal history record information as defined in § 9.1-101 at
 3725 his cost, except that criminal history record information shall be supplied at no charge to a person who has
 3726 applied to be a volunteer with (i) a Virginia affiliate of Big Brothers/Big Sisters of America; (ii) a volunteer
 3727 fire company; (iii) the Volunteer Emergency Families for Children; (iv) any affiliate of Prevent Child Abuse,
 3728 Virginia; (v) any Virginia affiliate of Compeer; or (vi) any board member or any individual who has been
 3729 offered membership on the board of a Crime Stoppers, Crime Solvers or Crime Line program as defined in §
 3730 15.2-1713.1;

3731 12. Administrators and board presidents of and applicants for licensure or registration as a child welfare
 3732 agency as defined in § 63.2-100 for dissemination to the Commissioner of Social Services' representative
 3733 pursuant to § 63.2-1702 for the conduct of investigations with respect to employees of and volunteers at such

3734 facilities, caretakers, and foster and adoptive parent applicants of private child-placing agencies, pursuant to
3735 §§ 63.2-1719, 63.2-1720, and 63.2-1721, subject to the restriction that the data shall not be further
3736 disseminated by the facility or agency to any party other than the data subject, the Commissioner of Social
3737 Services' representative or a federal or state authority or court as may be required to comply with an express
3738 requirement of law for such further dissemination; however, nothing in this subdivision shall be construed to
3739 prohibit the Commissioner of Social Services' representative from issuing written certifications regarding the
3740 results of a background check that was conducted before July 1, 2021, in accordance with subsection J of §
3741 22.1-289.035 or § 22.1-289.039;

3742 13. The Department of Social Services for the purpose of screening individuals as a condition of licensure,
3743 employment, volunteering, or providing services on a regular basis in a licensed child welfare agency
3744 pursuant to §§ 63.2-1721 and 63.2-1726 or foster or adoptive home approved by a child-placing agency
3745 pursuant to § 63.2-901.1;

3746 14. The school boards of the Commonwealth for the purpose of screening individuals who are offered or
3747 who accept public school employment and those current school board employees for whom a report of arrest
3748 has been made pursuant to § 19.2-83.1;

3749 15. The Virginia Lottery for the conduct of investigations as set forth in the Virginia Lottery Law (§
3750 58.1-4000 et seq.) and casino gaming as set forth in Chapter 41 (§ 58.1-4100 et seq.) of Title 58.1, and the
3751 Department of Agriculture and Consumer Services for the conduct of investigations as set forth in Article
3752 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2;

3753 16. Licensed nursing homes, hospitals and home care organizations for the conduct of investigations of
3754 applicants for compensated employment in licensed nursing homes pursuant to § 32.1-126.01, hospital
3755 pharmacies pursuant to § 32.1-126.02, and home care organizations pursuant to § 32.1-162.9:1, subject to the
3756 limitations set out in subsection E;

3757 17. Licensed assisted living facilities and licensed adult day centers for the conduct of investigations of
3758 applicants for compensated employment in licensed assisted living facilities and licensed adult day centers
3759 pursuant to § 63.2-1720, subject to the limitations set out in subsection F;

3760 18. The Virginia Alcoholic Beverage Control Authority for the conduct of investigations as set forth in §
3761 4.1-103.1 *or the Virginia Cannabis Control Authority for the conduct of investigations as set forth in §*
3762 *4.1-622;*

3763 19. The State Board of Elections and authorized officers and employees thereof and general registrars
3764 appointed pursuant to § 24.2-110 in the course of conducting necessary investigations with respect to voter
3765 registration, limited to any record of felony convictions;

3766 20. The Commissioner of Behavioral Health and Developmental Services (the Commissioner) or his
3767 designees for individuals who are committed to the custody of or being evaluated by the Commissioner
3768 pursuant to §§ 19.2-168.1, 19.2-169.1, 19.2-169.2, 19.2-169.5, 19.2-169.6, 19.2-182.2, 19.2-182.3,
3769 19.2-182.8, and 19.2-182.9 where such information may be beneficial for the purpose of placement,
3770 evaluation, treatment, or discharge planning;

3771 21. Any alcohol safety action program certified by the Commission on the Virginia Alcohol Safety Action
3772 Program for (i) interventions with first offenders under § 18.2-251 or (ii) services to offenders under §
3773 18.2-51.4, 18.2-266, or 18.2-266.1;

3774 22. Residential facilities for juveniles regulated or operated by the Department of Social Services, the
3775 Department of Education, or the Department of Behavioral Health and Developmental Services for the
3776 purpose of determining applicants' fitness for employment or for providing volunteer or contractual services;

3777 23. The Department of Behavioral Health and Developmental Services and facilities operated by the
3778 Department for the purpose of determining an individual's fitness for employment pursuant to departmental
3779 instructions;

3780 24. Pursuant to § 22.1-296.3, the governing boards or administrators of private elementary or secondary
3781 schools which are accredited pursuant to § 22.1-19 or a private organization coordinating such records
3782 information on behalf of such governing boards or administrators pursuant to a written agreement with the
3783 Department of State Police;

3784 25. Public institutions of higher education and nonprofit private institutions of higher education for the
3785 purpose of screening individuals who are offered or accept employment;

3786 26. Members of a threat assessment team established by a local school board pursuant to § 22.1-79.4, by a
3787 public institution of higher education pursuant to § 23.1-805, or by a private nonprofit institution of higher
3788 education, for the purpose of assessing or intervening with an individual whose behavior may present a threat
3789 to safety; however, no member of a threat assessment team shall redisclose any criminal history record
3790 information obtained pursuant to this section or otherwise use any record of an individual beyond the purpose
3791 that such disclosure was made to the threat assessment team;

3792 27. Executive directors of community services boards or the personnel director serving the community
3793 services board for the purpose of determining an individual's fitness for employment, approval as a sponsored
3794 residential service provider, permission to enter into a shared living arrangement with a person receiving

3795 medical assistance services pursuant to a waiver, or permission for any person under contract with the
 3796 community services board to serve in a direct care position on behalf of the community services board
 3797 pursuant to §§ 37.2-506, 37.2-506.1, and 37.2-607;

3798 28. Executive directors of behavioral health authorities as defined in § 37.2-600 for the purpose of
 3799 determining an individual's fitness for employment, approval as a sponsored residential service provider,
 3800 permission to enter into a shared living arrangement with a person receiving medical assistance services
 3801 pursuant to a waiver, or permission for any person under contract with the behavioral health authority to
 3802 serve in a direct care position on behalf of the behavioral health authority pursuant to §§ 37.2-506, 37.2-506.1,
 3803 and 37.2-607;

3804 29. The Commissioner of Social Services for the purpose of locating persons who owe child support or
 3805 who are alleged in a pending paternity proceeding to be a putative father, provided that only the name,
 3806 address, demographics and social security number of the data subject shall be released;

3807 30. Authorized officers or directors of agencies licensed pursuant to Article 2 (§ 37.2-403 et seq.) of
 3808 Chapter 4 of Title 37.2 by the Department of Behavioral Health and Developmental Services for the purpose
 3809 of determining if any applicant who accepts employment in any direct care position or requests approval as a
 3810 sponsored residential service provider, permission to enter into a shared living arrangement with a person
 3811 receiving medical assistance services pursuant to a waiver, or permission for any person under contract with
 3812 the provider to serve in a direct care position has been convicted of a crime that affects his fitness to have
 3813 responsibility for the safety and well-being of individuals with mental illness, intellectual disability, or
 3814 substance abuse pursuant to §§ 37.2-416, 37.2-416.1, 37.2-506, 37.2-506.1, and 37.2-607;

3815 31. The Commissioner of the Department of Motor Vehicles, for the purpose of evaluating applicants for
 3816 and holders of a motor carrier certificate or license subject to the provisions of Chapters 20 (§ 46.2-2000 et
 3817 seq.) and 21 (§ 46.2-2100 et seq.) of Title 46.2;

3818 32. The Chairman of the Senate Committee for Courts of Justice or the Chairman of the House Committee
 3819 for Courts of Justice for the purpose of determining if any person being considered for election to any
 3820 judgeship has been convicted of a crime;

3821 33. Heads of state agencies in which positions have been identified as sensitive for the purpose of
 3822 determining an individual's fitness for employment in positions designated as sensitive under Department of
 3823 Human Resource Management policies developed pursuant to § 2.2-1201.1;

3824 34. The Office of the Attorney General, for all criminal justice activities otherwise permitted under
 3825 subdivision A 1 and for purposes of performing duties required by the Civil Commitment of Sexually Violent
 3826 Predators Act (§ 37.2-900 et seq.);

3827 35. Shipyards, to the extent permitted by federal law or regulation, engaged in the design, construction,
 3828 overhaul, or repair of nuclear vessels for the United States Navy, including their subsidiary companies, for
 3829 the conduct of investigations of applications for employment or for access to facilities, by contractors, leased
 3830 laborers, and other visitors;

3831 36. Any employer of individuals whose employment requires that they enter the homes of others, for the
 3832 purpose of screening individuals who apply for, are offered, or have accepted such employment;

3833 37. Public agencies when and as required by federal or state law to investigate (i) applicants as providers
 3834 of adult foster care and home-based services or (ii) any individual with whom the agency is considering
 3835 placing an adult on an emergency, temporary, or permanent basis pursuant to § 63.2-1601.1, subject to the
 3836 restriction that the data shall not be further disseminated by the agency to any party other than a federal or
 3837 state authority or court as may be required to comply with an express requirement of law for such further
 3838 dissemination, subject to limitations set out in subsection G;

3839 38. The Department of Medical Assistance Services, or its designee, for the purpose of screening
 3840 individuals who, through contracts, subcontracts, or direct employment, volunteer, apply for, are offered, or
 3841 have accepted a position related to the provision of transportation services to enrollees in the Medicaid
 3842 Program or the Family Access to Medical Insurance Security (FAMIS) Program, or any other program
 3843 administered by the Department of Medical Assistance Services;

3844 39. The State Corporation Commission for the purpose of investigating individuals who are current or
 3845 proposed members, senior officers, directors, and principals of an applicant or person licensed under Chapter
 3846 16 (§ 6.2-1600 et seq.), Chapter 19 (§ 6.2-1900 et seq.), or Chapter 26 (§ 6.2-2600 et seq.) of Title 6.2.
 3847 Notwithstanding any other provision of law, if an application is denied based in whole or in part on
 3848 information obtained from the Central Criminal Records Exchange pursuant to Chapter 16, 19, or 26 of Title
 3849 6.2, the Commissioner of Financial Institutions or his designee may disclose such information to the applicant
 3850 or its designee;

3851 40. The Department of Professional and Occupational Regulation for the purpose of investigating
 3852 individuals for initial licensure pursuant to § 54.1-2106.1;

3853 41. The Department for Aging and Rehabilitative Services and the Department for the Blind and Vision
 3854 Impaired for the purpose of evaluating an individual's fitness for various types of employment and for the
 3855 purpose of delivering comprehensive vocational rehabilitation services pursuant to Article 11 (§ 51.5-170 et

3856 seq.) of Chapter 14 of Title 51.5 that will assist the individual in obtaining employment;

3857 42. Bail bondsmen, in accordance with the provisions of § 19.2-120;

3858 43. The State Treasurer for the purpose of determining whether a person receiving compensation for
3859 wrongful incarceration meets the conditions for continued compensation under § 8.01-195.12;

3860 44. The Department of Education or its agents or designees for the purpose of screening individuals
3861 seeking to enter into a contract with the Department of Education or its agents or designees for the provision
3862 of child care services for which child care subsidy payments may be provided;

3863 45. The Department of Juvenile Justice to investigate any parent, guardian, or other adult members of a
3864 juvenile's household when completing a predispositional or postdispositional report required by § 16.1-273 or
3865 a Board of Juvenile Justice regulation promulgated pursuant to § 16.1-233;

3866 46. The State Corporation Commission, for the purpose of screening applicants for insurance licensure
3867 under Chapter 18 (§ 38.2-1800 et seq.) of Title 38.2;

3868 47. Administrators and board presidents of and applicants for licensure or registration as a child day
3869 program or family day system, as such terms are defined in § 22.1-289.02, for dissemination to the
3870 Superintendent of Public Instruction's representative pursuant to § 22.1-289.013 for the conduct of
3871 investigations with respect to employees of and volunteers at such facilities pursuant to §§ 22.1-289.034
3872 through 22.1-289.037, subject to the restriction that the data shall not be further disseminated by the facility
3873 or agency to any party other than the data subject, the Superintendent of Public Instruction's representative, or
3874 a federal or state authority or court as may be required to comply with an express requirement of law for such
3875 further dissemination; however, nothing in this subdivision shall be construed to prohibit the Superintendent
3876 of Public Instruction's representative from issuing written certifications regarding the results of prior
3877 background checks in accordance with subsection J of § 22.1-289.035 or § 22.1-289.039;

3878 48. The National Center for Missing and Exploited Children for the purpose of screening individuals who
3879 are offered or accept employment or will be providing volunteer or contractual services with the National
3880 Center for Missing and Exploited Children;

3881 49. The Executive Director or investigators of the Board of Accountancy for the purpose of the
3882 enforcement of laws relating to the Board of Accountancy in accordance with § 54.1-4407; and

3883 50. Other entities as otherwise provided by law.

3884 Upon an ex parte motion of a defendant in a felony case and upon the showing that the records requested
3885 may be relevant to such case, the court shall enter an order requiring the Central Criminal Records Exchange
3886 to furnish the defendant, as soon as practicable, copies of any records of persons designated in the order on
3887 whom a report has been made under the provisions of this chapter.

3888 Notwithstanding any other provision of this chapter to the contrary, upon a written request sworn to
3889 before an officer authorized to take acknowledgments, the Central Criminal Records Exchange, or the
3890 criminal justice agency in cases of offenses not required to be reported to the Exchange, shall furnish a copy
3891 of conviction data covering the person named in the request to the person making the request; however, such
3892 person on whom the data is being obtained shall consent in writing, under oath, to the making of such
3893 request. A person receiving a copy of his own conviction data may utilize or further disseminate that data as
3894 he deems appropriate. In the event no conviction data is maintained on the data subject, the person making
3895 the request shall be furnished at his cost a certification to that effect.

