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SENATE BILL NO. 671

Offered January 14, 2026

Prefiled January 14, 2026

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, as it is currently effective and as it shall become effective, 19.2-389.3, 19.2-392.02, 19.2-392.6, 19.2-392.12:1, 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, 54.1-3443, 58.1-301, and 59.1-200 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 and 4.1-630, 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.

Patron—Rouse

Referred to Committee on Rehabilitation and Social Services

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, as it is currently effective and as it shall become effective, 19.2-389.3, 19.2-392.02, 19.2-392.6, 19.2-392.12:1, 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, 54.1-3443, 58.1-301, and 59.1-200 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 and 4.1-630, 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;

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59 3. Awarding grants to support workforce development, mentoring programs, job training and placement
60 services, apprenticeships, and reentry services that serve persons and communities historically and
61 disproportionately targeted by drug enforcement.

62 4. Contributing to the Virginia Indigent Defense Commission established pursuant to § 19.2-163.01; and

63 5. Contributing to the Virginia Cannabis Equity Business Loan Fund established pursuant to § 4.1-1501.

64 Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by
65 the Comptroller upon written request signed by (i) the Director of Diversity, Equity, and Inclusion or (ii) a
66 majority of the members of the Cannabis Equity Reinvestment Board established pursuant to § 2.2-2499.5.

67 **§ 3.2-4113. Production of industrial hemp lawful.**

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

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

85 C. No person shall be prosecuted under Chapter 11 (§ 4.1-1100 et seq.) of Title 4.1 or § ~~18.2-247~~,
86 18.2-248, 18.2-248.01, ~~18.2-248.1~~, or 18.2-250 for the involuntary growth of industrial hemp through the
87 inadvertent natural spread of seeds or pollen as a result of proximity to a production field, handler's storage
88 site, or process site.

89 **§ 4.1-352. Certificate of forensic scientist as evidence; requiring forensic scientist to appear.**

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

99 **§ 4.1-600. Definitions.**

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

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

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

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

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

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

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

119 "Cultivation" or "cultivate" means the planting, propagation, growing, harvesting, drying, curing, grading,
120 trimming, *packaging*, or other similar ~~processing~~ *manufacturing* of marijuana for use or sale. "Cultivation" or

121 "cultivate" does not include ~~manufacturing~~ processing or testing.

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

123 "Edible marijuana product" means a marijuana product intended to be consumed orally, including
124 marijuana intended to be consumed orally or marijuana concentrate intended to be consumed orally.

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

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

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

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

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

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

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

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

141 "Marijuana" means any part of a plant of the genus Cannabis, whether growing or not, its seeds or resin;
142 and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, its resin,
143 or any extract containing one or more cannabinoids. "Marijuana" does not include (i) the mature stalks of
144 such plant, fiber produced from such stalk, or oil or cake made from the seed of such plant, unless such
145 stalks, fiber, oil, or cake is combined with other parts of plants of the genus Cannabis; (ii) industrial hemp, as
146 defined in § 3.2-4112, that is possessed by a person registered pursuant to subsection A of § 3.2-4115 or his
147 agent; (iii) industrial hemp, as defined in § 3.2-4112, that is possessed by a person who holds a hemp
148 producer license issued by the U.S. Department of Agriculture pursuant to 7 C.F.R. Part 990; (iv) a hemp
149 product, as defined in § 3.2-4112; (v) an industrial hemp extract, as defined in § 3.2-5145.1; or (vi) any
150 substance containing a tetrahydrocannabinol isomer, ester, ether, salt, or salts of such isomer, ester, or ether
151 that has been placed by the Board of Pharmacy into one of the schedules set forth in the Drug Control Act
152 (§ 54.1-3400 et seq.) pursuant to § 54.1-3443.

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

156 "Marijuana cultivation facility" means a facility licensed under this subtitle to cultivate, label, and
157 package retail marijuana; to purchase or take possession of marijuana plants and seeds from other marijuana
158 cultivation facilities; to transfer possession of and sell retail marijuana, immature marijuana plants, and
159 marijuana seeds to marijuana wholesalers and retail marijuana stores; to transfer possession of and sell retail
160 marijuana, marijuana plants, and marijuana seeds to other marijuana cultivation facilities; to transfer
161 possession of and sell retail marijuana to marijuana manufacturing facilities; and to sell immature marijuana
162 plants and marijuana seeds to consumers for the purpose of cultivating marijuana at home for personal use
163 § 4.1-800.

164 "Marijuana establishment" means a marijuana cultivation facility, a marijuana testing facility, a marijuana
165 manufacturing processing facility, a marijuana wholesaler transporter, or a retail marijuana store.

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

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

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

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

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

181 "Marijuana wholesaler transporter" means a facility licensed under this subtitle to purchase or take
182 possession of retail marijuana, retail marijuana products, immature marijuana plants, and marijuana seeds

183 from a marijuana cultivation facility, a marijuana manufacturing facility, or another marijuana wholesaler and
 184 to transfer possession and sell or resell retail marijuana, retail marijuana products, immature marijuana plants,
 185 and marijuana seeds to a marijuana cultivation facility, marijuana manufacturing facility, retail marijuana
 186 store, or another marijuana wholesaler § 4.1-803.

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

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

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

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

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

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

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

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

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

210 "Retail marijuana products" means marijuana products that are manufactured and sold by a licensed
 211 marijuana establishment.

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

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

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

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

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

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

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

228 **§ 4.1-601. Virginia Cannabis Control Authority created; public purpose.**

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

238 B. The Board of Directors of the Authority is vested with control of the possession, sale, transportation,
 239 distribution, and delivery of ~~retail~~ marijuana and ~~retail~~ marijuana products in the Commonwealth, with
 240 plenary power to prescribe and enforce regulations and conditions under which ~~retail~~ marijuana and ~~retail~~
 241 marijuana products are possessed, sold, transported, distributed, and delivered, so as to prevent any corrupt,
 242 incompetent, dishonest, or unprincipled practices and to promote the health, safety, welfare, convenience, and
 243 prosperity of the people of the Commonwealth. The exercise of the powers granted by this subtitle shall be in
 244 all respects for the benefit of the citizens of the Commonwealth and for the promotion of their safety, health,

245 welfare, and convenience. No part of the assets or net earnings of the Authority shall inure to the benefit of,
246 or be distributable to, any private individual, except that reasonable compensation may be paid for services
247 rendered to or for the Authority affecting one or more of its purposes, and benefits may be conferred that are
248 in conformity with said purposes, and no private individual shall be entitled to share in the distribution of any
249 of the corporate assets on dissolution of the Authority.

250 **§ 4.1-603. Cannabis Public Health Advisory Council; purpose; membership; quorum; meetings;**
251 **compensation and expenses; duties.**

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

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

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

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

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

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

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

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

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

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

303 3. ~~Submit~~ *To review and approve Board regulations related to public health pursuant to subsection F of*
304 *§ 4.1-606. The Advisory Council shall approve or deny such regulations within 30 calendar days of the*
305 *Board's submission of the regulations to the Advisory Council. If the Advisory Council fails to approve or*
306 *deny a regulation within 30 calendar days, the Board may adopt such regulation without approval by the*

307 *Advisory Council.*

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

315 **§ 4.1-604. Powers and duties of the Board.**

316 The Board shall have the following powers and duties:

317 1. Promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) and
 318 § 4.1-606;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

365 16. Employ, at its discretion, consultants, researchers, architects, engineers, accountants, financial experts,
 366 investment bankers, superintendents, managers, and such other employees and special agents as may be
 367 necessary and fix their compensation to be payable from funds made available to the Authority. ~~Legal~~ *The*
 368 *Board may employ or retain legal counsel of its choice to advise or represent the Authority in hearings,*

369 *controversies, or other matters involving the interests of the Authority; however, upon request by the Board,*
370 *the Attorney General shall provide legal services for the Authority shall be provided by the Attorney General*
371 *in accordance with Chapter 5 (§ 2.2-500 et seq.) of Title 2.2;*

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

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

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

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

393 21. Develop policies and procedures consistent with Article 4 (§ 2.2-4347 et seq.) of Chapter 43 of Title
394 2.2;

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

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

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

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

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

428 27. Take appropriate disciplinary action and assess and collect civil penalties and civil charges for
429 violations of this subtitle and Board regulations;

430 28. Review and approve any proposed legislative or regulatory changes suggested by the Chief Executive

431 Officer as the Board deems appropriate;

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

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

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

440 32. Develop and make available on its website a resource that provides information regarding (i)
441 responsible marijuana consumption; (ii) health risks and other dangers associated with marijuana
442 consumption, including inability to operate a motor vehicle and other types of transportation and equipment;
443 and (iii) ancillary effects of marijuana consumption, including ineligibility for certain employment
444 opportunities. The Board shall require that the web address for such resource be included on the label of all
445 ~~retail~~ marijuana and ~~retail~~ marijuana product as provided in § ~~4.1-1402~~ 4.1-1405; ~~and~~

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

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

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

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

460 **§ 4.1-606. Regulations of the Board.**

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

467 B. The Board shall promulgate regulations that:

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

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

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

473 4. Establish a testing program for ~~retail~~ marijuana and ~~retail~~ marijuana products pursuant to Chapter 14
474 (§ 4.1-1400 et seq.);

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

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

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

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

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

488 10. Establish (i) criteria by which to evaluate new licensees based on the density of retail marijuana stores
489 in the community and (ii) metrics that have similarly shown an association with negative community-level
490 health outcomes or health disparities. In promulgating such regulations, the Board shall coordinate with the
491 Cannabis Public Health Advisory Council established pursuant to § 4.1-603. *Such regulations shall ensure*
492 *that marijuana establishment licenses are, as possible and practicable, issued evenly among all areas of the*

493 Commonwealth;

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

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

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

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

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

532 ~~16.~~ 15. Establish guidelines, in addition to requirements set forth in this subtitle, for the personal
533 cultivation of marijuana that promote personal and public safety, including child protection, and discourage
534 personal cultivation practices that create a nuisance, including a nuisance caused by odor;

535 ~~17.~~ 16. Establish reasonable time, place, and manner restrictions on outdoor advertising of ~~retail~~ marijuana
536 or ~~retail~~ marijuana products, not inconsistent with the provisions of this chapter, so that such advertising
537 displaces the illicit market and notifies the public of the location of the marijuana establishments. Such
538 regulations shall be promulgated in accordance with § ~~4.1-1404~~ 4.1-1402;

539 ~~18.~~ 17. Establish restrictions on the number of licenses that a person may be granted to operate a
540 marijuana establishment in single locality or region; and

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

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

549 C. The Board may promulgate regulations that:

550 1. Limit the number of licenses issued by type or class to operate a marijuana establishment; however, the
551 number of licenses issued shall not exceed the following limits:

- 552 a. Retail marijuana stores, ~~400~~ 350;
- 553 b. Marijuana wholesalers, 25;
- 554 e. Marijuana manufacturing processing facilities, ~~60~~ 100; and

555 ~~d. Marijuana~~ c. Tier I marijuana cultivation facilities, 450 50;

556 d. Tier II marijuana cultivation facilities, 50;

557 e. Tier III marijuana cultivation facilities, 10;

558 f. Tier IV marijuana cultivation facilities, 5;

559 g. Tier V marijuana cultivation facilities, 10; and

560 h. Marijuana testing facilities, the maximum number of licenses permitted under Board regulations.

