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HOUSE BILL NO. 2708

House Amendments in [] - February 3, 2025

A BILL to amend and reenact § 18.2-248.05 of the Code of Virginia, relating to prohibited equipment related to manufacturing, selling, giving, distributing, or possessing with intent to manufacture, sell, give, or distribute a controlled substance; penalties.

Patron Prior to Engrossment—Delegate Wachsmann

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:**1. That § 18.2-248.05 of the Code of Virginia is amended and reenacted as follows:**

§ 18.2-248.05. Prohibited equipment related to manufacturing, selling, giving, distributing, or possessing with intent to manufacture, sell, give, or distribute a controlled substance; penalties.

A. For the purposes of this section:

"Encapsulating machine" means manual, semiautomatic, or fully automatic equipment that can be used to fill shells or capsules with powdered or granular solids or semisolid material to produce coherent solid contents.

"Tableting machine" means manual, semiautomatic, or fully automatic equipment that can be used to compact, compress, or mold powdered or granular solids or semisolid material to produce fused coherent solid tablets.

B. Except for manufacturers [, *outsourcing facilities, and pharmacies*] , permitted pursuant to the Drug Control Act (§ 54.1-3400 et seq.) [*and licensed pharmacies*] , it is unlawful for any person to possess, purchase, sell, give, distribute, or possess with intent to sell, give, or distribute an encapsulating machine or a tableting machine that manufactures, compounds, converts, produces, processes, prepares, or otherwise introduces into the human body a controlled substance. Any person who violates this section is guilty of a Class 6 felony. However, any person who violates this section knowing, intending, or having reasonable cause to believe that such action will result in the unlawful manufacture of a controlled substance or counterfeit controlled substance that contains (i) a controlled substance classified in Schedule I or Schedule II of the Drug Control Act or (ii) a controlled substance analog as defined in § 54.1-3456 is guilty of a Class 5 felony.

ENGROSSED

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