3896 B. Use of criminal history record information disseminated to noncriminal justice agencies under this
3897 section shall be limited to the purposes for which it was given and may not be disseminated further, except as
3898 otherwise provided in subdivision A 47.

3899 C. No criminal justice agency or person shall confirm the existence or nonexistence of criminal history
3900 record information for employment or licensing inquiries except as provided by law.

3901 D. Criminal justice agencies shall establish procedures to query the Central Criminal Records Exchange
3902 prior to dissemination of any criminal history record information on offenses required to be reported to the
3903 Central Criminal Records Exchange to ensure that the most up-to-date disposition data is being used.
3904 Inquiries of the Exchange shall be made prior to any dissemination except in those cases where time is of the
3905 essence and the normal response time of the Exchange would exceed the necessary time period. A criminal
3906 justice agency to whom a request has been made for the dissemination of criminal history record information
3907 that is required to be reported to the Central Criminal Records Exchange may direct the inquirer to the
3908 Central Criminal Records Exchange for such dissemination. Dissemination of information regarding offenses
3909 not required to be reported to the Exchange shall be made by the criminal justice agency maintaining the
3910 record as required by § 15.2-1722.

3911 E. Criminal history information provided to licensed nursing homes, hospitals and to home care
3912 organizations pursuant to subdivision A 16 shall be limited to the convictions on file with the Exchange for
3913 any offense specified in §§ 32.1-126.01, 32.1-126.02, and 32.1-162.9:1.

3914 F. Criminal history information provided to licensed assisted living facilities and licensed adult day
3915 centers pursuant to subdivision A 17 shall be limited to the convictions on file with the Exchange for any
3916 offense specified in § 63.2-1720.

3917 G. Criminal history information provided to public agencies pursuant to subdivision A 37 shall be limited

3918 to the convictions on file with the Exchange for any offense set forth in clause (i) of the definition of barrier
3919 crime in § 19.2-392.02.

3920 H. Upon receipt of a written request from an employer or prospective employer, the Central Criminal
3921 Records Exchange, or the criminal justice agency in cases of offenses not required to be reported to the
3922 Exchange, shall furnish at the employer's cost a copy of conviction data covering the person named in the
3923 request to the employer or prospective employer making the request, provided that the person on whom the
3924 data is being obtained has consented in writing to the making of such request and has presented a photo-
3925 identification to the employer or prospective employer. In the event no conviction data is maintained on the
3926 person named in the request, the requesting employer or prospective employer shall be furnished at his cost a
3927 certification to that effect. The criminal history record search shall be conducted on forms provided by the
3928 Exchange.

3929 I. Nothing in this section shall preclude the dissemination of a person's criminal history record
3930 information pursuant to the rules of court for obtaining discovery or for review by the court.

3931 **§ 19.2-389.3. (For contingent expiration dates, see Acts 2021, Sp. Sess. I, cc. 524, 542, 550 and 551;**
3932 **for contingent repeal see Acts 2023, cc. 554 and 555, cl. 3) Marijuana possession; limits on**
3933 **dissemination of criminal history record information; prohibited practices by employers, educational**
3934 **institutions, and state and local governments; penalty.**

3935 A. Records relating to the arrest, criminal charge, or conviction of a person for a misdemeanor violation of
3936 *former* § 18.2-248.1 or a violation of *former* § 18.2-250.1, including any violation charged under §§ *former* §
3937 18.2-248.1 or *former* § 18.2-250.1 that was deferred and dismissed pursuant to § 18.2-251, maintained in the
3938 Central Criminal Records Exchange shall not be open for public inspection or otherwise disclosed, provided
3939 that such records may be disseminated (i) to make the determination as provided in § 18.2-308.2:2 of
3940 eligibility to possess or purchase a firearm; (ii) to aid in the preparation of a pretrial investigation report
3941 prepared by a local pretrial services agency established pursuant to Article 5 (§ 19.2-152.2 et seq.) of Chapter
3942 9, a pre-sentence or post-sentence investigation report pursuant to § 19.2-299 or in the preparation of the
3943 discretionary sentencing guidelines worksheets pursuant to subsection C of § 19.2-298.01; (iii) to aid local
3944 community-based probation services agencies established pursuant to the Comprehensive Community
3945 Corrections Act for Local-Responsible Offenders (§ 9.1-173 et seq.) with investigating or serving adult
3946 local-responsible offenders and all court service units serving juvenile delinquent offenders; (iv) for
3947 fingerprint comparison utilizing the fingerprints maintained in the Automated Fingerprint Information System
3948 computer; (v) to attorneys for the Commonwealth to secure information incidental to sentencing and to
3949 attorneys for the Commonwealth and probation officers to prepare the discretionary sentencing guidelines
3950 worksheets pursuant to subsection C of § 19.2-298.01; (vi) to any full-time or part-time employee of the State
3951 Police, a police department, or sheriff's office that is a part of or administered by the Commonwealth or any
3952 political subdivision thereof, and who is responsible for the prevention and detection of crime and the
3953 enforcement of the penal, traffic, or highway laws of the Commonwealth, for purposes of the administration
3954 of criminal justice as defined in § 9.1-101; (vii) to the Virginia Criminal Sentencing Commission for research
3955 purposes; (viii) to any full-time or part-time employee of the State Police or a police department or sheriff's
3956 office that is a part of or administered by the Commonwealth or any political subdivision thereof for the
3957 purpose of screening any person for full-time or part-time employment with the State Police or a police
3958 department or sheriff's office that is a part of or administered by the Commonwealth or any political
3959 subdivision thereof; (ix) to the State Health Commissioner or his designee for the purpose of screening any
3960 person who applies to be a volunteer with or an employee of an emergency medical services agency as
3961 provided in § 32.1-111.5; (x) to any full-time or part-time employee of the Department of Forensic Science
3962 for the purpose of screening any person for full-time or part-time employment with the Department of
3963 Forensic Science; (xi) to the chief law-enforcement officer of a locality, or his designee who shall be an
3964 individual employed as a public safety official of the locality, that has adopted an ordinance in accordance
3965 with §§ 15.2-1503.1 and 19.2-389 for the purpose of screening any person who applies to be a volunteer with
3966 or an employee of an emergency medical services agency as provided in § 32.1-111.5; and (xii) to any
3967 full-time or part-time employee of the Department of Motor Vehicles, any employer as defined in §
3968 46.2-341.4, or any medical examiner as defined in 49 C.F.R. § 390.5 for the purpose of complying with the
3969 regulations of the Federal Motor Carrier Safety Administration.

3970 B. An employer or educational institution shall not, in any application, interview, or otherwise, require an
3971 applicant for employment or admission to disclose information concerning any arrest, criminal charge, or
3972 conviction against him when the record relating to such arrest, criminal charge, or conviction is not open for
3973 public inspection pursuant to subsection A. An applicant need not, in answer to any question concerning any
3974 arrest, criminal charge, or conviction, include a reference to or information concerning any arrest, criminal
3975 charge, or conviction when the record relating to such arrest, criminal charge, or conviction is not open for
3976 public inspection pursuant to subsection A.

3977 C. Agencies, officials, and employees of the state and local governments shall not, in any application,
3978 interview, or otherwise, require an applicant for a license, permit, registration, or governmental service to

3979 disclose information concerning any arrest, criminal charge, or conviction against him when the record
 3980 relating to such arrest, criminal charge, or conviction is not open for public inspection pursuant to subsection
 3981 A. An applicant need not, in answer to any question concerning any arrest, criminal charge, or conviction,
 3982 include a reference to or information concerning any arrest, criminal charge, or conviction when the record
 3983 relating to such arrest, criminal charge, or conviction is not open for public inspection pursuant to subsection
 3984 A. Such an application may not be denied solely because of the applicant's refusal to disclose information
 3985 concerning any such arrest, criminal charge, or conviction.

3986 D. A person who willfully violates subsection B or C is guilty of a Class 1 misdemeanor for each
 3987 violation.

3988 **§ 19.2-389.3. (For contingent effective dates, see Acts 2021, Sp. Sess. I, cc. 524, 542, 550 and 551; for**
 3989 **contingent repeal see Acts 2023, cc. 554 and 555, cl. 3) Marijuana possession; limits on dissemination of**
 3990 **criminal history record information; prohibited practices by employers, educational institutions, and**
 3991 **state and local governments; penalty.**

3992 A. Criminal history record information contained in the Central Criminal Records Exchange, including
 3993 any records relating to an arrest, criminal charge, or conviction, for a misdemeanor violation of *former* §
 3994 18.2-248.1 or a violation of *former* § 18.2-250.1, including any violation charged under §§ *former* §
 3995 18.2-248.1 or *former* § 18.2-250.1 that was deferred and dismissed pursuant to § 18.2-251, shall not be open
 3996 for public inspection or otherwise disclosed, provided that such records may be disseminated and used for the
 3997 following purposes: (i) to make the determination as provided in § 18.2-308.2:2 of eligibility to possess or
 3998 purchase a firearm; (ii) for fingerprint comparison utilizing the fingerprints maintained in the Automated
 3999 Fingerprint Information System; (iii) to the Virginia Criminal Sentencing Commission for its research
 4000 purposes; (iv) to any full-time or part-time employee of the State Police or a police department or sheriff's
 4001 office that is a part of or administered by the Commonwealth or any political subdivision thereof for the
 4002 purpose of screening any person for full-time or part-time employment with, or to be a volunteer with, the
 4003 State Police or a police department or sheriff's office that is a part of or administered by the Commonwealth
 4004 or any political subdivision thereof; (v) to the State Health Commissioner or his designee for the purpose of
 4005 screening any person who applies to be a volunteer with or an employee of an emergency medical services
 4006 agency as provided in § 32.1-111.5; (vi) to any full-time or part-time employee of the Department of Forensic
 4007 Science for the purpose of screening any person for full-time or part-time employment with the Department
 4008 of Forensic Science; (vii) to the chief law-enforcement officer of a locality, or his designee who shall be an
 4009 individual employed as a public safety official of the locality, that has adopted an ordinance in accordance
 4010 with §§ 15.2-1503.1 and 19.2-389 for the purpose of screening any person who applies to be a volunteer with
 4011 or an employee of an emergency medical services agency as provided in § 32.1-111.5; (viii) to any full-time
 4012 or part-time employee of the Department of Motor Vehicles, any employer as defined in § 46.2-341.4, or any
 4013 medical examiner as defined in 49 C.F.R. § 390.5 for the purpose of complying with the regulations of the
 4014 Federal Motor Carrier Safety Administration; (ix) to any employer or prospective employer or its designee
 4015 where federal law requires the employer to inquire about prior criminal charges or convictions; (x) to any
 4016 employer or prospective employer or its designee where the position that a person is applying for, or where
 4017 access to the premises in or upon which any part of the duties of such position is performed or is to be
 4018 performed, is subject to any requirement imposed in the interest of the national security of the United States
 4019 under any security program in effect pursuant to or administered under any contract with, or statute or
 4020 regulation of, the United States or any Executive Order of the President; (xi) to any person authorized to
 4021 engage in the collection of court costs, fines, or restitution under subsection C of § 19.2-349 for purposes of
 4022 collecting such court costs, fines, or restitution; (xii) to administer and utilize the DNA Analysis and Data
 4023 Bank set forth in Article 1.1 (§ 19.2-310.2 et seq.) of Chapter 18; (xiii) to publish decisions of the Supreme
 4024 Court, Court of Appeals, or any circuit court; (xiv) to any full-time or part-time employee of a court, the
 4025 Office of the Executive Secretary, the Division of Legislative Services, or the Chairs of the House and Senate
 4026 Committees for Courts of Justice for the purpose of screening any person for full-time or part-time
 4027 employment as a clerk, magistrate, or judge with a court or the Office of the Executive Secretary; (xv) to any
 4028 employer or prospective employer or its designee where this Code or a local ordinance requires the employer
 4029 to inquire about prior criminal charges or convictions; (xvi) to any employer or prospective employer or its
 4030 designee that is allowed access to such sealed records in accordance with the rules and regulations adopted
 4031 pursuant to § 9.1-128 and procedures adopted pursuant to § 9.1-134; (xvii) to any business screening service
 4032 for purposes of complying with § 19.2-392.16; (xviii) to any attorney for the Commonwealth and any person
 4033 accused of a violation of law, or counsel for the accused, in order to comply with any constitutional and
 4034 statutory duties to provide exculpatory, mitigating, and impeachment evidence to an accused; (xix) to any
 4035 party in a criminal or civil proceeding for use as authorized by law in such proceeding; (xx) to any party for
 4036 use in a protective order hearing as authorized by law; (xxi) to the Department of Social Services or any local
 4037 department of social services for purposes of performing any statutory duties as required under Title 63.2;
 4038 (xxii) to any party in a proceeding relating to the care and custody of a child for use as authorized by law in
 4039 such proceeding; (xxiii) to the attorney for the Commonwealth and the court for purposes of determining

4040 eligibility for sealing pursuant to the provisions of § 19.2-392.12; (xxiv) to determine a person's eligibility to
 4041 be empaneled as a juror; and (xxv) to the person arrested, charged, or convicted of the offense that was
 4042 sealed.

4043 B. Except as provided in subsection C, agencies, officials, and employees of state and local governments,
 4044 private employers that are not subject to federal laws or regulations in the hiring process, and educational
 4045 institutions shall not, in any application, interview, or otherwise, require an applicant for employment or
 4046 admission to disclose information concerning any arrest, criminal charge, or conviction against him when the
 4047 record relating to such arrest, criminal charge, or conviction is not open for public inspection pursuant to
 4048 subsection A. An applicant need not, in answer to any question concerning any arrest, criminal charge, or
 4049 conviction, include a reference to or information concerning any arrest, criminal charge, or conviction when
 4050 the record relating to such arrest, criminal charge, or conviction is not open for public inspection pursuant to
 4051 subsection A.

4052 C. The provisions of subsection B shall not apply if:

4053 1. The person is applying for full-time employment or part-time employment with, or to be a volunteer
 4054 with, the State Police or a police department or sheriff's office that is a part of or administered by the
 4055 Commonwealth or any political subdivision thereof;

4056 2. This Code requires the employer to make such an inquiry;

4057 3. Federal law requires the employer to make such an inquiry;

4058 4. The position, or access to the premises in or upon which any part of the duties of such position is
 4059 performed or is to be performed, is subject to any requirement imposed in the interest of the national security
 4060 of the United States under any security program in effect pursuant to or administered under any contract with,
 4061 or statute or regulation of, the United States or any Executive Order of the President; or

4062 5. The rules and regulations adopted pursuant to § 9.1-128 and procedures adopted pursuant to § 9.1-134
 4063 allow the employer to access such sealed records.