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

566 2. Prescribe any requirements deemed appropriate for the administration of taxes under §§ 4.1-1003 and
567 4.1-1004, including method of filing a return, information required on a return, and form of payment.

568 3. Limit the allowable square footage of a retail marijuana store, which shall not exceed 1,500 2,500
569 square feet of retail floor space.

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

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

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

578 F. The Board shall consult with the Cannabis Public Health Advisory Council in promulgating any
579 regulations relating to public health, including regulations promulgated pursuant to subdivision B 3, 4, 6, 7,
580 10, or 16 15, and, *except as otherwise provided in § 4.1-603*, shall not promulgate any such regulation that
581 has not been approved by a majority of the members of the Cannabis Public Health Advisory Council.

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

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

592 **§ 4.1-607. Board membership; terms; compensation.**

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

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

613 C. The Governor shall appoint the chairman and vice-chairman of the Board from among the membership
614 of the Board. The Board may elect other subordinate officers, who need not be members of the Board. The
615 Board may also form committees and advisory councils, which may include representatives who are not
616 members of the Board, to undertake more extensive study and discussion of the issues before the Board. A

majority of the Board shall constitute a quorum for the transaction of the Authority's business, and no vacancy in the membership shall impair the right of a quorum to exercise the rights and perform all duties of the Authority.

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

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

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

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

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

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

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

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

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

1. ~~Forty~~ Ten percent to pre-kindergarten programs for at-risk three-year-olds and four-year-olds;
2. ~~Thirty~~ Sixty percent to the Cannabis Equity Reinvestment Fund established pursuant to § 2.2-2499.8;
3. Twenty-five percent to the Department of Behavioral Health and Developmental Services, which shall distribute such appropriated funds to community services boards for the purpose of administering substance use disorder prevention and treatment programs; and

4. Five percent to public health programs, including public awareness campaigns that are designed to prevent drugged driving, discourage consumption by persons younger than 21 years of age, and inform the public of other potential risks.

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

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

On a quarterly basis, the Comptroller shall draw his warrant on the Treasurer of Virginia in the proper amount in favor of each locality entitled to the return of its tax revenues, and such payments shall be charged to the account of each such locality under the special fund created by this section. If errors are made in any such payment, or adjustments are otherwise necessary, whether attributable to refunds to taxpayers, or to some other fact, the errors shall be corrected and adjustments made in the payments for the next quarter.

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

Neither the Board nor its employees shall divulge any information regarding (i) financial reports or

679 records required pursuant to this subtitle; (ii) the purchase orders and invoices for ~~retail~~ marijuana or ~~retail~~
 680 marijuana products filed with the Board by marijuana wholesaler licensees; (iii) taxes collected from,
 681 refunded to, or adjusted for any person; or (iv) information contained in the seed-to-sale tracking system
 682 maintained by the Board pursuant to § 4.1-611. The provisions of § 58.1-3 shall apply, mutatis mutandis, to
 683 taxes collected pursuant to this subtitle and to purchase orders and invoices for ~~retail~~ marijuana or ~~retail~~
 684 marijuana products filed with the Board by marijuana wholesaler licensees.

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

694 **§ 4.1-629. Local ordinances or resolutions regulating marijuana or marijuana products.**

695 *A. No county, city, or town shall, except as provided in § 4.1-630, adopt any ordinance or resolution that*
 696 *regulates or prohibits the cultivation, processing, possession, sale, distribution, handling, transportation,*
 697 *consumption, use, advertising, or dispensing of marijuana or marijuana products in the Commonwealth.*

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

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

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

707 **§ 4.1-630. Local ordinances regulating time of sale of marijuana and marijuana products.**

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

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

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

718 **CHAPTER 7.**

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

720 **§ 4.1-700. Exemptions from licensure.**

721 *The licensure requirements of this subtitle shall not apply to (i) a cannabis dispensing facility or*
 722 *pharmaceutical processor that has been issued a permit by the Board and is acting in accordance with the*
 723 *provisions of Chapter 16 (§ 4.1-1600 et seq.); (ii) a handler, grower, or processor of industrial hemp that is*
 724 *registered with the Commissioner of Agriculture and Consumer Services pursuant to Chapter 41.1*
 725 *(§ 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*
 726 *has been issued a regulated hemp product retail facility registration and is acting in accordance with the*
 727 *provisions of Title 3.2; (iv) a manufacturer of an edible hemp product operating in accordance with Article 5*
 728 *(§ 3.2-5145.1 et seq.) of Chapter 51 of Title 3.2; or (v) a person who cultivates marijuana at home for*
 729 *personal use pursuant to § 4.1-1101. Nothing in this subtitle shall be construed to (a) prevent any person*
 730 *described in clauses (i) through (iv) from obtaining a license pursuant to this subtitle, provided such person*
 731 *satisfies applicable licensing requirements; (b) prevent a licensee from acquiring hemp products from an*
 732 *industrial hemp processor in accordance with the provisions of Chapter 41.1 (§ 3.2-4112 et seq.) of Title 3.2;*
 733 *or (c) prevent a cultivation, processing, transporter, or retail licensee from operating on the licensed*
 734 *premises a pharmaceutical processing facility in accordance with Chapter 16 (§ 4.1-1600 et seq.) or an*
 735 *industrial hemp processing facility in accordance with Chapter 41.1 (§ 3.2-4112 et seq.) of Title 3.2.*

736 **§ 4.1-701. To whom privileges conferred by licenses extend; liability for violations of law.**

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

741 **§ 4.1-702. Separate license for each place of business; transfer or amendment; posting; expiration;**
 742 **civil penalties.**

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

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

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

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

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

756 The Board may grant licenses for one year or for multiple years, not to exceed three years, based on the
 757 fees set by the Board pursuant to § 4.1-1001. Qualification for a multiyear license shall be determined on the
 758 basis of criteria established by the Board. Fees for multiyear licenses shall not be refundable except as
 759 provided in § 4.1-1002. The Board may provide a discount for two-year or three-year licenses, not to exceed
 760 five percent of the applicable license fee, which extends for one fiscal year and shall not be altered or
 761 rescinded during such period.

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

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

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

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

772 **§ 4.1-703. Records of licensees; inspection of records and places of business.**

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

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

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

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

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

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

802

ADMINISTRATION OF LICENSES; LICENSES GRANTED BY BOARD.

803

804 **§ 4.1-800. Marijuana cultivation facility license.**

805 A. The Board may issue any of the following marijuana cultivation facility licenses, which shall authorize
 806 the licensee to cultivate, label, and package marijuana; to purchase or take possession of marijuana plants
 807 and seeds from other marijuana cultivation facilities; to transfer possession of and sell marijuana, immature
 808 marijuana plants, and marijuana seeds to retail marijuana stores; to transfer possession of marijuana,
 809 immature marijuana plants, and marijuana seeds to marijuana transporters; to transfer possession of and
 810 sell marijuana, marijuana plants, and marijuana seeds to other marijuana cultivation facilities; and to
 811 transfer possession of and sell marijuana to marijuana processing facilities:

812 1. Tier I marijuana cultivation facility license, which shall authorize the licensee to cultivate marijuana
 813 indoors or outdoors with a canopy that does not exceed 7,000 square feet.

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

816 3. Tier III marijuana cultivation facility license, which shall authorize the licensee to cultivate marijuana
 817 indoors with a canopy that does not exceed 28,000 square feet.

818 4. Tier IV marijuana cultivation facility license, which shall authorize the licensee to cultivate marijuana
 819 indoors with a canopy that does not exceed 45,000 square feet.

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

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

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

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

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

840 **§ 4.1-801. Marijuana processing facility license.**

841 A. The Board may issue marijuana processing facility licenses, which shall authorize the licensee to
 842 process, label, and package marijuana and marijuana products; to purchase or take possession of marijuana
 843 from a marijuana cultivation facility or another marijuana processing facility; to transfer possession of and
 844 sell marijuana and marijuana products to retail marijuana stores or other marijuana processing facilities;
 845 and to transfer possession of marijuana and marijuana products to marijuana transporters.

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

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

855 **§ 4.1-802. Retail marijuana store license.**

856 A. The Board may issue retail marijuana store licenses, which shall authorize the licensee to purchase or
 857 take possession of marijuana, marijuana products, immature marijuana plants, or marijuana seeds from a
 858 marijuana cultivation facility or marijuana processing facility; to take possession of marijuana, marijuana
 859 products, immature marijuana plants, or marijuana seeds from a marijuana transporter; and to sell
 860 marijuana, marijuana products, immature marijuana plants, or marijuana seeds to consumers on premises
 861 approved by the Board.

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

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

864 2. A retail marijuana store shall be permitted to sell marijuana, marijuana products, immature marijuana

865 plants, or marijuana seeds to consumers only in a direct, face-to-face exchange. Such store shall not be
 866 permitted to sell marijuana, marijuana products, immature marijuana plants, or marijuana seeds using:

867 a. An automated dispensing or vending machine;

868 b. A drive-through sales window;

869 c. An internet-based sales platform; or

870 d. A delivery service.

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

874 4. A retail marijuana store shall not:

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

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

880 5. In accordance with the requirements of § 4.1-611, a retail marijuana store licensee shall track all
 881 marijuana, marijuana products, immature marijuana plants, or marijuana seeds from the point at which the
 882 marijuana, marijuana products, immature marijuana plants, or marijuana seeds are delivered or transferred
 883 to the retail marijuana store to the point at which the marijuana, marijuana products, immature marijuana
 884 plants, or marijuana seeds are sold to a consumer, delivered or transferred to a marijuana testing facility, or
 885 disposed of or destroyed.

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

888 C. Each retail marijuana store licensee shall post in each retail marijuana store notice of the existence of
 889 a human trafficking hotline to alert possible witnesses or victims of human trafficking to the availability of a
 890 means to report crimes or gain assistance. The notice required by this subsection shall (i) be posted in a
 891 place readily visible and accessible to the public and (ii) meet the requirements specified in subsection C of
 892 § 40.1-11.3.

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

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

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

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

907 **§ 4.1-803. Marijuana transporter license.**

908 A. The Board may issue marijuana transporter licenses, which shall authorize the licensee to take
 909 possession of marijuana, marijuana products, immature marijuana plants, and marijuana seeds from a
 910 marijuana cultivation facility, a marijuana processing facility, a retail marijuana store, or another marijuana
 911 transporter; to transfer possession of marijuana, marijuana products, immature marijuana plants, and
 912 marijuana seeds to a marijuana cultivation facility, marijuana processing facility, retail marijuana store, or
 913 another marijuana transporter; and to transport marijuana, marijuana products, immature marijuana plants,
 914 and marijuana seeds from one licensed establishment to another.

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

917 C. In accordance with the requirements of § 4.1-611, a marijuana transporter licensee shall track the
 918 marijuana, marijuana products, immature marijuana plants, or marijuana seeds from the point at which the
 919 marijuana, marijuana products, plants, or seeds are delivered or transferred to the marijuana transporter to
 920 the point at which the marijuana, marijuana products, plants, or seeds are transferred to a marijuana
 921 processor, marijuana transporter, retail marijuana store, or marijuana testing facility or are disposed of or
 922 destroyed.

923 **§ 4.1-804. Marijuana testing facility license.**

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

926 B. A marijuana testing facility may develop, research, or test marijuana and marijuana products for (i)

927 that facility, (ii) another licensee, or (iii) a person who intends to use the marijuana or marijuana product for
 928 personal use as authorized under § 4.1-1100.

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

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

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

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

942 G. All areas within the licensed premises of a marijuana testing facility in which marijuana or marijuana
 943 products are tested or stored shall meet all sanitary standards specified in regulations adopted by the Board.

944 **§ 4.1-805. Multiple licenses awarded to one person; limitations.**

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

948 B. A person may possess or hold interest in one or any combination of the following licenses pursuant to
 949 Board regulations: tier I marijuana cultivation facility license, tier II marijuana cultivation facility license,
 950 tier III marijuana cultivation facility license, tier IV marijuana cultivation facility license, tier V marijuana
 951 cultivation facility license, marijuana processing facility license, marijuana transporter license, or retail
 952 marijuana store license. Board regulations shall be drawn to ensure that all licensees have an equal and
 953 meaningful opportunity to participate in the market. Moreover, (i) no person shall be granted or hold interest
 954 in more than five total licenses, not including marijuana transporter licenses, issued pursuant to this subtitle
 955 or more than one tier V marijuana cultivation facility license and (ii) no person that has been granted or
 956 holds interest in a marijuana cultivation facility license, marijuana processing facility license, marijuana
 957 transporter license, or retail marijuana store license shall be issued or hold interest in a marijuana testing
 958 facility license.

959 **§ 4.1-806. Temporary permits required in certain instances.**

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

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

972 **§ 4.1-807. Licensee shall maintain possession of premises.**

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

977 **§ 4.1-808. Conditions under which the Board shall or may refuse to grant licenses.**

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

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

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

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

988 b. Has been convicted in any court of a felony or any crime or offense involving moral turpitude under the

989 laws of any state or of the United States within seven years of the date of the application or has not completed
990 all terms of sentencing and probation resulting from any such conviction;

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

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

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

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

997 g. Has defrauded or attempted to defraud the Board, or any federal, state, or local government or
998 governmental agency or authority, by making or filing any report, document, or tax return required by statute
999 or regulation that is fraudulent or contains a false representation of a material fact; or has willfully deceived
1000 or attempted to deceive the Board, or any federal, state, or local government or governmental agency or
1001 authority, by making or maintaining business records required by statute or regulation that are false or
1002 fraudulent;

1003 h. Is violating or allowing the violation of any provision of this subtitle in his establishment at the time his
1004 application for a license is pending;

1005 i. Is a full-time or part-time employee of the Department of State Police or of a police department or
1006 sheriff's office that is a part of or administered by the Commonwealth or any political subdivision thereof,
1007 and who is responsible for the enforcement of the penal, traffic, or motor vehicle laws of the Commonwealth;

1008 j. Has been sanctioned by the Board pursuant to § 54.1-3316 and regulations promulgated by the Board
1009 for a violation pursuant to Chapter 16 (§ 4.1-1600 et seq.); or

1010 k. Is physically unable to carry on the business for which the application for a license is filed or has been
1011 adjudicated incapacitated.

1012 2. The applicant is a member or employee of the Board or is a corporation or other business entity in
1013 which a member or employee of the Board is a stockholder or has any other economic interest. Whenever any
1014 other elected or appointed official of the Commonwealth or any political subdivision thereof applies for such
1015 a license or continuance thereof, he shall state on the application the official position he holds, and whenever
1016 a corporation or other business entity in which any such official is a stockholder or has any other economic
1017 interest applies for such a license, it shall state on the application the full economic interests of each such
1018 official in such corporation or other business entity.

1019 3. The place to be occupied by the applicant:

1020 a. Does not conform to the requirements of the governing body of the county, city, or town in which such
1021 place is located with respect to sanitation, health, construction, or equipment, or to any similar requirements
1022 established by the laws of the Commonwealth or by Board regulation;

1023 b. Is so located that granting a license and operation thereunder by the applicant would result in
1024 violations of this subtitle or Board regulations or violation of the laws of the Commonwealth or local
1025 ordinances relating to peace and good order;

1026 c. When the applicant is applying for a retail marijuana store license, is located within 1,000 feet of a
1027 public, private, or parochial school or institution of higher education;

1028 d. When the applicant is applying for a retail marijuana store license, is so located with respect to any
1029 residence or residential area that the operation of such place under such license will adversely affect real
1030 property values or substantially interfere with the usual quietude and tranquility of such residence or
1031 residential area;

1032 e. When the applicant is applying for a retail marijuana store license, is located within 1,000 feet of an
1033 existing retail marijuana store;

1034 f. When the applicant is applying for a retail marijuana store license, is so constructed, arranged, or
1035 illuminated that law-enforcement officers and special agents of the Board are prevented from ready access to
1036 and reasonable observation of any room or area within which marijuana or marijuana products are to be
1037 sold; or

1038 g. Is an establishment where alcoholic beverages, tobacco, or tobacco products are manufactured, sold,
1039 or used.

1040 Nothing in this subdivision 3 shall be construed to require an applicant to have secured a place or
1041 premises until the final stage of the license approval process.

1042 4. The number of licenses existing in the locality is such that the granting of a license is detrimental to the
1043 interest, morals, safety, or welfare of the public. In reaching such conclusion, the Board shall consider (i) the
1044 criteria established by the Board to evaluate new licensees based on the density of retail marijuana stores in
1045 the community; (ii) the character of, population of, number of similar licenses in, and number of all licenses
1046 existent in the particular county, city, or town and the immediate neighborhood concerned; (iii) the effect that
1047 a new license may have on such county, city, town, or neighborhood in conforming with the purposes of this
1048 subtitle; and (iv) the objections, if any, that may have been filed by a local governing body or local residents.

1049 5. There exists any law, ordinance, or regulation of the United States, the Commonwealth, or any political
1050 subdivision thereof that warrants refusal by the Board to grant any license.

- 1051 6. The Board is not authorized under this subtitle to grant such license.
 1052 **§ 4.1-809. Notice and hearings for refusal to grant licenses; Administrative Process Act; exceptions.**
 1053 A. The action of the Board in granting or in refusing to grant any license shall be subject to judicial
 1054 review in accordance with the Administrative Process Act (§ 2.2-4000 et seq.), except as provided in
 1055 subsection B or C. Such review shall extend to the entire evidential record of the proceedings provided by the
 1056 Board in accordance with the Administrative Process Act. An appeal shall lie to the Court of Appeals from
 1057 any order of the court. Notwithstanding § 8.01-676.1, the final judgment or order of the circuit court shall
 1058 not be suspended, stayed, or modified by such circuit court pending appeal to the Court of Appeals. Neither
 1059 mandamus nor injunction shall lie in any such case.
 1060 B. The Board may refuse a hearing on any application for the granting of any retail marijuana store
 1061 license, provided that such:
 1062 1. License for the applicant has been refused or revoked within a period of 12 months;
 1063 2. License for any premises has been refused or revoked at that location within a period of 12 months; or
 1064 3. Applicant, within a period of 12 months immediately preceding, has permitted a license granted by the
 1065 Board to expire for nonpayment of license fee, and at the time of expiration of such license, there was a
 1066 pending and unadjudicated charge, either before the Board or in any court, against the licensee alleging a
 1067 violation of this subtitle.
 1068 C. If an applicant has permitted a license to expire for nonpayment of license fee, and at the time of
 1069 expiration there remained unexecuted any period of suspension imposed upon the licensee by the Board, the
 1070 Board may refuse a hearing on an application for a new license until after the date on which the suspension
 1071 period would have been executed had the license not been permitted to expire.

1072 CHAPTER 9.

1073 ADMINISTRATION OF LICENSES; SUSPENSION AND REVOCATION.

1074 **§ 4.1-900. Grounds for which Board may suspend or revoke licenses.**

- 1075 A. The Board may suspend or revoke any license if it has reasonable cause to believe that:
 1076 1. The licensee, or if the licensee is a partnership, any general partner thereof, or if the licensee is an
 1077 association, any member thereof, or a limited partner of 10 percent or more with voting rights, or if the
 1078 licensee is a corporation, any officer, director, or shareholder owning 10 percent or more of its capital stock,
 1079 or if the licensee is a limited liability company, any member-manager or any member owning 10 percent or
 1080 more of the membership interest of the limited liability company:
 1081 a. Has misrepresented a material fact in applying to the Board for such license;
 1082 b. Within the five years immediately preceding the date of the hearing held in accordance with § 4.1-903,
 1083 has (i) violated any provision of Chapter 11 (§ 4.1-1100 et seq.), Chapter 12 (§ 4.1-1200 et seq.), or Chapter
 1084 13 (§ 4.1-1300 et seq.); (ii) committed a violation of this subtitle in bad faith; (iii) violated or failed or
 1085 refused to comply with any regulation, rule, or order of the Board; or (iv) failed or refused to comply with
 1086 any of the conditions or restrictions of the license granted by the Board;
 1087 c. Has been convicted in any court of a felony or of any crime or offense involving moral turpitude under
 1088 the laws of any state or of the United States;
 1089 d. Is not the legitimate owner of the business conducted under the license granted by the Board, or other
 1090 persons have ownership interests in the business that have not been disclosed;
 1091 e. Cannot demonstrate financial responsibility sufficient to meet the requirements of the business
 1092 conducted under the license granted by the Board;
 1093 f. Has been intoxicated or under the influence of some self-administered drug while upon the licensed
 1094 premises;
 1095 g. Has maintained the licensed premises in an unsanitary condition, or allowed such premises to become
 1096 a meeting place or rendezvous for members of a criminal street gang as defined in § 18.2-46.1 or persons of
 1097 ill repute, or has allowed any form of illegal gambling to take place upon such premises;
 1098 h. Has allowed any person whom he knew or had reason to believe was intoxicated to loiter upon such
 1099 licensed premises;
 1100 i. Has allowed any person to consume upon the licensed premises any marijuana or marijuana product
 1101 except as provided under this subtitle;
 1102 j. Is physically unable to carry on the business conducted under such license or has been adjudicated
 1103 incapacitated;
 1104 k. Has possessed any illegal gambling apparatus, machine, or device upon the licensed premises;
 1105 l. Has upon the licensed premises (i) illegally possessed, distributed, sold, or used, or has knowingly
 1106 allowed any employee or agent, or any other person, to illegally possess, distribute, sell, or use, controlled
 1107 substances, imitation controlled substances, drug paraphernalia, or controlled paraphernalia as those terms
 1108 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
 1109 Drug Control Act (§ 54.1-3400 et seq.); (ii) laundered money in violation of § 18.2-246.3; or (iii) conspired
 1110 to commit any drug-related offense in violation of Article 1 or 1.1 of Chapter 7 of Title 18.2 or the Drug
 1111 Control Act. The provisions of this subdivision l shall also apply to any conduct related to the operation of
 1112 the licensed business that facilitates the commission of any of the offenses set forth herein;