4064 D. Agencies, officials, and employees of the state and local governments shall not, in any application,
 4065 interview, or otherwise, require an applicant for a license, permit, registration, or governmental service to
 4066 disclose information concerning any arrest, criminal charge, or conviction against him when the record
 4067 relating to such arrest, criminal charge, or conviction is not open for public inspection pursuant to subsection

4068 A. An applicant need not, in answer to any question concerning any arrest, criminal charge, or conviction,
 4069 include a reference to or information concerning any arrest, criminal charge, or conviction when the record
 4070 relating to such arrest, criminal charge, or conviction is not open for public inspection pursuant to subsection
 4071 A. Such an application may not be denied solely because of the applicant's refusal to disclose information
 4072 concerning any such arrest, criminal charge, or conviction.

4073 E. No person, as defined in § 36-96.1:1, shall, in any application for the sale or rental of a dwelling, as
 4074 defined in § 36-96.1:1, require an applicant to disclose information concerning any arrest, criminal charge, or
 4075 conviction against him when the record relating to such arrest, criminal charge, or conviction is not open for
 4076 public inspection pursuant to subsection A. An applicant need not, in answer to any question concerning any
 4077 arrest, criminal charge, or conviction, include a reference to or information concerning arrests, criminal
 4078 charges, or convictions when the record relating to such arrest, criminal charge, or conviction is not open for
 4079 public inspection pursuant to subsection A. Such an application may not be denied solely because of the
 4080 applicant's refusal to disclose information concerning any such arrest, criminal charge, or conviction.

4081 F. No insurance company, as defined in § 38.2-100, shall, in any application for insurance, as defined in §
 4082 38.2-100, require an applicant to disclose information concerning any arrest, criminal charge, or conviction
 4083 against him when the record relating to such arrest, criminal charge, or conviction is not open for public
 4084 inspection pursuant to subsection A. An applicant need not, in answer to any question concerning any arrest,
 4085 criminal charge, or conviction, include a reference to or information concerning arrests, criminal charges, or
 4086 convictions when the record relating to such arrest, criminal charge, or conviction is not open for public
 4087 inspection pursuant to subsection A. Such an application may not be denied solely because of the applicant's
 4088 refusal to disclose information concerning any such arrest, criminal charge, or conviction.

4089 G. If any entity or person listed under subsection B, D, E, or F includes a question about a prior arrest,
 4090 criminal charge, or conviction in an application for one or more of the purposes set forth in such subsections,
 4091 such application shall include, or such entity or person shall provide, a notice to the applicant that an arrest,
 4092 criminal charge, or conviction that is not open for public inspection pursuant to subsection A does not have to
 4093 be disclosed in the application. Such notice need not be included on any application for one or more of the
 4094 purposes set forth in subsection C.

4095 H. The provisions of this section shall not prohibit the disclosure of any arrest, criminal charge, or
 4096 conviction that is not open for public inspection pursuant to subsection A or any information from such
 4097 records among law-enforcement officers and attorneys when such disclosures are made by such officers or
 4098 attorneys while engaged in the performance of their duties for purposes solely relating to the disclosure or use
 4099 of exculpatory, mitigating, and impeachment evidence or between attorneys for the Commonwealth when
 4100 related to the prosecution of a separate crime.

4101 I. A person who willfully violates subsection B, D, E, or F is guilty of a Class 1 misdemeanor for each

4102 violation.

4103 **§ 19.2-392.02. National criminal background checks by businesses and organizations regarding**
 4104 **employees or volunteers providing care to children or the elderly or disabled.**

4105 A. For purposes of this section:

4106 "Barrier crime" means (i) a felony violation of § 16.1-253.2; any violation of § 18.2-31, 18.2-32,
 4107 18.2-32.1, 18.2-32.2, 18.2-33, 18.2-35, 18.2-36, 18.2-36.1, 18.2-36.2, 18.2-41, or 18.2-42; any felony
 4108 violation of § 18.2-46.2, 18.2-46.3, 18.2-46.3:1, or 18.2-46.3:3; any violation of § 18.2-46.5, 18.2-46.6, or
 4109 18.2-46.7; any violation of subsection A or B of § 18.2-47; any violation of § 18.2-48, 18.2-49, or 18.2-50.3;
 4110 any violation of § 18.2-51, 18.2-51.1, 18.2-51.2, 18.2-51.3, 18.2-51.4, 18.2-51.5, 18.2-51.6, 18.2-52,
 4111 18.2-52.1, 18.2-53, 18.2-53.1, 18.2-54.1, 18.2-54.2, 18.2-55, 18.2-55.1, 18.2-56, 18.2-56.1, 18.2-56.2,
 4112 18.2-57, 18.2-57.01, 18.2-57.02, 18.2-57.2, 18.2-58, 18.2-58.1, 18.2-59, 18.2-60, or 18.2-60.1; any felony
 4113 violation of § 18.2-60.3 or 18.2-60.4; any violation of § 18.2-61, 18.2-63, 18.2-64.1, 18.2-64.2, 18.2-67.1,
 4114 18.2-67.2, 18.2-67.3, 18.2-67.4, 18.2-67.4:1, 18.2-67.4:2, 18.2-67.5, 18.2-67.5:1, 18.2-67.5:2, 18.2-67.5:3,
 4115 18.2-77, 18.2-79, 18.2-80, 18.2-81, 18.2-82, 18.2-83, 18.2-84, 18.2-85, 18.2-86, 18.2-87, 18.2-87.1, or
 4116 18.2-88; any felony violation of § 18.2-279, 18.2-280, 18.2-281, 18.2-282, 18.2-282.1, 18.2-286.1, or
 4117 18.2-287.2; any violation of § 18.2-289, 18.2-290, 18.2-300, 18.2-308.4, or 18.2-314; any felony violation of
 4118 § 18.2-346.01, 18.2-348, or 18.2-349; any violation of § 18.2-355, 18.2-356, 18.2-357, or 18.2-357.1; any
 4119 violation of subsection B of § 18.2-361; any violation of § 18.2-366, 18.2-369, 18.2-370, 18.2-370.1,
 4120 18.2-370.2, 18.2-370.3, 18.2-370.4, 18.2-370.5, 18.2-370.6, 18.2-371.1, 18.2-374.1, 18.2-374.1:1, 18.2-374.3,
 4121 18.2-374.4, 18.2-379, 18.2-386.1, or 18.2-386.2; any felony violation of § 18.2-405 or 18.2-406; any
 4122 violation of § 18.2-408, 18.2-413, 18.2-414, 18.2-423, 18.2-423.01, 18.2-423.1, 18.2-423.2, 18.2-433.2,
 4123 18.2-472.1, 18.2-474.1, 18.2-477, 18.2-477.1, 18.2-477.2, 18.2-478, 18.2-479, 18.2-480, 18.2-481, 18.2-484,
 4124 18.2-485, 37.2-917, or 53.1-203; or any substantially similar offense under the laws of another jurisdiction;
 4125 (ii) any violation of § 18.2-89, 18.2-90, 18.2-91, 18.2-92, 18.2-93, or 18.2-94 or any substantially similar
 4126 offense under the laws of another jurisdiction; (iii) any felony violation of § 4.1-1101, 4.1-1114, 18.2-248,
 4127 18.2-248.01, 18.2-248.02, 18.2-248.03, ~~18.2-248.4~~, 18.2-248.5, 18.2-251.2, 18.2-251.3, 18.2-255, 18.2-255.2,
 4128 18.2-258, 18.2-258.02, 18.2-258.1, or 18.2-258.2 or any substantially similar offense under the laws of
 4129 another jurisdiction; (iv) any felony violation of § 18.2-250 or any substantially similar offense under the
 4130 laws of another jurisdiction; (v) any offense set forth in § 9.1-902 that results in the person's requirement to
 4131 register with the Sex Offender and Crimes Against Minors Registry pursuant to § 9.1-901, including any
 4132 finding that a person is not guilty by reason of insanity in accordance with Chapter 11.1 (§ 19.2-182.2 et seq.)
 4133 of Title 19.2 of an offense set forth in § 9.1-902 that results in the person's requirement to register with the
 4134 Sex Offender and Crimes Against Minors Registry pursuant to § 9.1-901; any substantially similar offense
 4135 under the laws of another jurisdiction; or any offense for which registration in a sex offender and crimes
 4136 against minors registry is required under the laws of the jurisdiction where the offender was convicted; or (vi)
 4137 any other felony not included in clause (i), (ii), (iii), (iv), or (v) unless five years have elapsed from the date
 4138 of the conviction.

4139 "Barrier crime information" means the following facts concerning a person who has been arrested for, or
 4140 has been convicted of, a barrier crime, regardless of whether the person was a juvenile or adult at the time of
 4141 the arrest or conviction: full name, race, sex, date of birth, height, weight, fingerprints, a brief description of
 4142 the barrier crime or offenses for which the person has been arrested or has been convicted, the disposition of
 4143 the charge, and any other information that may be useful in identifying persons arrested for or convicted of a
 4144 barrier crime.

4145 "Care" means the provision of care, treatment, education, training, instruction, supervision, or recreation
 4146 to children or the elderly or disabled.

4147 "Department" means the Department of State Police.

4148 "Employed by" means any person who is employed by, volunteers for, seeks to be employed by, or seeks
 4149 to volunteer for a qualified entity.

4150 "Identification document" means a document made or issued by or under the authority of the United
 4151 States government, a state, a political subdivision of a state, a foreign government, political subdivision of a
 4152 foreign government, an international governmental or an international quasi-governmental organization that,
 4153 when completed with information concerning a particular individual, is of a type intended or commonly
 4154 accepted for the purpose of identification of individuals.

4155 "Provider" means a person who (i) is employed by a qualified entity and has, seeks to have, or may have
 4156 unsupervised access to a child or to an elderly or disabled person to whom the qualified entity provides care;
 4157 (ii) is a volunteer of a qualified entity and has, seeks to have, or may have unsupervised access to a child to
 4158 whom the qualified entity provides care; or (iii) owns, operates, or seeks to own or operate a qualified entity.

4159 "Qualified entity" means a business or organization that provides care to children or the elderly or
 4160 disabled, whether governmental, private, for profit, nonprofit, or voluntary, except organizations exempt
 4161 pursuant to subdivision A 7 of § 22.1-289.030.

4162 B. A qualified entity may request the Department of State Police to conduct a national criminal

4163 background check on any provider who is employed by such entity. No qualified entity may request a
4164 national criminal background check on a provider until such provider has:

4165 1. Been fingerprinted; and

4166 2. Completed and signed a statement, furnished by the entity, that includes (i) his name, address, and date
4167 of birth as it appears on a valid identification document; (ii) a disclosure of whether or not the provider has
4168 ever been convicted of or is the subject of pending charges for a criminal offense within or outside the
4169 Commonwealth, and if the provider has been convicted of a crime, a description of the crime and the
4170 particulars of the conviction; (iii) a notice to the provider that the entity may request a background check; (iv)
4171 a notice to the provider that he is entitled to obtain a copy of any background check report, to challenge the
4172 accuracy and completeness of any information contained in any such report, and to obtain a prompt
4173 determination as to the validity of such challenge before a final determination is made by the Department;
4174 and (v) a notice to the provider that prior to the completion of the background check the qualified entity may
4175 choose to deny the provider unsupervised access to children or the elderly or disabled for whom the qualified
4176 entity provides care.

4177 C. Upon receipt of (i) a qualified entity's written request to conduct a background check on a provider, (ii)
4178 the provider's fingerprints, and (iii) a completed, signed statement as described in subsection B, the
4179 Department shall make a determination whether the provider has been convicted of or is the subject of
4180 charges of a barrier crime. To conduct its determination regarding the provider's barrier crime information,
4181 the Department shall access the national criminal history background check system, which is maintained by
4182 the Federal Bureau of Investigation and is based on fingerprints and other methods of identification, and shall
4183 access the Central Criminal Records Exchange maintained by the Department. If the Department receives a
4184 background report lacking disposition data, the Department shall conduct research in whatever state and local
4185 recordkeeping systems are available in order to obtain complete data. The Department shall make reasonable
4186 efforts to respond to a qualified entity's inquiry within 15 business days.

4187 D. Any background check conducted pursuant to this section for a provider employed by a private entity
4188 shall be screened by the Department of State Police. If the provider has been convicted of or is under
4189 indictment for a barrier crime, the qualified entity shall be notified that the provider is not qualified to work
4190 or volunteer in a position that involves unsupervised access to children or the elderly or disabled.

4191 E. Any background check conducted pursuant to this section for a provider employed by a governmental
4192 entity shall be provided to that entity.

4193 F. In the case of a provider who desires to volunteer at a qualified entity and who is subject to a national
4194 criminal background check, the Department and the Federal Bureau of Investigation may each charge the
4195 provider the lesser of \$18 or the actual cost to the entity of the background check conducted with the
4196 fingerprints.

4197 G. The failure to request a criminal background check pursuant to subsection B shall not be considered
4198 negligence per se in any civil action.

4199 **§ 19.2-392.6. (For effective date see Acts 2021, Sp. Sess. I, cc. 524 and 542) Automatic sealing of**
4200 **offenses resulting in a deferred and dismissed disposition or conviction; automatic sealing of former**
4201 **possession of marijuana offenses.**

4202 A. If a person was convicted of a violation of any of the following sections, such conviction, including
4203 any records relating to such conviction, shall be ordered to be automatically sealed in the manner set forth in
4204 § 19.2-392.7, subject to the provisions of subsections B and C: § 18.2-96, 18.2-103, 18.2-119, 18.2-120, or
4205 18.2-134; a misdemeanor violation of *former* § 18.2-248.1; or § 18.2-415.

4206 B. Subject to the provisions of subsection C, any conviction listed under subsection A shall be ordered to
4207 be automatically sealed if seven years have passed since the date of the conviction and the person convicted
4208 of such offense has not been convicted of violating any law of the Commonwealth that requires a report to the
4209 Central Criminal Records Exchange under subsection A of § 19.2-390 or any other state, the District of
4210 Columbia, or the United States or any territory thereof, excluding traffic infractions under Title 46.2, during
4211 that time period.

4212 C. No conviction listed under subsection A shall be automatically sealed if, on the date of the conviction,
4213 the person was convicted of another offense that is not eligible for automatic sealing under subsection A.

4214 D. If a person was charged with any criminal offense and such offense concluded with any final
4215 disposition as a violation of former § 18.2-250.1, such offense shall be ordered to be automatically sealed in
4216 the manner set forth in § 19.2-392.7.

4217 E. This section shall not be construed as prohibiting a person from seeking sealing in the circuit court
4218 pursuant to the provisions of § 19.2-392.12.

4219 **§ 22.1-206. Instruction concerning drugs, alcohol, substance abuse, retail tobacco products, hemp**
4220 **products intended for smoking, and gambling.**

4221 A. Instruction concerning drugs and drug abuse shall be provided by the public schools as prescribed by
4222 the Board of Education.

4223 B. Instruction concerning the public safety hazards and dangers of alcohol abuse, underage drinking,

4224 *underage marijuana use*, and drunk driving shall be provided in the public schools. The Virginia Alcoholic
 4225 Beverage Control Authority *and the Virginia Cannabis Control Authority* shall provide educational materials
 4226 to the Department of Education. The Department of Education shall review and shall distribute such materials
 4227 as are approved to the public schools.

4228 The Virginia Foundation for Healthy Youth shall develop and the Department of Education shall
 4229 distribute to each local school division educational materials concerning the health and safety risks of using
 4230 retail tobacco products and hemp products intended for smoking, as such terms are defined in § 18.2-371.2.
 4231 Instruction concerning the health and safety risks of using *retail* tobacco products and hemp products
 4232 intended for smoking, as such terms are defined in § 18.2-371.2, shall be provided in each public elementary
 4233 and secondary school in the Commonwealth, consistent with such educational materials.

4234 C. Instruction concerning gambling and the addictive potential thereof shall be provided by the public
 4235 schools as prescribed by the Board.

4236 **§ 22.1-277.08. Expulsion of students for certain drug offenses.**

4237 A. School boards shall expel from school attendance any student whom such school board has
 4238 determined, in accordance with the procedures set forth in this article, to have brought a controlled substance,
 4239 *or imitation controlled substance, or marijuana as those terms are defined in § 18.2-247* onto school property
 4240 or to a school-sponsored activity. A school administrator, pursuant to school board policy, or a school board
 4241 may, however, determine, based on the facts of a particular situation, that special circumstances exist and no
 4242 disciplinary action or another disciplinary action or another term of expulsion is appropriate. A school board
 4243 may, by regulation, authorize the division superintendent or his designee to conduct a preliminary review of
 4244 such cases to determine whether a disciplinary action other than expulsion is appropriate. Such regulations
 4245 shall ensure that, if a determination is made that another disciplinary action is appropriate, any such
 4246 subsequent disciplinary action is to be taken in accordance with the procedures set forth in this article.
 4247 Nothing in this section shall be construed to require a student's expulsion regardless of the facts of the
 4248 particular situation.

4249 B. Each school board shall revise its standards of student conduct to incorporate the requirements of this
 4250 section no later than three months after the date on which this act becomes effective.

4251 **§ 23.1-1301. Governing boards; powers.**

4252 A. The board of visitors of each baccalaureate public institution of higher education or its designee may:

- 4253 1. Make regulations and policies concerning the institution;
- 4254 2. Manage the funds of the institution and approve an annual budget;
- 4255 3. Appoint the chief executive officer of the institution;
- 4256 4. Appoint professors and fix their salaries; and
- 4257 5. Fix the rates charged to students for tuition, mandatory fees, and other necessary charges.

4258 B. The governing board of each public institution of higher education or its designee may:

4259 1. In addition to the powers set forth in Restructured Higher Education Financial and Administrative
 4260 Operations Act (§ 23.1-1000 et seq.), lease or sell and convey its interest in any real property that it has
 4261 acquired by purchase, will, or deed of gift, subject to the prior approval of the Governor and any terms and
 4262 conditions of the will or deed of gift, if applicable. The proceeds shall be held, used, and administered in the
 4263 same manner as all other gifts and bequests;

4264 2. Grant easements for roads, streets, sewers, waterlines, electric and other utility lines, or other purposes
 4265 on any property owned by the institution;

4266 3. Adopt regulations or institution policies for parking and traffic on property owned, leased, maintained,
 4267 or controlled by the institution;

4268 4. Adopt regulations or institution policies for the employment and dismissal of professors, teachers,
 4269 instructors, and other employees;

4270 5. Adopt regulations or institution policies for the acceptance and assistance of students in addition to the
 4271 regulations or institution policies required pursuant to § 23.1-1303;

4272 6. Adopt regulations or institution policies for the conduct of students in attendance and for the rescission
 4273 or restriction of financial aid, suspension, and dismissal of students who fail or refuse to abide by such
 4274 regulations or policies;

4275 7. Establish programs, in cooperation with the Council and the Office of the Attorney General, to promote
 4276 (i) student compliance with state laws on the use of alcoholic beverages *and marijuana* and (ii) the awareness
 4277 and prevention of sexual crimes committed upon students;

4278 8. Establish guidelines for the initiation or induction of students into any social fraternity or sorority in
 4279 accordance with the prohibition against hazing as defined in § 18.2-56;

4280 9. Assign any interest it possesses in intellectual property or in materials in which the institution claims an
 4281 interest, provided such assignment is in accordance with the terms of the institution's intellectual property
 4282 policies adopted pursuant to § 23.1-1303. The Governor's prior written approval is required for transfers of
 4283 such property (i) developed wholly or predominantly through the use of state general funds, exclusive of
 4284 capital assets and (ii)(a) developed by an employee of the institution acting within the scope of his assigned

4285 duties or (b) for which such transfer is made to an entity other than (1) the Innovation and Entrepreneurship
 4286 Investment Authority, (2) an entity whose purpose is to manage intellectual properties on behalf of nonprofit
 4287 organizations, colleges, and universities, or (3) an entity whose purpose is to benefit the respective
 4288 institutions. The Governor may attach conditions to these transfers as he deems necessary. In the event the
 4289 Governor does not approve such transfer, the materials shall remain the property of the respective institutions
 4290 and may be used and developed in any manner permitted by law;

4291 10. Conduct closed meetings pursuant to §§ 2.2-3711 and 2.2-3712 and conduct business through
 4292 electronic communication means pursuant to § 2.2-3708.3; and

4293 11. Adopt a resolution to require the governing body of a locality that is contiguous to the institution to
 4294 enforce state statutes and local ordinances with respect to offenses occurring on the property of the
 4295 institution. Upon receipt of such resolution, the governing body of such locality shall enforce statutes and
 4296 local ordinances with respect to offenses occurring on the property of the institution.

4297 **§ 46.2-105.2. Obtaining documents from the Department when not entitled thereto; penalty.**

4298 A. It shall be unlawful for any person to obtain a Virginia driver's license, special identification card,
 4299 vehicle registration, certificate of title, or other document issued by the Department if such person has not
 4300 satisfied all legal and procedural requirements for the issuance thereof, or is otherwise not legally entitled
 4301 thereto, including obtaining any document issued by the Department through the use of counterfeit, forged, or
 4302 altered documents.

4303 B. It shall be unlawful to aid any person to obtain any driver's license, special identification card, vehicle
 4304 registration, certificate of title, or other document in violation of the provisions of subsection A.

4305 C. It shall be unlawful to knowingly possess or use for any purpose any driver's license, special
 4306 identification card, vehicle registration, certificate of title, or other document obtained in violation of the
 4307 provisions of subsection A.

4308 D. A violation of any provision of this section shall constitute a Class 2 misdemeanor if a person is
 4309 charged and convicted of a violation of this section that involved the unlawful obtaining or possession of any
 4310 document issued by the Department for the purpose of engaging in any age-limited activity, including but not
 4311 limited to obtaining, possessing, or consuming alcoholic beverages *or marijuana*. However, if a person is
 4312 charged and convicted of any other violation of this section, such offense shall constitute a Class 6 felony.

4313 E. Whenever it appears to the satisfaction of the Commissioner that any driver's license, special
 4314 identification card, vehicle registration, certificate of title, or other document issued by the Department has
 4315 been obtained in violation of this section, it may be cancelled by the Commissioner, who shall mail notice of
 4316 the cancellation to the address of record maintained by the Department.

4317 F. A violation of this section may be prosecuted in the jurisdiction (i) from which any person obtained any
 4318 document issued by the Department, (ii) where any person received or created any counterfeit, forged, or
 4319 altered document used to obtain any document issued by the Department, or (iii) where any counterfeit,
 4320 forged, or altered document has been filed with the Department.

4321 **§ 46.2-347. Fraudulent use of driver's license or Department of Motor Vehicles identification card
 4322 to obtain alcoholic beverages or marijuana; penalties.**

4323 Any underage person as specified in § 4.1-304 who knowingly uses or attempts to use a forged, deceptive
 4324 or otherwise nongenuine driver's license issued by any state, territory or possession of the United States, the
 4325 District of Columbia, the Commonwealth of Puerto Rico or any foreign country or government; United States
 4326 Armed Forces identification card; United States passport or foreign government visa; Virginia Department of
 4327 Motor Vehicles special identification card; official identification issued by any other federal, state or foreign
 4328 government agency; or official student identification card of an institution of higher education to obtain
 4329 alcoholic beverages ~~shall be~~ *or marijuana* is guilty of a Class 3 misdemeanor, and upon conviction of a
 4330 violation of this section, the court shall revoke such convicted person's driver's license or privilege to drive a
 4331 motor vehicle for a period of not less than 30 days nor more than one year.

4332 **§ 48-17.1. Temporary injunctions against alcoholic beverage or marijuana sales.**

4333 A. Any locality by or through its mayor, chief executive, or attorney may petition a circuit court to
 4334 temporarily enjoin the sale of alcohol *or marijuana* at any establishment licensed by the Virginia Alcoholic
 4335 Beverage Control Authority *or the Virginia Cannabis Control Authority*. The basis for such petition shall be
 4336 the operator of the establishment has allowed it to become a meeting place for persons committing serious
 4337 criminal violations of the law on or immediately adjacent to the premises so frequent and serious as to be
 4338 deemed a continuing threat to public safety, as represented in an affidavit by the chief law-enforcement
 4339 officer of the locality, supported by records of such criminal acts. The court shall, upon the presentation of
 4340 evidence at a hearing on the matter, grant a temporary injunction, without bond, enjoining the sale of alcohol
 4341 *or marijuana* at the establishment, if it appears to the satisfaction of the court that the threat to public safety
 4342 complained of exists and is likely to continue if such injunction is not granted. The court hearing on the
 4343 petition shall be held within 10 days of service upon the respondent. The respondent shall be served with
 4344 notice of the time and place of the hearing and copies of all documentary evidence to be relied upon by the
 4345 complainant at such hearing. Any injunction issued by the court shall be dissolved in the event the court later

4346 finds that the threat to public safety that is the basis of the injunction has been abated by reason of a change
4347 of ownership, management, or business operations at the establishment, or other change in circumstance.

4348 B. The Virginia Alcoholic Beverage Control Authority *or the Virginia Cannabis Control Authority* shall
4349 be given notice of any hearing under this section. In the event an injunction is granted, the Virginia Alcoholic
4350 Beverage Control Authority *or the Virginia Cannabis Control Authority* shall initiate an investigation into the
4351 activities at the establishment complained of and conduct an administrative hearing. After the Virginia
4352 Alcoholic Beverage Control Authority *or the Virginia Cannabis Control Authority* hearing and when a final
4353 determination has been issued by the Virginia Alcoholic Beverage Control Authority *or the Virginia*
4354 *Cannabis Control Authority*, regardless of disposition, any injunction issued hereunder shall be null, without
4355 further action by the complainant, respondent, or the court.

4356 **§ 53.1-231.2. Restoration of the civil right to be eligible to register to vote to certain persons.**

4357 This section shall apply to any person who is not a qualified voter because of a felony conviction, who
4358 seeks to have his right to register to vote restored and become eligible to register to vote, and who meets the
4359 conditions and requirements set out in this section.

4360 Any person, other than a person (i) convicted of a violent felony as defined in § 19.2-297.1 or in
4361 subsection C of § 17.1-805 and any crime ancillary thereto; (ii) convicted of a felony pursuant to § 4.1-1101,
4362 ~~4.1-1114~~, 18.2-248, 18.2-248.01, ~~18.2-248.1~~, 18.2-255, 18.2-255.2, or 18.2-258.02; or (iii) convicted of a
4363 felony pursuant to § 24.2-1016, may petition the circuit court of the county or city in which he was convicted
4364 of a felony, or the circuit court of the county or city in which he presently resides, for restoration of his civil
4365 right to be eligible to register to vote through the process set out in this section. On such petition, the court
4366 may approve the petition for restoration to the person of his right if the court is satisfied from the evidence
4367 presented that the petitioner has completed, five or more years previously, service of any sentence and any
4368 modification of sentence including probation, parole, and suspension of sentence; that the petitioner has
4369 demonstrated civic responsibility through community or comparable service; and that the petitioner has been
4370 free from criminal convictions, excluding traffic infractions, for the same period.

4371 If the court approves the petition, it shall so state in an order, provide a copy of the order to the petitioner,
4372 and transmit its order to the Secretary of the Commonwealth. The order shall state that the petitioner's right to
4373 be eligible to register to vote may be restored by the date that is 90 days after the date of the order, subject to
4374 the approval or denial of restoration of that right by the Governor. The Secretary of the Commonwealth shall
4375 transmit the order to the Governor who may grant or deny the petition for restoration of the right to be
4376 eligible to register to vote approved by the court order. The Secretary of the Commonwealth shall send,
4377 within 90 days of the date of the order, to the petitioner at the address stated on the court's order, a certificate
4378 of restoration of that right or notice that the Governor has denied the restoration of that right. The Governor's
4379 denial of a petition for the restoration of voting rights shall be a final decision and the petitioner shall have no
4380 right of appeal. The Secretary shall notify the court and the State Board of Elections in each case of the
4381 restoration of the right or denial of restoration by the Governor.