1113 *m. Has failed to take reasonable measures to prevent (i) the licensed premises, (ii) any premises*
 1114 *immediately adjacent to the licensed premises that is owned or leased by the licensee, or (iii) any portion of*
 1115 *public property immediately adjacent to the licensed premises from becoming a place where patrons of the*
 1116 *establishment commit criminal violations of Article 1 (§ 18.2-30 et seq.), 2 (§ 18.2-38 et seq.), 2.1*
 1117 *(§ 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.),*
 1118 *6 (§ 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*
 1119 *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*
 1120 *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*
 1121 *violations lead to arrests that are so frequent and serious as to reasonably be deemed a continuing threat to*
 1122 *the public safety;*

1123 *n. Has failed to take reasonable measures to prevent an act of violence resulting in death or serious*
 1124 *bodily injury, or a recurrence of such acts, from occurring on (i) the licensed premises, (ii) any premises*
 1125 *immediately adjacent to the licensed premises that is owned or leased by the licensee, or (iii) any portion of*
 1126 *public property immediately adjacent to the licensed premises; or*

1127 *o. Has been sanctioned by the Board pursuant to § 54.1-3316 and regulations promulgated by the Board*
 1128 *for a violation pursuant to Chapter 16 (§ 4.1-1600 et seq.).*

1129 *2. The place occupied by the licensee:*

1130 *a. Does not conform to the requirements of the governing body of the county, city, or town in which such*
 1131 *establishment is located, with respect to sanitation, health, construction, or equipment, or to any similar*
 1132 *requirements established by the laws of the Commonwealth or by Board regulations;*

1133 *b. Has been adjudicated a common nuisance under the provisions of this subtitle or § 18.2-258; or*

1134 *c. Has become a meeting place or rendezvous for illegal gambling, illegal users of narcotics, drunks,*
 1135 *prostitutes, pimps, panderers, or habitual law violators or has become a place where illegal drugs are*
 1136 *regularly used or distributed. The Board may consider the general reputation in the community of such*
 1137 *establishment in addition to any other competent evidence in making such determination.*

1138 *3. The licensee or any employee of the licensee discriminated against any member of the Armed Forces of*
 1139 *the United States by prices charged or otherwise.*

1140 *4. Any cause exists for which the Board would have been entitled to refuse to grant such license had the*
 1141 *facts been known.*

1142 *5. The licensee is delinquent for a period of 90 days or more in the payment of any taxes, or any penalties*
 1143 *or interest related thereto, lawfully imposed by the locality where the licensed business is located, as certified*
 1144 *by the treasurer, commissioner of the revenue, or finance director of such locality, unless (i) the outstanding*
 1145 *amount is de minimis; (ii) the licensee has pending a bona fide application for correction or appeal with*
 1146 *respect to such taxes, penalties, or interest; or (iii) the licensee has entered into a payment plan approved by*
 1147 *the same locality to settle the outstanding liability.*

1148 *6. The licensee has been convicted for a violation of 8 U.S.C. § 1324a(f), as amended, for actions of its*
 1149 *agents or employees constituting a pattern or practice of employing unauthorized aliens on the licensed*
 1150 *premises in the Commonwealth.*

1151 *7. Any other cause authorized by this subtitle.*

1152 *B. The Board shall promulgate regulations regarding suspension and revocation standards and protocols.*

1153 **§ 4.1-901. Summary suspension in emergency circumstances; grounds; notice and hearing.**

1154 *A. Notwithstanding any provisions to the contrary in Article 3 (§ 2.2-4018 et seq.) of the Administrative*
 1155 *Process Act or § 4.1-806 or 4.1-903, the Board may summarily suspend any license or permit if it has*
 1156 *reasonable cause to believe that an act of violence resulting in death or serious bodily injury, or a recurrence*
 1157 *of such acts, has occurred on (i) the licensed premises, (ii) any premises immediately adjacent to the licensed*
 1158 *premises that is owned or leased by the licensee, or (iii) any portion of public property immediately adjacent*
 1159 *to the licensed premises, and the Board finds that there exists a continuing threat to public safety and that*
 1160 *summary suspension of the license or permit is justified to protect the health, safety, or welfare of the public.*

1161 *B. Prior to issuing an order of suspension pursuant to this section, special agents of the Board shall*
 1162 *conduct an initial investigation and submit all findings to the Secretary of the Board within 48 hours of any*
 1163 *such act of violence. If the Board determines suspension is warranted, it shall immediately notify the licensee*
 1164 *of its intention to temporarily suspend his license pending the outcome of a formal investigation. Such*
 1165 *temporary suspension shall remain effective for a minimum of 48 hours. After the 48-hour period, the*
 1166 *licensee may petition the Board for a restricted license pending the results of the formal investigation and*
 1167 *proceedings for disciplinary review. If the Board determines that a restricted license is warranted, the Board*
 1168 *shall have discretion to impose appropriate restrictions based on the facts presented.*

1169 *C. Upon a determination to temporarily suspend a license, the Board shall immediately commence a*
 1170 *formal investigation. The formal investigation shall be completed within 10 days of its commencement and*
 1171 *the findings reported immediately to the Secretary of the Board. If, following the formal investigation, the*
 1172 *Secretary of the Board determines that suspension of the license is warranted, a hearing shall be held within*
 1173 *five days of the completion of the formal investigation. A decision shall be rendered within 10 days of the*
 1174 *conclusion of the hearing. If a decision is not rendered within 10 days of the conclusion of the hearing, the*

1175 *order of suspension shall be vacated and the license reinstated. Any appeal by the licensee shall be filed*
1176 *within 10 days of the decision and heard by the Board within 20 days of the decision. The Board shall render*
1177 *a decision on the appeal within 10 days of the conclusion of the appeal hearing.*

1178 *D. Service of any order of suspension issued pursuant to this section shall be made by a special agent of*
1179 *the Board in person and by certified mail to the licensee. The order of suspension shall take effect*
1180 *immediately upon service.*

1181 *E. This section shall not apply to temporary permits granted under § 4.1-806.*

1182 **§ 4.1-902. Grounds for which Board shall suspend or revoke licenses.**

1183 *The Board shall suspend or revoke any license if it finds that:*

1184 *1. A licensee has violated or permitted the violation of § 18.2-331, relating to the illegal possession of a*
1185 *gambling device, upon the premises for which the Board has granted a retail marijuana store license.*

1186 *2. A licensee has defrauded or attempted to defraud the Board, or any federal, state, or local government*
1187 *or governmental agency or authority, by making or filing any report, document, or tax return required by*
1188 *statute or regulation that is fraudulent or contains a willful or knowing false representation of a material fact*
1189 *or has willfully deceived or attempted to deceive the Board, or any federal, state, or local government or*
1190 *governmental agency or authority, by making or maintaining business records required by statute or*
1191 *regulation that are false or fraudulent.*

1192 **§ 4.1-903. Suspension or revocation of licenses; notice and hearings; imposition of civil penalties.**

1193 *A. Before the Board may suspend or revoke any license, reasonable notice of such proposed or*
1194 *contemplated action shall be given to the licensee in accordance with the provisions of § 2.2-4020 of the*
1195 *Administrative Process Act (§ 2.2-4000 et seq.).*

1196 *Notwithstanding the provisions of § 2.2-4022, the Board shall, upon written request by the licensee,*
1197 *permit the licensee to inspect and copy or photograph all (i) written or recorded statements made by the*
1198 *licensee or copies thereof or the substance of any oral statements made by the licensee or a previous or*
1199 *present employee of the licensee to any law-enforcement officer, the existence of which is known by the Board*
1200 *and upon which the Board intends to rely as evidence in any adversarial proceeding under this subtitle*
1201 *against the licensee, and (ii) designated books, papers, documents, tangible objects, buildings, or places, or*
1202 *copies or portions thereof, that are within the possession, custody, or control of the Board and upon which*
1203 *the Board intends to rely as evidence in any adversarial proceeding under this subtitle against the licensee.*
1204 *In addition, any subpoena for the production of documents issued to any person at the request of the licensee*
1205 *or the Board pursuant to § 4.1-604 shall provide for the production of the documents sought within 10*
1206 *working days, notwithstanding anything to the contrary in § 4.1-604.*

1207 *If the Board fails to provide for inspection or copying under this section for the licensee after a written*
1208 *request, the Board shall be prohibited from introducing into evidence any items the licensee would have*
1209 *lawfully been entitled to inspect or copy under this section.*

1210 *The action of the Board in suspending or revoking any license or in imposing a civil penalty shall be*
1211 *subject to judicial review in accordance with the Administrative Process Act (§ 2.2-4000 et seq.). Such review*
1212 *shall extend to the entire evidential record of the proceedings provided by the Board in accordance with the*
1213 *Administrative Process Act. An appeal shall lie to the Court of Appeals from any order of the court.*
1214 *Notwithstanding § 8.01-676.1, the final judgment or order of the circuit court shall not be suspended, stayed,*
1215 *or modified by such circuit court pending appeal to the Court of Appeals. Neither mandamus nor injunction*
1216 *shall lie in any such case.*

1217 *B. In suspending any license, the Board may impose, as a condition precedent to the removal of such*
1218 *suspension or any portion thereof, a requirement that the licensee pay the cost incurred by the Board in*
1219 *investigating the licensee and in holding the proceeding resulting in such suspension, or it may impose and*
1220 *collect such civil penalties as it deems appropriate. In no event shall the Board impose a civil penalty*
1221 *exceeding \$2,000 for the first violation occurring within five years immediately preceding the date of the*
1222 *violation or \$5,000 for the second or subsequent violation occurring within five years immediately preceding*
1223 *the date of the second or subsequent violation. However, if the violation involved selling marijuana or*
1224 *marijuana products to a person prohibited from purchasing marijuana or marijuana products or allowing*
1225 *consumption of marijuana or marijuana products, the Board may impose a civil penalty not to exceed \$3,000*
1226 *for the first violation occurring within five years immediately preceding the date of the violation and \$6,000*
1227 *for a second or subsequent violation occurring within five years immediately preceding the date of the second*
1228 *or subsequent violation in lieu of such suspension or any portion thereof, or both. The Board may also*
1229 *impose a requirement that the licensee pay for the cost incurred by the Board not exceeding \$25,000 in*
1230 *investigating the licensee and in holding the proceeding resulting in the violation in addition to any*
1231 *suspension or civil penalty incurred.*

1232 *C. Following notice to (i) the licensee of a hearing that may result in the suspension or revocation of his*
1233 *license or (ii) the applicant of a hearing to resolve a contested application, the Board may accept a consent*
1234 *agreement as authorized in § 4.1-604. The notice shall advise the licensee or applicant of the option to (a)*
1235 *admit the alleged violation or the validity of the objection; (b) waive any right to a hearing or an appeal*
1236 *under the Administrative Process Act (§ 2.2-4000 et seq.); and (c) (1) accept the proposed restrictions for*

1237 operating under the license, (2) accept the period of suspension of the licensed privileges within the Board's
1238 parameters, (3) pay a civil penalty in lieu of the period of suspension, or any portion of the suspension as
1239 applicable, or (4) proceed to a hearing.