4382 On receipt of the certificate of restoration of the right to register to vote from the Secretary of the
4383 Commonwealth, the petitioner, who is otherwise a qualified voter, shall become eligible to register to vote.

4384 **§ 54.1-2903. What constitutes practice; advertising in connection with medical practice.**

4385 A. Any person shall be regarded as practicing the healing arts who actually engages in such practice as
4386 defined in this chapter, or who opens an office for such purpose, or who advertises or announces to the public
4387 in any manner a readiness to practice or who uses in connection with his name the words or letters "Doctor,"
4388 "Dr.," "M.D.," "D.O.," "D.P.M.," "D.C.," "Healer," "N.P.," or any other title, word, letter or designation
4389 intending to designate or imply that he is a practitioner of the healing arts or that he is able to heal, cure or
4390 relieve those suffering from any injury, deformity or disease.

4391 Signing a birth or death certificate, or signing any statement certifying that the person so signing has
4392 rendered professional service to the sick or injured, or signing or issuing a prescription for drugs or other
4393 remedial agents, shall be prima facie evidence that the person signing or issuing such writing is practicing the
4394 healing arts within the meaning of this chapter except where persons other than physicians are required to
4395 sign birth certificates.

4396 B. No person regulated under this chapter shall use the title "Doctor" or the abbreviation "Dr." in writing
4397 or in advertising in connection with his practice unless he simultaneously uses words, initials, an abbreviation
4398 or designation, or other language that identifies the type of practice for which he is licensed. No person
4399 regulated under this chapter shall include in any advertisement a reference to marijuana, as defined in §
4400 ~~18.2-247~~ 54.1-3401, unless such advertisement is for the treatment of addiction or substance abuse. However,
4401 nothing in this subsection shall prevent a person from including in any advertisement that such person is
4402 registered with the Board of Directors of the Virginia Cannabis Control Authority to issue written
4403 certifications for the use of cannabis products, as defined in § 4.1-1600.

4404 **§ 54.1-4426. Accounting services for licensed marijuana establishments.**

4405 A. As used in this section, "licensed" and "marijuana establishment" have the same meanings as provided
4406 in § 4.1-600.

4407 B. A CPA, CPA firm, or officer, director, or employee of a CPA or CPA firm that provides accounting

4408 *services to a licensed marijuana establishment shall not be held liable pursuant to any state law or regulation*
 4409 *solely for providing such accounting services.*

4410 *C. Nothing in this section shall require a CPA or CPA firm to provide accounting services to a licensed*
 4411 *marijuana establishment.*

4412 **§ 58.1-301. (Applicable to taxable years beginning on and after January 1, 2023) Conformity to**
 4413 **Internal Revenue Code.**

4414 A. Any term used in this chapter shall have the same meaning as when used in a comparable context in
 4415 the laws of the United States relating to federal income taxes, unless a different meaning is clearly required.

4416 B. Any reference in this chapter to the laws of the United States relating to federal income taxes shall
 4417 mean the provisions of the Internal Revenue Code of 1954, and amendments thereto, and other provisions of
 4418 the laws of the United States relating to federal income taxes, except for:

4419 1. The special depreciation allowance for certain property provided for under §§ 168(k), 168(l), 168(m),
 4420 1400L, and 1400N of the Internal Revenue Code;

4421 2. The carry-back of certain net operating losses for five years under § 172(b)(1)(H) of the Internal
 4422 Revenue Code;

4423 3. The original issue discount on applicable high yield discount obligations under § 163(e)(5)(F) of the
 4424 Internal Revenue Code;

4425 4. The deferral of certain income under § 108(i) of the Internal Revenue Code. For Virginia income tax
 4426 purposes, income from the discharge of indebtedness in connection with the reacquisition of an "applicable
 4427 debt instrument" (as defined under § 108(i) of the Internal Revenue Code) reacquired in the taxable year shall
 4428 be fully included in the taxpayer's Virginia taxable income for the taxable year, unless the taxpayer elects to
 4429 include such income in the taxpayer's Virginia taxable income ratably over a three-taxable-year period
 4430 beginning with taxable year 2009 for transactions completed in taxable year 2009, or over a three-taxable-
 4431 year period beginning with taxable year 2010 for transactions completed in taxable year 2010 on or before
 4432 April 21, 2010. For purposes of such election, all other provisions of § 108(i) of the Internal Revenue Code
 4433 shall apply mutatis mutandis. No other deferral shall be allowed for income from the discharge of
 4434 indebtedness in connection with the reacquisition of an "applicable debt instrument";

4435 5. For taxable years beginning on and after January 1, 2019, the suspension of the overall limitation on
 4436 itemized deductions under § 68(f) of the Internal Revenue Code;

4437 6. For taxable years beginning on and after January 1, 2017, but before January 1, 2018, and for taxable
 4438 years beginning on and after January 1, 2019, the 7.5 percent of federal adjusted gross income threshold set
 4439 forth in § 213(a) of the Internal Revenue Code that is used for purposes of computing the deduction allowed
 4440 for expenses for medical care pursuant to § 213 of the Internal Revenue Code. For such taxable years, the
 4441 threshold utilized for Virginia income tax purposes to compute the deduction allowed for expenses for
 4442 medical care pursuant to § 213 of the Internal Revenue Code shall be 10 percent of federal adjusted gross
 4443 income;

4444 7. The provisions of §§ 2303(a) and 2303(b) of the federal Coronavirus Aid, Relief, and Economic
 4445 Security Act, P.L. 116-136 (2020), related to the net operating loss limitation and carryback;

4446 8. The provisions of § 2304(a) of the federal Coronavirus Aid, Relief, and Economic Security Act, P.L.
 4447 116-136 (2020), related to a loss limitation applicable to taxpayers other than corporations;

4448 9. The provisions of § 2306 of the federal Coronavirus Aid, Relief, and Economic Security Act, P.L.
 4449 116-136 (2020), related to the limitation on business interest;

4450 10. For taxable years beginning before January 1, 2021, the provisions of §§ 276(a), 276(b)(2), 276(b)(3),
 4451 278(a)(2), 278(a)(3), 278(b)(2), 278(b)(3), 278(c)(2), 278(c)(3), 278(d)(2), and 278(d)(3) of the federal
 4452 Consolidated Appropriations Act, P.L. 116-260 (2020), and §§ 9672(2), 9672(3), 9673(2), and 9673(3) of the
 4453 federal American Rescue Plan Act, P.L. 117-2 (2021) related to deductions, tax attributes, and basis increases
 4454 for certain loan forgiveness and other business financial assistance; ~~and~~

4455 11. a. (1) Any amendment enacted on or after January 1, 2023, with a projected impact that would
 4456 increase or decrease general fund revenues by greater than \$15 million in the fiscal year in which the
 4457 amendment was enacted or any of the succeeding four fiscal years. The provisions of this subdivision shall
 4458 not apply to any amendment to federal income tax law that is either subsequently adopted by the General
 4459 Assembly or a federal tax extender as defined in subdivision b.

4460 (2) All amendments enacted on or after January 1, 2023, and occurring between adjournment sine die of
 4461 the previous regular session of the General Assembly and the first day of the subsequent regular session of
 4462 the General Assembly if the cumulative projected impact of such amendments would increase or decrease
 4463 general fund revenues by greater than \$75 million in the fiscal year in which the amendments were enacted or
 4464 any of the succeeding four fiscal years. The provisions of this subdivision shall not apply to any amendment
 4465 to federal income tax law that is (i) subsequently adopted by the General Assembly, (ii) a federal tax extender
 4466 as defined in subdivision b, or (iii) enacted before the date on which the cumulative projected impact is met.
 4467 However, any amendment conformed to pursuant to clause (iii) shall be included in the calculation of the \$75
 4468 million threshold for purposes of determining whether such threshold has been met.

4469 (3) Beginning January 1, 2024, the threshold provided by subdivision (1) shall be adjusted annually based

4470 on the preceding change in the Chained Consumer Price Index for All Urban Consumers (C-CPI-U), as
4471 published by the Bureau of Labor Statistics for the U.S. Department of Labor or any successor index for the
4472 previous year.

4473 b. For purposes of this subdivision 11, "amendment" means a single amendment to federal income tax law
4474 or a group of such amendments enacted in the same act of Congress that collectively surpass the threshold
4475 impact, and "federal tax extender" means an amendment to federal tax law that extends the expiration date of
4476 a federal tax provision to which Virginia conforms or has previously conformed.

4477 c. The Secretary of Finance, in consultation with the Chairmen of the Senate Committee on Finance and
4478 Appropriations and the House Committees on Appropriations and Finance, shall be responsible for
4479 determining whether the criteria of subdivision a are met.

4480 d. The Secretary of Finance shall annually provide a report on or before November 15 of each year on the
4481 fiscal impact of amendments to federal income tax law occurring since the adjournment sine die of the
4482 preceding regular session of the General Assembly to the Chairmen of the Senate Committee on Finance and
4483 Appropriations and the House Committees on Appropriations and Finance. The Secretary of Finance shall
4484 also provide updates to the same Chairmen on any further amendments to federal income tax law occurring
4485 between submission of the required report and the first day of the subsequent regular session of the General
4486 Assembly; and

4487 *12. For taxable years beginning on and after January 1, 2025, the prohibition on utilizing tax deductions*
4488 *for ordinary and necessary expenditures made in connection with carrying on a trade or business licensed in*
4489 *Virginia pursuant to the Cannabis Control Act (§ 4.1-600 et seq.) of Title 4.1 under § 280E of the Internal*
4490 *Revenue Code.*

4491 C. The Department of Taxation is hereby authorized to develop procedures or guidelines for
4492 implementation of the provisions of this section, which procedures or guidelines shall be exempt from the
4493 provisions of the Administrative Process Act (§ 2.2-4000 et seq.).

4494 **§ 59.1-200. (Effective until July 1, 2025) Prohibited practices.**

4495 A. The following fraudulent acts or practices committed by a supplier in connection with a consumer
4496 transaction are hereby declared unlawful:

4497 1. Misrepresenting goods or services as those of another;

4498 2. Misrepresenting the source, sponsorship, approval, or certification of goods or services;

4499 3. Misrepresenting the affiliation, connection, or association of the supplier, or of the goods or services,
4500 with another;

4501 4. Misrepresenting geographic origin in connection with goods or services;

4502 5. Misrepresenting that goods or services have certain quantities, characteristics, ingredients, uses, or
4503 benefits;

4504 6. Misrepresenting that goods or services are of a particular standard, quality, grade, style, or model;

4505 7. Advertising or offering for sale goods that are used, secondhand, repossessed, defective, blemished,
4506 deteriorated, or reconditioned, or that are "seconds," irregulars, imperfects, or "not first class," without clearly
4507 and unequivocally indicating in the advertisement or offer for sale that the goods are used, secondhand,
4508 repossessed, defective, blemished, deteriorated, reconditioned, or are "seconds," irregulars, imperfects, or
4509 "not first class";

4510 8. Advertising goods or services with intent not to sell them as advertised, or with intent not to sell at the
4511 price or upon the terms advertised.

4512 In any action brought under this subdivision, the refusal by any person, or any employee, agent, or servant
4513 thereof, to sell any goods or services advertised or offered for sale at the price or upon the terms advertised or
4514 offered, shall be prima facie evidence of a violation of this subdivision. This paragraph shall not apply when
4515 it is clearly and conspicuously stated in the advertisement or offer by which such goods or services are
4516 advertised or offered for sale, that the supplier or offeror has a limited quantity or amount of such goods or
4517 services for sale, and the supplier or offeror at the time of such advertisement or offer did in fact have or
4518 reasonably expected to have at least such quantity or amount for sale;

4519 9. Making false or misleading statements of fact concerning the reasons for, existence of, or amounts of
4520 price reductions;

4521 10. Misrepresenting that repairs, alterations, modifications, or services have been performed or parts
4522 installed;

4523 11. Misrepresenting by the use of any written or documentary material that appears to be an invoice or bill
4524 for merchandise or services previously ordered;

4525 12. Notwithstanding any other provision of law, using in any manner the words "wholesale,"
4526 "wholesaler," "factory," or "manufacturer" in the supplier's name, or to describe the nature of the supplier's
4527 business, unless the supplier is actually engaged primarily in selling at wholesale or in manufacturing the
4528 goods or services advertised or offered for sale;

4529 13. Using in any contract or lease any liquidated damage clause, penalty clause, or waiver of defense, or
4530 attempting to collect any liquidated damages or penalties under any clause, waiver, damages, or penalties that