1240 D. The Board shall, by regulation or written order:

1241 1. Designate those (i) objections to an application or (ii) alleged violations that will proceed to an initial
1242 hearing;

1243 2. Designate the violations for which a waiver of a hearing and payment of a civil charge in lieu of
1244 suspension may be accepted for a first offense occurring within three years immediately preceding the date of
1245 the violation;

1246 3. Provide for a reduction in the length of any suspension and a reduction in the amount of any civil
1247 penalty for any retail marijuana store licensee where the licensee can demonstrate that it provided to its
1248 employees marijuana seller training certified in advance by the Board;

1249 4. Establish a schedule of penalties for such offenses, prescribing the appropriate suspension of a license
1250 and the civil charge acceptable in lieu of such suspension; and

1251 5. Establish a schedule of offenses for which any penalty may be waived upon a showing that the licensee
1252 has had no prior violations within five years immediately preceding the date of the violation. No waiver shall
1253 be granted by the Board, however, for a licensee's willful and knowing violation of this subtitle or Board
1254 regulations.

1255 **§ 4.1-904. Suspension or revocation; disposition of marijuana or marijuana products on hand;**
1256 **termination.**

1257 A. Marijuana or marijuana products owned by or in the possession of or for sale by any licensee at the
1258 time the license of such person is suspended or revoked may be disposed of as follows:

1259 1. Sold to persons in the Commonwealth licensed to sell such marijuana or marijuana products upon
1260 permits granted by the Board in accordance with § 4.1-806 and conditions specified by the Board; or

1261 2. Destroyed by the Board or its designee.

1262 B. All marijuana or marijuana products owned by or in the possession of any person whose license is
1263 suspended or revoked shall be disposed of by such person in accordance with the provisions of this section
1264 within 60 days from the date of such suspension or revocation.

1265 C. Marijuana or marijuana products owned by or in the possession of or for sale by persons whose
1266 licenses have been terminated other than by suspension or revocation may be disposed of in accordance with
1267 subsection A within such time as the Board deems proper. Such period shall not be less than 60 days.

1268 D. All marijuana or marijuana products owned by or remaining in the possession of any person described
1269 in subsection A or C after the expiration of such period shall be deemed contraband and forfeited to the
1270 Commonwealth in accordance with the provisions of § 4.1-1303.

1271 CHAPTER 10.

1272 ADMINISTRATION OF LICENSES; APPLICATIONS FOR LICENSES; FEES; TAXES.

1273 **§ 4.1-1000. Applications for licenses; publication; notice to localities; fees; permits.**

1274 A. Every person intending to apply for any license authorized by this subtitle shall file with the Board an
1275 application on forms provided by the Board and a statement in writing by the applicant swearing and
1276 affirming that all of the information contained therein is true.

1277 B. Such applications, including applications for renewal, shall include any information necessary for the
1278 Board to determine whether the applicant meets or continues to meet the criteria set forth in subdivision B 13
1279 of § 4.1-606.

1280 C. Applicants for licenses for establishments that are otherwise required to obtain an inspection by the
1281 Department of Agriculture and Consumer Services shall provide proof of inspection or proof of a pending
1282 request for such inspection. If the applicant provides proof of inspection or proof of a pending request for an
1283 inspection, a license may be issued to the applicant. If a license is issued on the basis of a pending
1284 application or inspection, such license shall authorize the licensee to purchase marijuana, marijuana
1285 products, immature marijuana plants, or marijuana seeds in accordance with the provisions of this subtitle;
1286 however, the licensee shall not sell marijuana, marijuana products, immature marijuana plants, or marijuana
1287 seeds until an inspection is completed.

1288 D. Each applicant for a license under the provisions of this subtitle shall post a notice of his application
1289 with the Board on the front door of the building, place, or room where he proposes to engage in such
1290 business for no more than 30 days and not less than 10 days. Such notice shall be of a size and contain such
1291 information as required by the Board, including a statement that any objections shall be submitted to the
1292 Board not more than 30 days following initial posting of the notice required pursuant to this subsection.

1293 The applicant shall also cause notice to be published at least once a week for two consecutive weeks in a
1294 newspaper published in or having a general circulation in the county, city, or town wherein such applicant
1295 proposes to engage in such business. Such notice shall contain such information as required by the Board,
1296 including a statement that any objections to the issuance of the license be submitted to the Board not later
1297 than 30 days from the date of the initial newspaper publication.

1298 E. The Board shall conduct a background investigation on each license applicant, which shall include a

1299 *criminal history records search and may include a fingerprint-based national criminal history records search*
1300 *and a requirement for the provision of personal descriptive information to be forwarded through the Central*
1301 *Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining criminal*
1302 *history record information regarding such applicant. The Central Criminal Records Exchange shall forward*
1303 *the results of the criminal history background check to the Board or its designee, which shall be a*
1304 *governmental entity.*

1305 *However, the Board may waive, for good cause shown, the requirement for a criminal history records*
1306 *search and completed personal data form for officers, directors, nonmanaging members, or limited partners*
1307 *of any applicant corporation, limited liability company, or limited partnership. In considering criminal*
1308 *history record information, the Board shall not disqualify an applicant because of a past conviction for a*
1309 *marijuana-related offense.*

1310 *F. The Board shall notify the local governing body of each license application through the town manager,*
1311 *city manager, county administrator, or other designee of the locality. Local governing bodies shall submit*
1312 *objections to the granting of a license within 30 days of the filing of the application.*

1313 *G. Each applicant shall pay the required application fee at the time the application is filed. The license*
1314 *application fee shall be determined by the Board and shall be in addition to the actual cost charged to the*
1315 *Department of State Police by the Federal Bureau of Investigation or the Central Criminal Records*
1316 *Exchange for processing any fingerprints through the Federal Bureau of Investigation or the Central*
1317 *Criminal Records Exchange for each criminal history records search required by the Board. Application fees*
1318 *shall be in addition to the state license fee required pursuant to § 4.1-1001 and shall not be refunded.*

1319 *H. Subsection A shall not apply to the continuance of licenses granted under this subtitle; however, all*
1320 *licensees shall file and maintain with the Board a current, accurate record of the information required by the*
1321 *Board pursuant to subsection A and notify the Board of any changes to such information in accordance with*
1322 *Board regulations.*

1323 *I. Every application for a permit granted pursuant to § 4.1-806 shall be on a form provided by the Board.*
1324 *Such permits shall confer upon their holders no authority to make solicitations in the Commonwealth as*
1325 *otherwise provided by law.*

1326 *The fee for a temporary permit shall be one-twelfth of the combined fees required by this section for*
1327 *applicable licenses to sell marijuana or marijuana products computed to the nearest cent and multiplied by*
1328 *the number of months for which the permit is granted.*

1329 *J. The Board shall have the authority to increase state license fees. The Board shall set the amount of*
1330 *such increases on the basis of the consumer price index and shall not increase fees more than once every*
1331 *three years. Prior to implementing any state license fee increase, the Board shall provide notice to all*
1332 *licensees and the general public of (i) the Board's intent to impose a fee increase and (ii) the new fee that*
1333 *would be required for any license affected by the Board's proposed fee increases. Such notice shall be*
1334 *provided on or before November 1 in any year in which the Board has decided to increase state license fees,*
1335 *and such increases shall become effective July 1 of the following year.*

1336 **§ 4.1-1001. Fees for state licenses.**

1337 *A. Annual fees on state licenses shall be established by the Board in an amount sufficient to cover the*
1338 *costs of regulating the marijuana establishment.*

1339 *B. The fee on each license granted or reissued for a period other than 12, 24, or 36 months shall be equal*
1340 *to one-twelfth of the fees required by subsection A computed to the nearest cent, multiplied by the number of*
1341 *months in the license period, and then increased by five percent. Such fee shall not be refundable, except as*
1342 *provided in § 4.1-1002.*

1343 *C. Nothing in this subtitle shall exempt any licensee from any state merchants' license or state restaurant*
1344 *license or any other state tax. Every licensee, in addition to the taxes and fees imposed by this subtitle, shall*
1345 *be liable to state merchants' license taxation, state restaurant license taxation, and other state taxation.*

1346 *D. In addition to the fees set forth in this section, a fee of \$5 may be imposed on any license purchased in*
1347 *person from the Board if such license is available for purchase online.*

1348 **§ 4.1-1002. Refund of state license fee.**

1349 *A. The Board may (i) correct erroneous assessments made by it against any person, (ii) refund any*
1350 *amounts collected through erroneous assessments or collected as fees on license applications that are*
1351 *subsequently refused or withdrawn, and (iii) allow credit for any license fees paid for any license that is*
1352 *subsequently merged or changed into another license during the same license period. No refund shall be*
1353 *made of any such amount, however, unless made within three years from the date of collection of the same.*

1354 *B. In any case where a licensee has changed its name or form of organization during a license period*
1355 *without any change being made in its ownership, and because of such change is required to pay an additional*
1356 *license fee for such period, the Board shall refund to such licensee the amount of such fee so paid in excess of*
1357 *the required license fee for such period.*

1358 *C. The Board shall make refunds, prorated according to a schedule of its prescription, to licensees of*
1359 *state license fees paid pursuant to subsection A of § 4.1-1001 if the place of business designated in the license*
1360 *is destroyed by an act of God, including a fire, earthquake, hurricane, storm, or similar natural disaster or*

1361 phenomenon.

1362 *D. Any amount required to be refunded under this section shall be paid by the State Treasurer out of*
1363 *moneys appropriated to the Board and in the manner prescribed in § 4.1-614.*

1364 **§ 4.1-1003. Marijuana taxes; exceptions.**

1365 *A. A tax of eight percent is levied on the sale in the Commonwealth of any marijuana, marijuana*
1366 *products, or marijuana paraphernalia. Subject to the provisions of subsection C, the tax shall be in addition*
1367 *to any tax imposed under the Virginia Retail Sales and Use Tax Act (§ 58.1-600 et seq.) or any other*
1368 *provision of federal, state, or local law. The tax shall not apply to any sale:*

1369 *1. From a marijuana establishment to another marijuana establishment.*

1370 *2. Of cannabis products for treatment under the provisions of Chapter 16 (§ 4.1-1600 et seq.).*

1371 *3. Of industrial hemp by a grower, processor, or handler under the provisions of Chapter 41.1*
1372 *(§ 3.2-4112 et seq.) of Title 3.2.*

1373 *4. Of a hemp product.*

1374 *B. Any locality may by ordinance levy a 2.5 percent tax on any sale taxable under subsection A. Subject to*
1375 *subsection C, the tax shall be in addition to any local sales tax imposed under the Virginia Retail Sales and*
1376 *Use Tax Act (§ 58.1-600 et seq.), any food and beverage tax imposed under Article 7.1 (§ 58.1-3833 et seq.)*
1377 *of Chapter 38 of Title 58.1, and any excise tax imposed on meals under § 58.1-3840. Other than the taxes*
1378 *authorized and identified in this subsection, a locality shall not impose any other tax on a sale taxable under*
1379 *subsection A. Nothing in this subsection shall be construed to (i) prohibit a locality from imposing any tax*
1380 *authorized by law on a person or property regulated under this subtitle or (ii) limit the authority of any*
1381 *locality to impose a license or privilege tax or fee on a business engaged in whole or in part in sales taxable*
1382 *under subsection A if such tax or fee is (a) based on an annual or per-event flat fee authorized by law or (b)*
1383 *an annual license or privilege tax authorized by law and such tax includes sales or receipts taxable under*
1384 *subsection A in its taxable measure.*

1385 *If a locality imposes a tax under this subsection, such tax shall be irrevocable. If a town imposes a tax*
1386 *under this subsection, any tax imposed by its surrounding county under this subsection shall not apply within*
1387 *the limits of the town.*

1388 *Any locality that enacts an ordinance pursuant to this subsection shall, within 30 days, notify the*
1389 *Authority and any retail marijuana store in such locality of the ordinance's enactment. The ordinance shall*
1390 *take effect on the first day of the second month following its enactment.*

1391 *C. Any tax imposed under the Virginia Retail Sales and Use Tax Act (§ 58.1-600 et seq.) on a sale taxable*
1392 *under subsection A shall be limited to a 1.125 percent tax, which shall be distributed as follows: (i) the*
1393 *revenue from the tax at the rate of one percent shall be distributed as provided in subsections B, C, and D of*
1394 *§ 58.1-638 and (ii) the revenue from the tax at the rate of 0.125 percent shall be distributed as provided in*
1395 *subdivision F 2 of § 58.1-638. No other tax shall be levied pursuant to the Virginia Retail Sales and Use Tax*
1396 *Act (§ 58.1-600 et seq.) on a sale taxable under subsection A.*

1397 *D. All revenues remitted to the Authority under this subsection shall be disposed of as provided in*
1398 *§ 4.1-614.*

1399 **§ 4.1-1004. Tax returns and payments; commissions; interest.**

1400 *A. For any sale taxable under § 4.1-1003, the seller shall be liable for collecting any taxes due. All taxes*
1401 *collected by a seller shall be deemed to be held in trust for the Commonwealth. The buyer shall not be liable*
1402 *for collecting or remitting the taxes or filing a return.*

1403 *B. On or before the tenth day of each month, any person liable for a tax due under § 4.1-1003 shall file a*
1404 *return under oath with the Authority and pay any taxes due. Upon written application by a person filing a*
1405 *return, the Authority may, if it determines good cause exists, grant an extension to the end of the calendar*
1406 *month in which the tax is due, or for a period not exceeding 30 days. Any extension shall toll the accrual of*
1407 *any interest or penalties under § 4.1-1007.*

1408 *C. The Authority may accept payment by any commercially acceptable means, including cash, checks,*
1409 *credit cards, debit cards, and electronic funds transfers, for any taxes, interest, or penalties due under this*
1410 *subtitle. The Board may assess a service charge for the use of a credit or debit card.*

1411 *D. Upon request, the Authority may collect and maintain a record of a person's credit card, debit card, or*
1412 *automated clearinghouse transfer information and use such information for future payments of taxes,*
1413 *interest, or penalties due under this subtitle. The Authority may assess a service charge for any payments*
1414 *made under this subsection. The Authority may procure the services of a third-party vendor for the secure*
1415 *storage of information collected pursuant to this subsection.*

1416 *E. If any person liable for tax under § 4.1-1003 sells out his business or stock of goods or quits the*
1417 *business, such person shall make a final return and payment within 15 days after the date of selling or*
1418 *quitting the business. Such person's successors or assigns, if any, shall withhold sufficient of the purchase*
1419 *money to cover the amount of such taxes, interest, and penalties due and unpaid until such former owner*
1420 *produces a receipt from the Authority showing payment or a certificate stating that no taxes, penalties, or*
1421 *interest are due. If the buyer of a business or stock of goods fails to withhold the purchase money as provided*
1422 *in this subsection, such buyer shall be liable for the payment of the taxes, interest, and penalties due and*

1423 *unpaid on account of the operation of the business by any former owner.*

1424 *F. When any person fails to timely pay the full amount of tax due under § 4.1-1003, interest at a rate*
1425 *determined in accordance with § 58.1-15 shall accrue on the tax until it is paid. Any taxes due under*
1426 *§ 4.1-1003 shall, if applicable, be subject to penalties as provided in §§ 4.1-1205 and 4.1-1206.*

1427 **§ 4.1-1005. Bonds.**

1428 *The Authority may, when deemed necessary and advisable to do so in order to secure the collection of the*
1429 *taxes levied under § 4.1-1003, require any person subject to such tax to file a bond, with such surety as it*
1430 *determines is necessary to secure the payment of any tax, penalty, or interest due or that may become due*
1431 *from such person. In lieu of such bond, securities approved by the Authority may be deposited with the State*
1432 *Treasurer, which securities shall be kept in the custody of the State Treasurer, and shall be sold by the State*
1433 *Treasurer at the request of the Authority at public or private sale if it becomes necessary to do so in order to*
1434 *recover any tax, interest, or penalty due the Commonwealth. Upon any such sale, the surplus, if any, above*
1435 *the amounts due shall be returned to the person who deposited the securities.*

1436 **§ 4.1-1006. Refunds.**

1437 *A. Whenever it is proved to the satisfaction of the Authority that any taxes levied pursuant to § 4.1-1003*
1438 *have been paid and that the taxable items were or are (i) damaged, destroyed, or otherwise deemed to be*
1439 *unsalable by reason of fire or any other providential cause before sale to the consumer; (ii) destroyed*
1440 *voluntarily, after notice to and approval by the Authority of such destruction, because the taxable items were*
1441 *defective; or (iii) destroyed in any manner while in the possession of a common, private, or contract carrier,*
1442 *the Authority shall certify such facts to the Comptroller for approval of a refund payment from the state*
1443 *treasury to such extent as may be proper.*

1444 *B. Whenever it is proved to the satisfaction of the Authority that any person has purchased taxable items*
1445 *that have been sold by such person in such manner as to be exempt from the tax, the Authority shall certify*
1446 *such facts to the Comptroller for approval of a refund payment from the state treasury to such extent as may*
1447 *be proper.*

1448 *C. In the event purchases are returned to the seller by the buyer after a tax imposed under § 4.1-1003 has*
1449 *been collected or charged to the account of the buyer, the seller shall be entitled to a refund of the amount of*
1450 *tax so collected or charged in the manner prescribed by the Authority. The amount of tax so refunded to the*
1451 *seller shall not, however, include the tax paid upon any amount retained by the seller after such return of*
1452 *merchandise. In case the tax has not been remitted by the seller, the seller may deduct the same in submitting*
1453 *his return.*

1454 **§ 4.1-1007. Statute of limitations; civil remedies for collecting past-due taxes, interest, and penalties.**

1455 *A. The taxes imposed under § 4.1-1003 shall be assessed within three years from the date on which such*
1456 *taxes became due and payable. In the case of a false or fraudulent return with intent to defraud the*
1457 *Commonwealth, or a failure to file a return, the taxes may be assessed, or a proceeding in court for the*
1458 *collection of such taxes may be begun without assessment, at any time within six years from such date. The*
1459 *Authority shall not examine any person's records beyond the three-year period of limitations unless it has*
1460 *reasonable evidence of fraud or reasonable cause to believe that such person was required by law to file a*
1461 *return and failed to do so.*

1462 *B. If any person fails to file a return as required by this section, or files a return that is false or*
1463 *fraudulent, the Authority may make an estimate for the taxable period of the taxable sales of such person and*
1464 *assess the tax, plus any applicable interest and penalties. The Authority shall give such person 10 days'*
1465 *notice requiring such person to provide any records as it may require relating to the business of such person*
1466 *for the taxable period. The Authority may require such person or the agents and employees of such person to*
1467 *give testimony or to answer interrogatories under oath administered by the Authority respecting taxable*
1468 *sales, the filing of the return, and any other relevant information. If any person fails to file a required return,*
1469 *refuses to provide required records, or refuses to answer interrogatories from the Authority, the Authority*
1470 *may make an estimated assessment based upon the information available to it and issue a memorandum of*
1471 *lien under subsection C for the collection of any taxes, interest, or penalties. The estimated assessment shall*
1472 *be deemed prima facie correct.*

1473 *C. 1. If the Authority assesses taxes, interest, or penalties on a person and such person does not pay*
1474 *within 30 days after the due date, taking into account any extensions granted by the Authority, the Authority*
1475 *may file a memorandum of lien in the circuit court clerk's office of the county or city in which the person's*
1476 *place of business is located or in which the person resides. If the person has no place of business or residence*
1477 *within the Commonwealth, the memorandum may be filed in the Circuit Court of the City of Richmond. A*
1478 *copy of the memorandum may also be filed in the clerk's office of all counties and cities in which the person*
1479 *owns real estate. Such memorandum shall be recorded in the judgment docket book and shall have the effect*
1480 *of a judgment in favor of the Commonwealth, to be enforced as provided in Article 19 (§ 8.01-196 et seq.) of*
1481 *Chapter 3 of Title 8.01, except that a writ of fieri facias may issue at any time after the memorandum is filed.*
1482 *The lien on real estate shall become effective at the time the memorandum is filed in the jurisdiction in which*
1483 *the real estate is located. No memorandum of lien shall be filed unless the person is first given 10 or more*
1484 *days' prior notice of intent to file a lien; however, in those instances where the Authority determines that the*

1485 collection of any tax, penalties, or interest required to be paid pursuant to law will be jeopardized by the
1486 provision of such notice, notification may be provided to the person concurrent with the filing of the
1487 memorandum of lien. Such notice shall be given to the person at his last known address.

1488 2. Recordation of a memorandum of lien under this subsection shall not affect a person's right to appeal
1489 under § 4.1-1008.