- 4531 are void or unenforceable under any otherwise applicable laws of the Commonwealth, or under federal
 4532 statutes or regulations;
- 4533 13a. Failing to provide to a consumer, or failing to use or include in any written document or material
 4534 provided to or executed by a consumer, in connection with a consumer transaction any statement, disclosure,
 4535 notice, or other information however characterized when the supplier is required by 16 C.F.R. Part 433 to so
 4536 provide, use, or include the statement, disclosure, notice, or other information in connection with the
 4537 consumer transaction;
- 4538 14. Using any other deception, fraud, false pretense, false promise, or misrepresentation in connection
 4539 with a consumer transaction;
- 4540 15. Violating any provision of § 3.2-6509, 3.2-6512, 3.2-6513, 3.2-6513.1, 3.2-6514, 3.2-6515, 3.2-6516,
 4541 or 3.2-6519 is a violation of this chapter;
- 4542 16. Failing to disclose all conditions, charges, or fees relating to:
- 4543 a. The return of goods for refund, exchange, or credit. Such disclosure shall be by means of a sign
 4544 attached to the goods, or placed in a conspicuous public area of the premises of the supplier, so as to be
 4545 readily noticeable and readable by the person obtaining the goods from the supplier. If the supplier does not
 4546 permit a refund, exchange, or credit for return, he shall so state on a similar sign. The provisions of this
 4547 subdivision shall not apply to any retail merchant who has a policy of providing, for a period of not less than
 4548 20 days after date of purchase, a cash refund or credit to the purchaser's credit card account for the return of
 4549 defective, unused, or undamaged merchandise upon presentation of proof of purchase. In the case of
 4550 merchandise paid for by check, the purchase shall be treated as a cash purchase and any refund may be
 4551 delayed for a period of 10 banking days to allow for the check to clear. This subdivision does not apply to
 4552 sale merchandise that is obviously distressed, out of date, post season, or otherwise reduced for clearance; nor
 4553 does this subdivision apply to special order purchases where the purchaser has requested the supplier to order
 4554 merchandise of a specific or unusual size, color, or brand not ordinarily carried in the store or the store's
 4555 catalog; nor shall this subdivision apply in connection with a transaction for the sale or lease of motor
 4556 vehicles, farm tractors, or motorcycles as defined in § 46.2-100;
- 4557 b. A layaway agreement. Such disclosure shall be furnished to the consumer (i) in writing at the time of
 4558 the layaway agreement, or (ii) by means of a sign placed in a conspicuous public area of the premises of the
 4559 supplier, so as to be readily noticeable and readable by the consumer, or (iii) on the bill of sale. Disclosure
 4560 shall include the conditions, charges, or fees in the event that a consumer breaches the agreement;
- 4561 16a. Failing to provide written notice to a consumer of an existing open-end credit balance in excess of \$5
 4562 (i) on an account maintained by the supplier and (ii) resulting from such consumer's overpayment on such
 4563 account. Suppliers shall give consumers written notice of such credit balances within 60 days of receiving
 4564 overpayments. If the credit balance information is incorporated into statements of account furnished
 4565 consumers by suppliers within such 60-day period, no separate or additional notice is required;
- 4566 17. If a supplier enters into a written agreement with a consumer to resolve a dispute that arises in
 4567 connection with a consumer transaction, failing to adhere to the terms and conditions of such an agreement;
- 4568 18. Violating any provision of the Virginia Health Club Act, Chapter 24 (§ 59.1-294 et seq.);
- 4569 19. Violating any provision of the Virginia Home Solicitation Sales Act, Chapter 2.1 (§ 59.1-21.1 et seq.);
- 4570 20. Violating any provision of the Automobile Repair Facilities Act, Chapter 17.1 (§ 59.1-207.1 et seq.);
- 4571 21. Violating any provision of the Virginia Lease-Purchase Agreement Act, Chapter 17.4 (§ 59.1-207.17
 4572 et seq.);
- 4573 22. Violating any provision of the Prizes and Gifts Act, Chapter 31 (§ 59.1-415 et seq.);
- 4574 23. Violating any provision of the Virginia Public Telephone Information Act, Chapter 32 (§ 59.1-424 et
 4575 seq.);
- 4576 24. Violating any provision of § 54.1-1505;
- 4577 25. Violating any provision of the Motor Vehicle Manufacturers' Warranty Adjustment Act, Chapter 17.6
 4578 (§ 59.1-207.34 et seq.);
- 4579 26. Violating any provision of § 3.2-5627, relating to the pricing of merchandise;
- 4580 27. Violating any provision of the Pay-Per-Call Services Act, Chapter 33 (§ 59.1-429 et seq.);
- 4581 28. Violating any provision of the Extended Service Contract Act, Chapter 34 (§ 59.1-435 et seq.);
- 4582 29. Violating any provision of the Virginia Membership Camping Act, Chapter 25 (§ 59.1-311 et seq.);
- 4583 30. Violating any provision of the Comparison Price Advertising Act, Chapter 17.7 (§ 59.1-207.40 et
 4584 seq.);
- 4585 31. Violating any provision of the Virginia Travel Club Act, Chapter 36 (§ 59.1-445 et seq.);
- 4586 32. Violating any provision of §§ 46.2-1231 and 46.2-1233.1;
- 4587 33. Violating any provision of Chapter 40 (§ 54.1-4000 et seq.) of Title 54.1;
- 4588 34. Violating any provision of Chapter 10.1 (§ 58.1-1031 et seq.) of Title 58.1;
- 4589 35. Using the consumer's social security number as the consumer's account number with the supplier, if
 4590 the consumer has requested in writing that the supplier use an alternate number not associated with the
 4591 consumer's social security number;
- 4592 36. Violating any provision of Chapter 18 (§ 6.2-1800 et seq.) of Title 6.2;

- 4593 37. Violating any provision of § 8.01-40.2;
- 4594 38. Violating any provision of Article 7 (§ 32.1-212 et seq.) of Chapter 6 of Title 32.1;
- 4595 39. Violating any provision of Chapter 34.1 (§ 59.1-441.1 et seq.);
- 4596 40. Violating any provision of Chapter 20 (§ 6.2-2000 et seq.) of Title 6.2;
- 4597 41. Violating any provision of the Virginia Post-Disaster Anti-Price Gouging Act, Chapter 46 (§ 59.1-525
- 4598 et seq.). For the purposes of this subdivision, "consumer transaction" has the same meaning as provided in §
- 4599 59.1-526;
- 4600 42. Violating any provision of Chapter 47 (§ 59.1-530 et seq.);
- 4601 43. Violating any provision of § 59.1-443.2;
- 4602 44. Violating any provision of Chapter 48 (§ 59.1-533 et seq.);
- 4603 45. Violating any provision of Chapter 25 (§ 6.2-2500 et seq.) of Title 6.2;
- 4604 46. Violating the provisions of clause (i) of subsection B of § 54.1-1115;
- 4605 47. Violating any provision of § 18.2-239;
- 4606 48. Violating any provision of Chapter 26 (§ 59.1-336 et seq.);
- 4607 49. Selling, offering for sale, or manufacturing for sale a children's product the supplier knows or has
- 4608 reason to know was recalled by the U.S. Consumer Product Safety Commission. There is a rebuttable
- 4609 presumption that a supplier has reason to know a children's product was recalled if notice of the recall has
- 4610 been posted continuously at least 30 days before the sale, offer for sale, or manufacturing for sale on the
- 4611 website of the U.S. Consumer Product Safety Commission. This prohibition does not apply to children's
- 4612 products that are used, secondhand or "seconds";
- 4613 50. Violating any provision of Chapter 44.1 (§ 59.1-518.1 et seq.);
- 4614 51. Violating any provision of Chapter 22 (§ 6.2-2200 et seq.) of Title 6.2;
- 4615 52. Violating any provision of § 8.2-317.1;
- 4616 53. Violating subsection A of § 9.1-149.1;
- 4617 54. Selling, offering for sale, or using in the construction, remodeling, or repair of any residential dwelling
- 4618 in the Commonwealth, any drywall that the supplier knows or has reason to know is defective drywall. This
- 4619 subdivision shall not apply to the sale or offering for sale of any building or structure in which defective
- 4620 drywall has been permanently installed or affixed;
- 4621 55. Engaging in fraudulent or improper or dishonest conduct as defined in § 54.1-1118 while engaged in a
- 4622 transaction that was initiated (i) during a declared state of emergency as defined in § 44-146.16 or (ii) to
- 4623 repair damage resulting from the event that prompted the declaration of a state of emergency, regardless of
- 4624 whether the supplier is licensed as a contractor in the Commonwealth pursuant to Chapter 11 (§ 54.1-1100 et
- 4625 seq.) of Title 54.1;
- 4626 56. Violating any provision of Chapter 33.1 (§ 59.1-434.1 et seq.);
- 4627 57. Violating any provision of § 18.2-178, 18.2-178.1, or 18.2-200.1;
- 4628 58. Violating any provision of Chapter 17.8 (§ 59.1-207.45 et seq.). For the purposes of this subdivision,
- 4629 "consumer transaction" also includes transactions involving an automatic renewal or continuous service offer
- 4630 by a supplier to a small business, as those terms are defined in § 59.1-207.45;
- 4631 59. Violating any provision of subsection E of § 32.1-126;
- 4632 60. Violating any provision of § 54.1-111 relating to the unlicensed practice of a profession licensed under
- 4633 Chapter 11 (§ 54.1-1100 et seq.) or Chapter 21 (§ 54.1-2100 et seq.) of Title 54.1;
- 4634 61. Violating any provision of § 2.2-2001.5;
- 4635 62. Violating any provision of Chapter 5.2 (§ 54.1-526 et seq.) of Title 54.1;
- 4636 63. Violating any provision of § 6.2-312;
- 4637 64. Violating any provision of Chapter 20.1 (§ 6.2-2026 et seq.) of Title 6.2;
- 4638 65. Violating any provision of Chapter 26 (§ 6.2-2600 et seq.) of Title 6.2;
- 4639 66. Violating any provision of Chapter 54 (§ 59.1-586 et seq.);
- 4640 67. Knowingly violating any provision of § 8.01-27.5;
- 4641 68. Failing to, in accordance with § 59.1-207.46, (i) make available a conspicuous online option to cancel
- 4642 a recurring purchase of a good or service or (ii) with respect to a free trial lasting more than 30 days, notify a
- 4643 consumer of his option to cancel such free trial within 30 days of the end of the trial period to avoid an
- 4644 obligation to pay for the goods or services;
- 4645 69. Selling or offering for sale any substance intended for human consumption, orally or by inhalation,
- 4646 that contains a synthetic derivative of tetrahydrocannabinol. As used in this subdivision, "synthetic
- 4647 derivative" means a chemical compound produced by man through a chemical transformation to turn a
- 4648 compound into a different compound by adding or subtracting molecules to or from the original compound.
- 4649 This subdivision shall not (i) apply to products that are approved for marketing by the U.S. Food and Drug
- 4650 Administration and scheduled in the Drug Control Act (§ 54.1-3400 et seq.) or (ii) be construed to prohibit
- 4651 any conduct permitted under Chapter 16 (§ 4.1-1600 et seq.) of Title 4.1;
- 4652 70. Selling or offering for sale to a person younger than 21 years of age any substance intended for human
- 4653 consumption, orally or by inhalation, that contains tetrahydrocannabinol. This subdivision shall not (i) apply

4654 to products that are approved for marketing by the U.S. Food and Drug Administration and scheduled in the
 4655 Drug Control Act (§ 54.1-3400 et seq.) or (ii) be construed to prohibit any conduct permitted under Chapter
 4656 16 (§ 4.1-1600 et seq.) the Cannabis Control Act (§ 4.1-600 et seq.) of Title 4.1;

4657 71. Selling or offering for sale any substance intended for human consumption, orally or by inhalation,
 4658 that contains tetrahydrocannabinol, unless such substance is (i) contained in child-resistant packaging, as
 4659 defined in § 4.1-600; (ii) equipped with a label that states, in English and in a font no less than 1/16 of an
 4660 inch, (a) that the substance contains tetrahydrocannabinol and may not be sold to persons younger than 21
 4661 years of age, (b) all ingredients contained in the substance, (c) the amount of such substance that constitutes a
 4662 single serving, and (d) the total percentage and milligrams of tetrahydrocannabinol included in the substance
 4663 and the number of milligrams of tetrahydrocannabinol that are contained in each serving; and (iii)
 4664 accompanied by a certificate of analysis, produced by an independent laboratory that is accredited pursuant to
 4665 standard ISO/IEC 17025 of the International Organization of Standardization by a third-party accrediting
 4666 body a licensed marijuana testing facility, that states the tetrahydrocannabinol concentration of the substance
 4667 or the tetrahydrocannabinol concentration of the batch from which the substance originates. This subdivision
 4668 shall not (i) apply to products that are approved for marketing by the U.S. Food and Drug Administration and
 4669 scheduled in the Drug Control Act (§ 54.1-3400 et seq.) or (ii) be construed to prohibit any conduct permitted
 4670 under Chapter 16 (§ 4.1-1600 et seq.) the Cannabis Control Act (§ 4.1-600 et seq.) of Title 4.1;

4671 72. Manufacturing, offering for sale at retail, or selling at retail an industrial hemp extract, as defined in §
 4672 3.2-5145.1, a food containing an industrial hemp extract, or a substance containing tetrahydrocannabinol that
 4673 depicts or is in the shape of a human, animal, vehicle, or fruit;

4674 73. Selling or offering for sale any substance intended for human consumption, orally or by inhalation,
 4675 that contains tetrahydrocannabinol and, without authorization, bears, is packaged in a container or wrapper
 4676 that bears, or is otherwise labeled to bear the trademark, trade name, famous mark as defined in 15 U.S.C. §
 4677 1125, or other identifying mark, imprint, or device, or any likeness thereof, of a manufacturer, processor,
 4678 packer, or distributor of a product intended for human consumption other than the manufacturer, processor,
 4679 packer, or distributor that did in fact so manufacture, process, pack, or distribute such substance;

4680 74. Selling or offering for sale a topical hemp product, as defined in § 3.2-4112, that does not include a
 4681 label stating that the product is not intended for human consumption. This subdivision shall not (i) apply to
 4682 products that are approved for marketing by the U.S. Food and Drug Administration and scheduled in the
 4683 Drug Control Act (§ 54.1-3400 et seq.), (ii) be construed to prohibit any conduct permitted under Chapter 16
 4684 (§ 4.1-1600 et seq.) of Title 4.1, or (iii) apply to topical hemp products that were manufactured
 4685 prior to July 1, 2023, provided that the person provides documentation of the date of manufacture if requested;

4686 75. Violating any provision of § 59.1-466.8;

4687 76. Violating subsection F of § 36-96.3:1;

4688 77. Selling or offering for sale (i) any kratom product to a person younger than 21 years of age or (ii) any
 4689 kratom product that does not include a label listing all ingredients and with the following guidance: "This
 4690 product may be harmful to your health, has not been evaluated by the FDA, and is not intended to diagnose,
 4691 treat, cure, or prevent any disease." As used in this subdivision, "kratom" means any part of the leaf of the
 4692 plant *Mitragyna speciosa* or any extract thereof;

4693 78. Advertising of any ignition interlock system in Virginia by an ignition interlock vendor not approved
 4694 by the Commission on the Virginia Alcohol Safety Action Program to operate in Virginia; targeted
 4695 advertising of any ignition interlock system to a person before determination of guilt; and any advertising,
 4696 whether before or after determination of guilt, without a conspicuous statement that such advertisement is not
 4697 affiliated with any government agency. For purposes of this subdivision, "ignition interlock system" has the
 4698 same meaning as ascribed to that term in § 18.2-270.1 and "targeted advertising" has the same meaning
 4699 ascribed to that term in § 59.1-575 and includes direct mailings to an individual. This provision shall not
 4700 apply to ignition interlock service vendor ads, pamphlets, or kiosk advertisements approved by the
 4701 Commission on the Virginia Alcohol Safety Action Program and provided at a Commission-approved
 4702 location;

4703 79. Failing to disclose the total cost of a good or continuous service, as defined in § 59.1-207.45, to a
 4704 consumer, including any mandatory fees or charges, prior to entering into an agreement for the sale of any
 4705 such good or provision of any such continuous service;

4706 80. Violating any provision of the Unfair Real Estate Service Agreement Act (§ 55.1-3200 et seq.);

4707 81. Selling or offering for sale services as a professional mold remediator to be performed upon any
 4708 residential dwelling without holding a mold remediation certification from the Institute of Inspection,
 4709 Cleaning and Restoration Certification (IICRC); and

4710 82. Willfully violating any provision of § 59.1-444.4.