1490 3. If after filing a memorandum of lien the Authority determines that it is in the best interest of the
1491 Commonwealth, it may place padlocks on the doors of any business enterprise that is delinquent in filing or
1492 paying any tax owed to the Commonwealth. The Authority shall also post notices of distraint on each of the
1493 doors so padlocked. If, after three business days, the tax deficiency has not been satisfied or satisfactory
1494 arrangements for payment have not been made, the Authority may cause a writ of fieri facias to be issued. It
1495 shall be a Class 1 misdemeanor for anyone to enter the padlocked premises without prior approval of the
1496 Authority. In the event that the person against whom the distraint has been applied subsequently appeals
1497 under § 4.1-1008, the person shall have the right to post bond equaling the amount of liability in lieu of
1498 payment until the appeal is resolved.

1499 4. A person may petition the Authority after a memorandum of lien has been filed under this subsection if
1500 the person alleges an error in the filing of the lien. The Authority shall make a determination on such petition
1501 within 14 days. If the Authority determines that the filing was erroneous, it shall issue a certificate of release
1502 of the lien within seven days after such determination is made.

1503 **§ 4.1-1008. Appeals.**

1504 Any tax imposed under § 4.1-1003, any interest imposed under § 4.1-1007, any action of the Authority
1505 under § 4.1-1204, and any penalty imposed under § 4.1-1205 or 4.1-1206 shall be subject to review under the
1506 Administrative Process Act (§ 2.2-4000 et seq.). Such review shall extend to the entire evidential record of
1507 the proceedings provided by the Authority in accordance with the Administrative Process Act. An appeal
1508 shall lie to the Court of Appeals from any order of a circuit court. Notwithstanding § 8.01-676.1, the final
1509 judgment or order of a circuit court shall not be suspended, stayed, or modified by such circuit court pending
1510 appeal to the Court of Appeals. Neither mandamus nor injunction shall lie in any such case.

1511 **§ 4.1-1100. Possession, etc., of marijuana and marijuana products by persons 21 years of age or**
1512 **older lawful; penalties.**

1513 A. Except as otherwise provided in this subtitle and notwithstanding any other provision of law, a person
1514 21 years of age or older may lawfully possess on his person or in any public place not more than ~~one ounce~~
1515 *two and one-half ounces* of marijuana or an equivalent amount of marijuana product as determined by
1516 regulation promulgated by the Board.

1517 B. Any person who possesses on his person or in any public place marijuana or marijuana products in
1518 excess of the amounts set forth in subsection A is subject to a civil penalty of no more than \$25 except as
1519 otherwise provided in this section. The penalty for any violations of this section by an adult shall be
1520 prepayable according to the procedures in § 16.1-69.40:2.

1521 C. With the exception of possession by a person in his residence or possession by a licensee in the course
1522 of his duties related to such licensee's marijuana establishment, any person who possesses on his person or in
1523 any public place (i) more than four ounces but not more than one pound of marijuana or an equivalent amount
1524 of marijuana product as determined by regulation promulgated by the Board is guilty of a Class 3
1525 misdemeanor and, for a second or subsequent offense, a Class 2 misdemeanor and (ii) more than one pound
1526 of marijuana or an equivalent amount of marijuana product as determined by regulation promulgated by the
1527 Board is guilty of a felony punishable by a term of imprisonment of not less than one year nor more than 10
1528 years and a fine of not more than \$250,000, or both.

1529 D. The provisions of this section shall not apply to members of federal, state, county, city, or town
1530 law-enforcement agencies, jail officers, or correctional officers, as defined in § 53.1-1, certified as handlers of
1531 dogs trained in the detection of controlled substances when possession of marijuana is necessary for the
1532 performance of their duties.

1533 **§ 4.1-1101. Home cultivation of marijuana for personal use; penalties.**

1534 A. ~~Notwithstanding the provisions of subdivision (e) of § 18.2-248.1,~~ a person 21 years of age or older
1535 may cultivate up to four marijuana plants for personal use at their place of residence; however, at no point
1536 shall a household contain more than four marijuana plants. For purposes of this section, a "household" means
1537 those individuals, whether related or not, who live in the same house or other place of residence.

1538 A person may only cultivate marijuana plants pursuant to this section at such person's main place of
1539 residence.

1540 A violation of this subsection shall be punishable as follows:

1541 1. For possession of more than four marijuana plants but no more than 10 marijuana plants, (i) a civil
1542 penalty of \$250 for a first offense, (ii) a Class 3 misdemeanor for a second offense, and (iii) a Class 2
1543 misdemeanor for a third and any subsequent offense;

1544 2. For possession of more than 10 but no more than 49 marijuana plants, a Class 1 misdemeanor;

1545 3. For possession of more than 49 but no more than 100 marijuana plants, a Class 6 felony; and

1546 4. For possession of more than 100 marijuana plants, a felony punishable by a term of imprisonment of

1547 not less than one year nor more than 10 years or a fine of not more than \$250,000, or both.

1548 B. A person who cultivates marijuana for personal use pursuant to this section shall:

1549 1. Ensure that no marijuana plant is visible from a public way without the use of aircraft, binoculars, or
1550 other optical aids;

1551 2. Take precautions to prevent unauthorized access by persons younger than 21 years of age; and

1552 3. Attach to each marijuana plant a legible tag that includes the person's name, driver's license or
1553 identification number, and a notation that the marijuana plant is being grown for personal use as authorized
1554 under this section.

1555 Any person who violates this subsection is subject to a civil penalty of no more than \$25. The penalty for
1556 any violations of this section by an adult shall be prepayable according to the procedures in § 16.1-69.40:2.

1557 ~~C. A person shall not manufacture marijuana concentrate from home-cultivated marijuana. The owner of a~~
1558 ~~property or parcel or tract of land may not intentionally or knowingly allow another person to manufacture~~
1559 ~~marijuana concentrate from home-cultivated marijuana within or on that property or land.~~

1560 **§ 4.1-1102. Illegal cultivation or processing of marijuana or marijuana products; conspiracy; penalties.**

1561 A. Except as otherwise provided in §§ 4.1-700 and 4.1-1101, no person shall cultivate or process
1562 marijuana or marijuana products in the Commonwealth without being licensed to cultivate or process such
1563 marijuana or marijuana products.

1564 B. Any person convicted of a violation of this section is guilty of a Class 6 felony.

1565 C. If two or more persons conspire together to do any act that is in violation of subsection A, and one or
1566 more of such persons does any act to effect the object of the conspiracy, each of the parties to such
1567 conspiracy is guilty of a Class 6 felony.

1568 **§ 4.1-1103. Illegal sale of marijuana or marijuana products in general; penalties.**

1569 A. For the purposes of this section, "adult sharing" means transferring marijuana between persons who
1570 are 21 years of age or older without remuneration. "Adult sharing" does not include instances in which (i)
1571 marijuana is given away contemporaneously with another reciprocal transaction between the same parties;
1572 (ii) a gift of marijuana is offered or advertised in conjunction with an offer for the sale of goods or services;
1573 or (iii) a gift of marijuana is contingent upon a separate reciprocal transaction for goods or services.

1574 B. If any person who is not licensed sells, gives, or distributes or possesses with intent to sell, give, or
1575 distribute any marijuana or marijuana products except as permitted by this chapter or provided in subsection
1576 C, he is guilty of a Class 2 misdemeanor.

1577 A second or subsequent conviction under this section shall constitute a Class 1 misdemeanor.

1578 C. No civil or criminal penalty may be imposed for adult sharing of an amount of marijuana that does not
1579 exceed two and one-half ounces or of an equivalent amount of marijuana products.

1580 **§ 4.1-1104. Persons to whom marijuana or marijuana products may not be sold; proof of legal age;**
1581 **penalties.**

1582 A. No person shall, except as otherwise permitted under Chapter 16 (§ 4.1-1600 et seq.), sell, give, or
1583 distribute any marijuana or marijuana products to any individual when at the time of such sale he knows or
1584 has reason to believe that the individual to whom the sale is made is (i) younger than 21 years of age or (ii)
1585 intoxicated. Any person convicted of a violation of this subsection is guilty of a Class 1 misdemeanor.

1586 B. Any person who sells, except as otherwise permitted under Chapter 16 (§ 4.1-1600 et seq.), any
1587 marijuana or marijuana products to an individual who is younger than 21 years of age and at the time of the
1588 sale does not require the individual to present bona fide evidence of legal age indicating that the individual is
1589 21 years of age or older is guilty of a violation of this subsection. Bona fide evidence of legal age is limited to
1590 any evidence that is or reasonably appears to be an unexpired driver's license issued by any state of the
1591 United States or the District of Columbia, military identification card, United States passport or foreign
1592 government visa, unexpired special identification card issued by the Department of Motor Vehicles, or any
1593 other valid government-issued identification card bearing the individual's photograph, signature, height,
1594 weight, and date of birth, or which bears a photograph that reasonably appears to match the appearance of
1595 the purchaser. A student identification card shall not constitute bona fide evidence of legal age for purposes
1596 of this subsection. Any person convicted of a violation of this subsection is guilty of a Class 3 misdemeanor.

1597 C. No person shall be convicted of both subsections A and B for the same sale.

1598 **§ 4.1-1105. Purchasing of marijuana or marijuana products unlawful in certain cases; venue;**
1599 **exceptions; penalties; forfeiture; treatment and education programs and services.**

1600 A. No person to whom marijuana or marijuana products may not lawfully be sold under § 4.1-1104 shall
1601 consume, purchase, or possess, or attempt to consume, purchase, or possess, any marijuana or marijuana
1602 products, except (i) pursuant to § 4.1-700 or (ii) by any federal, state, or local law-enforcement officer or his
1603 agent when possession of marijuana or marijuana products is necessary in the performance of his duties.
1604 Such person may be prosecuted either in the county or city in which the marijuana or marijuana products
1605 were possessed or consumed or in the county or city in which the person exhibits evidence of physical indicia
1606 of consumption of marijuana or marijuana products.

1607 B. Any person 18 years of age or older who violates subsection A is subject to a civil penalty of no more
1608 than \$25 and shall be ordered to enter a substance abuse treatment or education program or both, if

1609 available, that in the opinion of the court best suits the needs of the accused.

1610 C. Unless the juvenile is proceeded against informally pursuant to § 16.1-260, any juvenile who violates
1611 subsection A is subject to a civil penalty of no more than \$25 and the court shall require the accused to enter
1612 a substance abuse treatment or education program or both, if available, that in the opinion of the court best
1613 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
1614 16.1-278.9, the court shall treat the juvenile as delinquent.

1615 D. Any such substance abuse treatment or education program to which a juvenile is ordered pursuant to
1616 this section shall be provided by (i) a program licensed by the Department of Behavioral Health and
1617 Developmental Services or (ii) a similar program available through a facility or program operated by or
1618 under contract with the Department of Juvenile Justice or a locally operated court services unit or a program
1619 funded through the Virginia Juvenile Community Crime Control Act (§ 16.1-309.2 et seq.). Any such
1620 substance abuse treatment or education program to which a person 18 years of age or older is ordered
1621 pursuant to this section shall be provided by (a) a program licensed by the Department of Behavioral Health
1622 and Developmental Services or (b) a program or services made available through a community-based
1623 probation services agency established pursuant to Article 9 (§ 9.1-173 et seq.) of Chapter 1 of Title 9.1, if one
1624 has been established for the locality. When an offender is ordered to a local community-based probation
1625 services agency, the local community-based probation services agency shall be responsible for providing for
1626 services or referring the offender to education or treatment services as a condition of probation.