4711 B. Nothing in this section shall be construed to invalidate or make unenforceable any contract or lease
 4712 solely by reason of the failure of such contract or lease to comply with any other law of the Commonwealth
 4713 or any federal statute or regulation, to the extent such other law, statute, or regulation provides that a violation
 4714 of such law, statute, or regulation shall not invalidate or make unenforceable such contract or lease.

4715 § 59.1-200. (Effective July 1, 2025) Prohibited practices.

4716 A. The following fraudulent acts or practices committed by a supplier in connection with a consumer
4717 transaction are hereby declared unlawful:

4718 1. Misrepresenting goods or services as those of another;

4719 2. Misrepresenting the source, sponsorship, approval, or certification of goods or services;

4720 3. Misrepresenting the affiliation, connection, or association of the supplier, or of the goods or services,
4721 with another;

4722 4. Misrepresenting geographic origin in connection with goods or services;

4723 5. Misrepresenting that goods or services have certain quantities, characteristics, ingredients, uses, or
4724 benefits;

4725 6. Misrepresenting that goods or services are of a particular standard, quality, grade, style, or model;

4726 7. Advertising or offering for sale goods that are used, secondhand, repossessed, defective, blemished,
4727 deteriorated, or reconditioned, or that are "seconds," irregulars, imperfects, or "not first class," without clearly
4728 and unequivocally indicating in the advertisement or offer for sale that the goods are used, secondhand,
4729 repossessed, defective, blemished, deteriorated, reconditioned, or are "seconds," irregulars, imperfects, or
4730 "not first class";

4731 8. Advertising goods or services with intent not to sell them as advertised, or with intent not to sell at the
4732 price or upon the terms advertised.

4733 In any action brought under this subdivision, the refusal by any person, or any employee, agent, or servant
4734 thereof, to sell any goods or services advertised or offered for sale at the price or upon the terms advertised or
4735 offered, shall be prima facie evidence of a violation of this subdivision. This paragraph shall not apply when
4736 it is clearly and conspicuously stated in the advertisement or offer by which such goods or services are
4737 advertised or offered for sale, that the supplier or offeror has a limited quantity or amount of such goods or
4738 services for sale, and the supplier or offeror at the time of such advertisement or offer did in fact have or
4739 reasonably expected to have at least such quantity or amount for sale;

4740 9. Making false or misleading statements of fact concerning the reasons for, existence of, or amounts of
4741 price reductions;

4742 10. Misrepresenting that repairs, alterations, modifications, or services have been performed or parts
4743 installed;

4744 11. Misrepresenting by the use of any written or documentary material that appears to be an invoice or bill
4745 for merchandise or services previously ordered;

4746 12. Notwithstanding any other provision of law, using in any manner the words "wholesale,"
4747 "wholesaler," "factory," or "manufacturer" in the supplier's name, or to describe the nature of the supplier's
4748 business, unless the supplier is actually engaged primarily in selling at wholesale or in manufacturing the
4749 goods or services advertised or offered for sale;

4750 13. Using in any contract or lease any liquidated damage clause, penalty clause, or waiver of defense, or
4751 attempting to collect any liquidated damages or penalties under any clause, waiver, damages, or penalties that
4752 are void or unenforceable under any otherwise applicable laws of the Commonwealth, or under federal
4753 statutes or regulations;

4754 13a. Failing to provide to a consumer, or failing to use or include in any written document or material
4755 provided to or executed by a consumer, in connection with a consumer transaction any statement, disclosure,
4756 notice, or other information however characterized when the supplier is required by 16 C.F.R. Part 433 to so
4757 provide, use, or include the statement, disclosure, notice, or other information in connection with the
4758 consumer transaction;

4759 14. Using any other deception, fraud, false pretense, false promise, or misrepresentation in connection
4760 with a consumer transaction;

4761 15. Violating any provision of § 3.2-6509, 3.2-6512, 3.2-6513, 3.2-6513.1, 3.2-6514, 3.2-6515, 3.2-6516,
4762 or 3.2-6519 is a violation of this chapter;

4763 16. Failing to disclose all conditions, charges, or fees relating to:

4764 a. The return of goods for refund, exchange, or credit. Such disclosure shall be by means of a sign
4765 attached to the goods, or placed in a conspicuous public area of the premises of the supplier, so as to be
4766 readily noticeable and readable by the person obtaining the goods from the supplier. If the supplier does not
4767 permit a refund, exchange, or credit for return, he shall so state on a similar sign. The provisions of this
4768 subdivision shall not apply to any retail merchant who has a policy of providing, for a period of not less than
4769 20 days after date of purchase, a cash refund or credit to the purchaser's credit card account for the return of
4770 defective, unused, or undamaged merchandise upon presentation of proof of purchase. In the case of
4771 merchandise paid for by check, the purchase shall be treated as a cash purchase and any refund may be
4772 delayed for a period of 10 banking days to allow for the check to clear. This subdivision does not apply to
4773 sale merchandise that is obviously distressed, out of date, post season, or otherwise reduced for clearance; nor
4774 does this subdivision apply to special order purchases where the purchaser has requested the supplier to order
4775 merchandise of a specific or unusual size, color, or brand not ordinarily carried in the store or the store's
4776 catalog; nor shall this subdivision apply in connection with a transaction for the sale or lease of motor

- 4777 vehicles, farm tractors, or motorcycles as defined in § 46.2-100;
- 4778 b. A layaway agreement. Such disclosure shall be furnished to the consumer (i) in writing at the time of
- 4779 the layaway agreement, or (ii) by means of a sign placed in a conspicuous public area of the premises of the
- 4780 supplier, so as to be readily noticeable and readable by the consumer, or (iii) on the bill of sale. Disclosure
- 4781 shall include the conditions, charges, or fees in the event that a consumer breaches the agreement;
- 4782 16a. Failing to provide written notice to a consumer of an existing open-end credit balance in excess of \$5
- 4783 (i) on an account maintained by the supplier and (ii) resulting from such consumer's overpayment on such
- 4784 account. Suppliers shall give consumers written notice of such credit balances within 60 days of receiving
- 4785 overpayments. If the credit balance information is incorporated into statements of account furnished
- 4786 consumers by suppliers within such 60-day period, no separate or additional notice is required;
- 4787 17. If a supplier enters into a written agreement with a consumer to resolve a dispute that arises in
- 4788 connection with a consumer transaction, failing to adhere to the terms and conditions of such an agreement;
- 4789 18. Violating any provision of the Virginia Health Club Act, Chapter 24 (§ 59.1-294 et seq.);
- 4790 19. Violating any provision of the Virginia Home Solicitation Sales Act, Chapter 2.1 (§ 59.1-21.1 et seq.);
- 4791 20. Violating any provision of the Automobile Repair Facilities Act, Chapter 17.1 (§ 59.1-207.1 et seq.);
- 4792 21. Violating any provision of the Virginia Lease-Purchase Agreement Act, Chapter 17.4 (§ 59.1-207.17
- 4793 et seq.);
- 4794 22. Violating any provision of the Prizes and Gifts Act, Chapter 31 (§ 59.1-415 et seq.);
- 4795 23. Violating any provision of the Virginia Public Telephone Information Act, Chapter 32 (§ 59.1-424 et
- 4796 seq.);
- 4797 24. Violating any provision of § 54.1-1505;
- 4798 25. Violating any provision of the Motor Vehicle Manufacturers' Warranty Adjustment Act, Chapter 17.6
- 4799 (§ 59.1-207.34 et seq.);
- 4800 26. Violating any provision of § 3.2-5627, relating to the pricing of merchandise;
- 4801 27. Violating any provision of the Pay-Per-Call Services Act, Chapter 33 (§ 59.1-429 et seq.);
- 4802 28. Violating any provision of the Extended Service Contract Act, Chapter 34 (§ 59.1-435 et seq.);
- 4803 29. Violating any provision of the Virginia Membership Camping Act, Chapter 25 (§ 59.1-311 et seq.);
- 4804 30. Violating any provision of the Comparison Price Advertising Act, Chapter 17.7 (§ 59.1-207.40 et
- 4805 seq.);
- 4806 31. Violating any provision of the Virginia Travel Club Act, Chapter 36 (§ 59.1-445 et seq.);
- 4807 32. Violating any provision of §§ 46.2-1231 and 46.2-1233.1;
- 4808 33. Violating any provision of Chapter 40 (§ 54.1-4000 et seq.) of Title 54.1;
- 4809 34. Violating any provision of Chapter 10.1 (§ 58.1-1031 et seq.) of Title 58.1;
- 4810 35. Using the consumer's social security number as the consumer's account number with the supplier, if
- 4811 the consumer has requested in writing that the supplier use an alternate number not associated with the
- 4812 consumer's social security number;
- 4813 36. Violating any provision of Chapter 18 (§ 6.2-1800 et seq.) of Title 6.2;
- 4814 37. Violating any provision of § 8.01-40.2;
- 4815 38. Violating any provision of Article 7 (§ 32.1-212 et seq.) of Chapter 6 of Title 32.1;
- 4816 39. Violating any provision of Chapter 34.1 (§ 59.1-441.1 et seq.);
- 4817 40. Violating any provision of Chapter 20 (§ 6.2-2000 et seq.) of Title 6.2;
- 4818 41. Violating any provision of the Virginia Post-Disaster Anti-Price Gouging Act, Chapter 46 (§ 59.1-525
- 4819 et seq.). For the purposes of this subdivision, "consumer transaction" has the same meaning as provided in §
- 4820 59.1-526;
- 4821 42. Violating any provision of Chapter 47 (§ 59.1-530 et seq.);
- 4822 43. Violating any provision of § 59.1-443.2;
- 4823 44. Violating any provision of Chapter 48 (§ 59.1-533 et seq.);
- 4824 45. Violating any provision of Chapter 25 (§ 6.2-2500 et seq.) of Title 6.2;
- 4825 46. Violating the provisions of clause (i) of subsection B of § 54.1-1115;
- 4826 47. Violating any provision of § 18.2-239;
- 4827 48. Violating any provision of Chapter 26 (§ 59.1-336 et seq.);
- 4828 49. Selling, offering for sale, or manufacturing for sale a children's product the supplier knows or has
- 4829 reason to know was recalled by the U.S. Consumer Product Safety Commission. There is a rebuttable
- 4830 presumption that a supplier has reason to know a children's product was recalled if notice of the recall has
- 4831 been posted continuously at least 30 days before the sale, offer for sale, or manufacturing for sale on the
- 4832 website of the U.S. Consumer Product Safety Commission. This prohibition does not apply to children's
- 4833 products that are used, secondhand or "seconds";
- 4834 50. Violating any provision of Chapter 44.1 (§ 59.1-518.1 et seq.);
- 4835 51. Violating any provision of Chapter 22 (§ 6.2-2200 et seq.) of Title 6.2;
- 4836 52. Violating any provision of § 8.2-317.1;
- 4837 53. Violating subsection A of § 9.1-149.1;
- 4838 54. Selling, offering for sale, or using in the construction, remodeling, or repair of any residential dwelling

4839 in the Commonwealth, any drywall that the supplier knows or has reason to know is defective drywall. This
4840 subdivision shall not apply to the sale or offering for sale of any building or structure in which defective
4841 drywall has been permanently installed or affixed;

4842 55. Engaging in fraudulent or improper or dishonest conduct as defined in § 54.1-1118 while engaged in a
4843 transaction that was initiated (i) during a declared state of emergency as defined in § 44-146.16 or (ii) to
4844 repair damage resulting from the event that prompted the declaration of a state of emergency, regardless of
4845 whether the supplier is licensed as a contractor in the Commonwealth pursuant to Chapter 11 (§ 54.1-1100 et
4846 seq.) of Title 54.1;

4847 56. Violating any provision of Chapter 33.1 (§ 59.1-434.1 et seq.);

4848 57. Violating any provision of § 18.2-178, 18.2-178.1, or 18.2-200.1;

4849 58. Violating any provision of Chapter 17.8 (§ 59.1-207.45 et seq.). For the purposes of this subdivision,
4850 "consumer transaction" also includes transactions involving an automatic renewal or continuous service offer
4851 by a supplier to a small business, as those terms are defined in § 59.1-207.45;

4852 59. Violating any provision of subsection E of § 32.1-126;

4853 60. Violating any provision of § 54.1-111 relating to the unlicensed practice of a profession licensed under
4854 Chapter 11 (§ 54.1-1100 et seq.) or Chapter 21 (§ 54.1-2100 et seq.) of Title 54.1;

4855 61. Violating any provision of § 2.2-2001.5;

4856 62. Violating any provision of Chapter 5.2 (§ 54.1-526 et seq.) of Title 54.1;

4857 63. Violating any provision of § 6.2-312;

4858 64. Violating any provision of Chapter 20.1 (§ 6.2-2026 et seq.) of Title 6.2;

4859 65. Violating any provision of Chapter 26 (§ 6.2-2600 et seq.) of Title 6.2;

4860 66. Violating any provision of Chapter 54 (§ 59.1-586 et seq.);

4861 67. Knowingly violating any provision of § 8.01-27.5;

4862 68. Failing to, in accordance with § 59.1-207.46, (i) make available a conspicuous online option to cancel
4863 a recurring purchase of a good or service or (ii) with respect to a free trial lasting more than 30 days, notify a
4864 consumer of his option to cancel such free trial within 30 days of the end of the trial period to avoid an
4865 obligation to pay for the goods or services;

4866 69. Selling or offering for sale any substance intended for human consumption, orally or by inhalation,
4867 that contains a synthetic derivative of tetrahydrocannabinol. As used in this subdivision, "synthetic
4868 derivative" means a chemical compound produced by man through a chemical transformation to turn a
4869 compound into a different compound by adding or subtracting molecules to or from the original compound.
4870 This subdivision shall not (i) apply to products that are approved for marketing by the U.S. Food and Drug
4871 Administration and scheduled in the Drug Control Act (§ 54.1-3400 et seq.) or (ii) be construed to prohibit
4872 any conduct permitted under Chapter 16 (§ 4.1-1600 et seq.) of Title 4.1;

4873 70. Selling or offering for sale to a person younger than 21 years of age any substance intended for human
4874 consumption, orally or by inhalation, that contains tetrahydrocannabinol. This subdivision shall not (i) apply
4875 to products that are approved for marketing by the U.S. Food and Drug Administration and scheduled in the
4876 Drug Control Act (§ 54.1-3400 et seq.) or (ii) be construed to prohibit any conduct permitted under ~~Chapter~~
4877 ~~16 (§ 4.1-1600 et seq.)~~ *the Cannabis Control Act (§ 4.1-600 et seq.)* of Title 4.1;

4878 71. Selling or offering for sale any substance intended for human consumption, orally or by inhalation,
4879 that contains tetrahydrocannabinol, unless such substance is (i) contained in child-resistant packaging, as
4880 defined in § 4.1-600; (ii) equipped with a label that states, in English and in a font no less than 1/16 of an
4881 inch, (a) that the substance contains tetrahydrocannabinol and may not be sold to persons younger than 21
4882 years of age, (b) all ingredients contained in the substance, (c) the amount of such substance that constitutes a
4883 single serving, and (d) the total percentage and milligrams of tetrahydrocannabinol included in the substance
4884 and the number of milligrams of tetrahydrocannabinol that are contained in each serving; and (iii)
4885 accompanied by a certificate of analysis, produced by ~~an independent laboratory that is accredited pursuant to~~
4886 ~~standard ISO/IEC 17025 of the International Organization of Standardization by a third-party accrediting~~
4887 ~~body~~ *a licensed marijuana testing facility*, that states the tetrahydrocannabinol concentration of the substance
4888 or the tetrahydrocannabinol concentration of the batch from which the substance originates. This subdivision
4889 shall not (i) apply to products that are approved for marketing by the U.S. Food and Drug Administration and
4890 scheduled in the Drug Control Act (§ 54.1-3400 et seq.) or (ii) be construed to prohibit any conduct permitted
4891 under ~~Chapter 16 (§ 4.1-1600 et seq.)~~ *the Cannabis Control Act (§ 4.1-600 et seq.)* of Title 4.1;

4892 72. Manufacturing, offering for sale at retail, or selling at retail an industrial hemp extract, as defined in §
4893 3.2-5145.1, a food containing an industrial hemp extract, or a substance containing tetrahydrocannabinol that
4894 depicts or is in the shape of a human, animal, vehicle, or fruit;

4895 73. Selling or offering for sale any substance intended for human consumption, orally or by inhalation,
4896 that contains tetrahydrocannabinol and, without authorization, bears, is packaged in a container or wrapper
4897 that bears, or is otherwise labeled to bear the trademark, trade name, famous mark as defined in 15 U.S.C. §
4898 1125, or other identifying mark, imprint, or device, or any likeness thereof, of a manufacturer, processor,
4899 packer, or distributor of a product intended for human consumption other than the manufacturer, processor,

4900 packer, or distributor that did in fact so manufacture, process, pack, or distribute such substance;

4901 74. Selling or offering for sale a topical hemp product, as defined in § 3.2-4112, that does not include a

4902 label stating that the product is not intended for human consumption. This subdivision shall not (i) apply to

4903 products that are approved for marketing by the U.S. Food and Drug Administration and scheduled in the

4904 Drug Control Act (§ 54.1-3400 et seq.), (ii) be construed to prohibit any conduct permitted under Chapter 16

4905 (§ 4.1-1600 et seq.) of Title 4.1, or (iii) apply to topical hemp products that were manufactured prior

4906 to July 1, 2023, provided that the person provides documentation of the date of manufacture if requested;

4907 75. Violating any provision of § 59.1-466.8;

4908 76. Violating subsection F of § 36-96.3:1;

4909 77. Selling or offering for sale (i) any kratom product to a person younger than 21 years of age or (ii) any

4910 kratom product that does not include a label listing all ingredients and with the following guidance: "This

4911 product may be harmful to your health, has not been evaluated by the FDA, and is not intended to diagnose,

4912 treat, cure, or prevent any disease." As used in this subdivision, "kratom" means any part of the leaf of the

4913 plant *Mitragyna speciosa* or any extract thereof;

4914 78. Advertising of any ignition interlock system in Virginia by an ignition interlock vendor not approved

4915 by the Commission on the Virginia Alcohol Safety Action Program to operate in Virginia; targeted

4916 advertising of any ignition interlock system to a person before determination of guilt; and any advertising,

4917 whether before or after determination of guilt, without a conspicuous statement that such advertisement is not

4918 affiliated with any government agency. For purposes of this subdivision, "ignition interlock system" has the

4919 same meaning as ascribed to that term in § 18.2-270.1 and "targeted advertising" has the same meaning

4920 ascribed to that term in § 59.1-575 and includes direct mailings to an individual. This provision shall not

4921 apply to ignition interlock service vendor ads, pamphlets, or kiosk advertisements approved by the

4922 Commission on the Virginia Alcohol Safety Action Program and provided at a Commission-approved

4923 location;

4924 79. Failing to disclose the total cost of a good or continuous service, as defined in § 59.1-207.45, to a

4925 consumer, including any mandatory fees or charges, prior to entering into an agreement for the sale of any

4926 such good or provision of any such continuous service;

4927 80. Violating any provision of the Unfair Real Estate Service Agreement Act (§ 55.1-3200 et seq.);

4928 81. Selling or offering for sale services as a professional mold remediator to be performed upon any

4929 residential dwelling without holding a mold remediation certification from the Institute of Inspection,

4930 Cleaning and Restoration Certification (IICRC);

4931 82. Willfully violating any provision of § 59.1-444.4; and

4932 83. Violating any provision of Chapter 23.2 (§ 59.1-293.10 et seq.).

4933 B. Nothing in this section shall be construed to invalidate or make unenforceable any contract or lease

4934 solely by reason of the failure of such contract or lease to comply with any other law of the Commonwealth

4935 or any federal statute or regulation, to the extent such other law, statute, or regulation provides that a violation

4936 of such law, statute, or regulation shall not invalidate or make unenforceable such contract or lease.

4937 **2. That §§ 4.1-1101.1, 4.1-1105.1, 18.2-248.1, and 18.2-251.1 of the Code of Virginia are repealed.**

4938 **3. That the following provisions shall become effective on May 1, 2026: (i) §§ 2.2-2499.8, 3.2-4113,**

4939 **4.1-1121, 4.1-1601, 4.1-1604, 16.1-260, 16.1-273, 16.1-278.9, 18.2-46.1, 18.2-247, 18.2-248, 18.2-248.01,**

4940 **18.2-251, 18.2-251.03, 18.2-251.1:1, 18.2-251.1:2, 18.2-251.1:3, 18.2-252, 18.2-254, 18.2-255, 18.2-255.1,**

4941 **18.2-255.2, 18.2-258, 18.2-258.02, 18.2-258.1, 18.2-265.1, 18.2-265.2, 18.2-265.3, 18.2-287.2, 18.2-308.4,**

4942 **18.2-460, 18.2-474.1, 19.2-66, 19.2-81.1, 19.2-83.1, 19.2-188.1, 19.2-303.01, 19.2-386.22, 19.2-389.3, as it**

4943 **is currently effective and as it shall become effective, 19.2-392.02, 19.2-392.6, 22.1-277.08, 46.2-105.2,**

4944 **46.2-347, 53.1-231.2, 54.1-2903, and 59.1-200, as it is currently effective and as it shall become effective,**

4945 **of the Code of Virginia, as amended by this act; (ii) §§ 4.1-1102 through 4.1-1105, 4.1-1106, 4.1-1113,**

4946 **4.1-1114, 4.1-1115, 4.1-1117, 4.1-1118, 4.1-1119, 4.1-1300, 4.1-1301, and 4.1-1303 through 4.1-1309 of**

4947 **the Code of Virginia, as created by this act; and (iii) §§ 4.1-1101.1, 4.1-1105.1, 18.2-248.1, and**

4948 **18.2-251.1 of the Code of Virginia, as repealed by this act.**

4949 **4. That the Virginia Cannabis Control Authority (the Authority) may, on and after September 1, 2025,**

4950 **begin accepting license applications from all applicants, including pharmaceutical processors and**

4951 **cannabis dispensing facilities that hold a permit pursuant to Chapter 16 (§ 4.1-1600 et seq.) of Title 4.1**

4952 **of the Code of Virginia and industrial hemp processors or growers that are registered with the**

4953 **Commissioner of Agriculture and Consumer Services pursuant to Chapter 41.1 (§ 3.2-4112 et seq.) of**

4954 **Title 3.2 of the Code of Virginia, and issuing licenses pursuant to the provisions of § 4.1-1000 of the**

4955 **Code of Virginia, as created by this act. Notwithstanding the third enactment of this act, any applicant**

4956 **issued a license by the Authority may operate in accordance with the provisions of this act prior to**

4957 **May 1, 2026; however, prior to May 1, 2026, no licensee may engage in the retail sale of marijuana,**

4958 **marijuana products, immature marijuana plants, or marijuana seeds. Notwithstanding any other**

4959 **provision of law, on or after September 1, 2025, and prior to May 1, 2026, no marijuana cultivation**

4960 **facility licensee, marijuana processing facility licensee, marijuana transporter licensee, retail**

4961 marijuana store licensee, or marijuana testing facility licensee or agent or employee thereof shall be
4962 subject to arrest or prosecution for a violation of Chapter 11 (§ 4.1-1100 et seq.) of Title 4.1 of the Code
4963 of Virginia or § 18.2-248, 18.2-248.01, 18.2-255, 18.2-255.1, 18.2-255.2, 18.2-258, 18.2-258.02, 18.2-265.3,
4964 or 18.2-308.4 of the Code of Virginia, as amended by this act, or § 18.2-248.1 of the Code of Virginia, as
4965 repealed by this act, involving marijuana if such violation is related to acts committed within the scope
4966 of the licensure or employment and in accordance with the provisions of the Cannabis Control Act (§
4967 4.1-600 et seq. of the Code of Virginia) and this enactment. From September 1, 2025, to September 1,
4968 2030, the Authority shall reserve license slots for all pharmaceutical processors and cannabis
4969 dispensing facilities that have been issued a permit by the Board of Directors (the Board) of the
4970 Authority pursuant to Chapter 16 (§ 4.1-1600 et seq.) of Title 4.1 of the Code of Virginia and issue
4971 applicable licenses for any location for which such a permit has been issued, provided the applicable
4972 licensing requirements are met. The Board shall not permit any marijuana cultivation facility licensee
4973 to engage in the outdoor growth of marijuana plants until the Board has promulgated regulations
4974 governing outdoor growth pursuant to § 4.1-606 of the Code of Virginia, as amended by this act.
4975 Priority for tier IV and tier V marijuana cultivation facility licenses shall be given to pharmaceutical
4976 processors that have been issued a permit by the Board pursuant to Chapter 16 (§ 4.1-1600 et seq.) of
4977 Title 4.1 of the Code of Virginia and no less than five industrial hemp processors or growers that are
4978 registered with the Commissioner of Agriculture and Consumer Services pursuant to Chapter 41.1 (§
4979 3.2-4112 et seq.) of Title 3.2 of the Code of Virginia and completed such registration prior to January 1,
4980 2021.

4981 5. That the Board of Directors of the Virginia Cannabis Control Authority shall establish a seed-to-sale
4982 tracking system pursuant to § 4.1-611 of the Code of Virginia by December 31, 2025.

4983 6. That the Virginia Cannabis Control Authority (the Authority) shall (i) analyze whether any limits
4984 should be placed on the number of licenses issued to operate a marijuana establishment, (ii) analyze
4985 and identify any necessary adjustments regarding canopy limits for marijuana cultivation facility
4986 licensees, and (iii) report its finding to the General Assembly by November 1, 2026. The Authority shall
4987 continue such analysis and submit updated findings to the General Assembly for two years after such
4988 initial report and shall submit such updated findings by November 1 during the two subsequent years.

4989 7. That the Board of Directors (the Board) of the Virginia Cannabis Control Authority shall
4990 promulgate regulations to implement the provisions of this act by December 31, 2025. With the
4991 exception of § 2.2-4031 of the Code of Virginia, neither the provisions of the Administrative Process
4992 Act (§ 2.2-4000 et seq. of the Code of Virginia) nor public participation guidelines adopted pursuant
4993 thereto shall apply to the Board's initial adoption of such regulations.

4994 8. That, from July 1, 2025, to July 1, 2026, the Virginia Cannabis Control Authority (the Authority)
4995 shall deposit 75 percent of all funds collected through marijuana establishment annual license fees into
4996 the Cannabis Equity Business Loan Fund established pursuant to § 4.1-1501 of the Code of Virginia, as
4997 amended by this act. Such deposits shall occur within 60 days of the Authority's receipt of such license
4998 fees.

4999 9. That the initial referendum authorized by § 4.1-629 of the Code of Virginia, as created by this act, on
5000 the question of whether the operation of retail marijuana stores shall be prohibited in a particular
5001 locality shall be held and results certified by December 31, 2025. A referendum on such question shall
5002 not be permitted in a locality after January 1, 2026, unless such referendum follows a referendum held
5003 prior to December 31, 2025, and any subsequent referendum, in which a majority of the qualified
5004 voters voting in such referendum voted "Yes" to prohibit the operation of retail marijuana stores.

5005 10. That the provisions of the first enactment amending subsection B of § 4.1-614 of the Code of
5006 Virginia, as amended by this act, shall become effective July 1, 2027.

5007 11. That the provisions of this act may result in a net increase in periods of imprisonment or
5008 commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary
5009 appropriation cannot be determined for periods of imprisonment in state adult correctional facilities;
5010 therefore, Chapter 2 of the Acts of Assembly of 2024, Special Session I, requires the Virginia Criminal
5011 Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4 of the
5012 Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for
5013 periods of commitment to the custody of the Department of Juvenile Justice.