1627 E. Any civil penalties collected pursuant to this section shall be deposited into the Drug Offender
1628 Assessment and Treatment Fund established pursuant to § 18.2-251.02. No person younger than 21 years of
1629 age shall use or attempt to use any (i) altered, fictitious, facsimile, or simulated license to operate a motor
1630 vehicle; (ii) altered, fictitious, facsimile, or simulated document, including a birth certificate or student
1631 identification card; or (iii) motor vehicle driver's license or other document issued under Chapter 3
1632 (§ 46.2-300 et seq.) of Title 46.2 or the comparable law of another jurisdiction, birth certificate, or student
1633 identification card of another person in order to establish a false identification or false age for himself to
1634 consume, purchase, or attempt to consume or purchase marijuana or marijuana products. Any person
1635 convicted of a violation of this subsection is guilty of a Class 1 misdemeanor.

1636 F. Any marijuana or marijuana product purchased or possessed in violation of this section shall be
1637 deemed contraband and forfeited to the Commonwealth in accordance with § 4.1-1303.

1638 G. Any retail marijuana store licensee who in good faith promptly notifies the Board or any state or local
1639 law-enforcement agency of a violation or suspected violation of this section shall be accorded immunity from
1640 an administrative penalty for a violation of § 4.1-1104.

1641 **§ 4.1-1106. Purchasing marijuana or marijuana products for one to whom they may not be sold;
1642 penalties; forfeiture.**

1643 A. Any person who purchases marijuana or marijuana products for another person and at the time of such
1644 purchase knows or has reason to believe that the person for whom the marijuana or marijuana products were
1645 purchased was intoxicated is guilty of a Class 1 misdemeanor.

1646 B. Any person who purchases for, or otherwise gives, provides, or assists in the provision of marijuana or
1647 marijuana products to, another person when he knows or has reason to know that such person is younger
1648 than 21 years of age, except by any federal, state, or local law-enforcement officer when possession of
1649 marijuana or marijuana products is necessary in the performance of his duties, is guilty of a Class 1
1650 misdemeanor.

1651 C. Any marijuana or marijuana products purchased in violation of this section shall be deemed
1652 contraband and forfeited to the Commonwealth in accordance with § 4.1-1303.

1653 **§ 4.1-1113. Maintaining common nuisances; penalties.**

1654 A. All houses, boathouses, buildings, club or fraternity or lodge rooms, boats, cars, and places of every
1655 description where marijuana or marijuana products are manufactured, processed, stored, sold, dispensed,
1656 given away, or used contrary to law, by any scheme or device whatsoever, shall be deemed common
1657 nuisances.

1658 No person shall maintain, aid, abet, or knowingly associate with others in maintaining a common
1659 nuisance.

1660 Any person convicted of a violation of this subsection is guilty of a Class 1 misdemeanor.

1661 B. In addition, after due notice and an opportunity to be heard on the part of any owner or lessor not
1662 involved in the original offense, by a proceeding analogous to that provided in § 4.1-1303 and upon proof of
1663 guilty knowledge, judgment may be given that such house, boathouse, building, boat, car, or other place, or
1664 any room or part thereof, be closed. The court may, upon the owner or lessor giving bond in the penalty of
1665 not less than \$500 and with security to be approved by the court, conditioned that the premises shall not be
1666 used for unlawful purposes, or in violation of the provisions of this subtitle for a period of five years, turn the
1667 same over to its owner or lessor, or proceeding may be had in equity as provided in § 4.1-1300.

1668 C. In a proceeding under this section, judgment shall not be entered against the owner, lessor, or
1669 lienholder of the property unless it is proved that he (i) knew of the unlawful use of the property and (ii) had
1670 the right, because of such unlawful use, to enter and repossess the property.

1671 **§ 4.1-1114. Maintaining a fortified drug house; penalty.**

1672 Any office, store, shop, restaurant, dance hall, theater, poolroom, clubhouse, storehouse, warehouse,
1673 dwelling house, apartment, or building or structure of any kind that is (i) substantially altered from its
1674 original status by means of reinforcement with the intent to impede, deter, or delay lawful entry by a law-
1675 enforcement officer into such structure; (ii) being used for the purpose of illegally manufacturing,
1676 processing, or distributing marijuana; and (iii) the object of a valid search warrant shall be considered a
1677 fortified drug house. Any person who maintains or operates a fortified drug house is guilty of a Class 5
1678 felony.

1679 **§ 4.1-1115. Disobeying subpoena; hindering conduct of hearing; penalty.**

1680 No person shall (i) fail or refuse to obey any subpoena issued by the Board, any Board member, or any
1681 agent authorized by the Board to issue such subpoena or (ii) hinder the orderly conduct and decorum of any
1682 hearing held and conducted by the Board, any Board member, or any agent authorized by the Board to hold
1683 and conduct such hearing.

1684 Any person convicted of a violation of this section is guilty of a Class 1 misdemeanor.

1685 **§ 4.1-1117. Delivery of marijuana or marijuana products to prisoners; penalty.**

1686 No person shall deliver, or cause to be delivered, to any prisoner in any state, local, or regional
1687 correctional facility or any person committed to the Department of Juvenile Justice in any juvenile
1688 correctional center any marijuana or marijuana products.

1689 Any person convicted of a violation of this section is guilty of a Class 1 misdemeanor.

1690 **§ 4.1-1118. Separation of plant resin by butane extraction; penalty.**

1691 A. No person shall separate plant resin by butane extraction or another method that utilizes a substance
1692 with a flashpoint below 100 degrees Fahrenheit in any public place, motor vehicle, or within the curtilage of
1693 any residential structure.

1694 B. Any person convicted of a violation of this section is guilty of a Class 1 misdemeanor.

1695 **§ 4.1-1119. Attempts; aiding or abetting; penalty.**

1696 No person shall attempt to do any of the things prohibited by this subtitle or to aid or abet another in
1697 doing, or attempting to do, any of the things prohibited by this subtitle.

1698 On an indictment, information, or warrant for the violation of this subtitle, the jury or the court may find
1699 the defendant guilty of an attempt, or being an accessory, and the punishment shall be the same as if the
1700 defendant were solely guilty of such violation.

1701 **§ 4.1-1121. Issuance of summonses for certain offenses; civil penalties.**

1702 Any violation under this subtitle that is subject to a civil penalty is a civil offense and, *except in the case*
1703 *of a violation alleged to have been committed by a juvenile, in which case the juvenile shall be proceeded*
1704 *against pursuant to § 16.1-260*, shall be charged by summons. A summons for a violation under this subtitle
1705 that is subject to a civil penalty may be executed by a law-enforcement officer when such violation is
1706 observed by such officer. The summons used by a law-enforcement officer pursuant to this section shall be in
1707 a form the same as the uniform summons for motor vehicle law violations as prescribed pursuant to
1708 § 46.2-388. Any civil penalties collected pursuant to this subtitle shall be deposited into the Drug Offender
1709 Assessment and Treatment Fund established pursuant to § 18.2-251.02.

1710 **CHAPTER 12.**

1711 **PROHIBITED PRACTICES BY LICENSEES.**

1712 **§ 4.1-1200. Illegal cultivation, etc., of marijuana or marijuana products by licensees; penalty.**

1713 A. No licensee or any agent or employee of such licensee shall:

1714 1. Cultivate, process, transport, sell, or test any marijuana or marijuana products of a kind other than
1715 that which such license or this subtitle authorizes him to cultivate, process, transport, sell, or test;

1716 2. Sell marijuana or marijuana products to any person other than a person to whom such license or this
1717 subtitle authorizes him to sell;

1718 3. Cultivate, process, transport, sell, or test marijuana or marijuana products that such license or this
1719 subtitle authorizes him to sell, but in any place or in any manner other than such license or this subtitle
1720 authorizes him to cultivate, process, transport, sell, or test;

1721 4. Cultivate, process, transport, sell, or test any marijuana or marijuana products when forbidden by this
1722 subtitle;

1723 5. Keep or allow to be kept, other than in his residence and for his personal use, any marijuana or
1724 marijuana products other than that which he is authorized to cultivate, process, transport, sell, or test by
1725 such license or by this subtitle;

1726 6. Keep any marijuana or marijuana product other than in the container in which it was purchased by
1727 him; or

1728 7. Allow a person younger than 21 years of age to be employed by or volunteer for such licensee.

1729 B. Any person convicted of a violation of this section is guilty of a Class 1 misdemeanor.

1730 **§ 4.1-1201. Prohibited acts by employees of marijuana store licensees; civil penalty.**

1731 A. In addition to the provisions of § 4.1-1200, no retail marijuana store licensee or his agent or employee
1732 shall use or consume any marijuana or marijuana products (i) on the licensed premises, except for certain

1733 *sampling for quality control purposes in accordance with Board regulations or (ii) while on duty and in a*
 1734 *position that is involved in the selling of marijuana or marijuana products to consumers.*

1735 *B. No retail marijuana store licensee or his agent or employee shall make any gift of any marijuana or*
 1736 *marijuana products.*

1737 *C. Any person convicted of a violation of this section shall be subject to a civil penalty in an amount not to*
 1738 *exceed \$500.*

1739 **§ 4.1-1202. Sale of; purchase for resale; marijuana or marijuana products from a person without a**
 1740 **license; penalty.**

1741 *Except as otherwise provided in § 4.1-805, no retail marijuana store licensee shall purchase for resale or*
 1742 *sell any marijuana, marijuana products, immature marijuana plants, or marijuana seeds purchased from*
 1743 *anyone other than a marijuana cultivation facility or marijuana processing facility.*

1744 *Any person convicted of a violation of this section is guilty of a Class 1 misdemeanor.*

1745 **§ 4.1-1203. Prohibiting transfer of marijuana or marijuana products by licensees; penalty.**

1746 *A. No licensed marijuana establishment shall transfer any marijuana or marijuana products from one*
 1747 *licensed place of business to another licensed place of business unless such transfer is completed by a*
 1748 *marijuana transporter licensee.*

1749 *B. Any person convicted of a violation of this section is guilty of a Class 1 misdemeanor.*

1750 **§ 4.1-1204. Illegal advertising materials; civil penalty.**

1751 *No person subject to the jurisdiction of the Board shall induce, attempt to induce, or consent to any*
 1752 *licensee selling, renting, lending, buying for, or giving to any person any advertising materials or*
 1753 *decorations under circumstances prohibited by this title or Board regulations.*

1754 *Any person found by the Board to have violated this section shall be subject to a civil penalty as*
 1755 *authorized in § 4.1-903.*

1756 **§ 4.1-1205. Failure of licensee to pay tax or to deliver, keep, and preserve records and accounts or to**
 1757 **allow examination and inspection; penalty.**

1758 *A. No licensee shall fail or refuse to (i) pay any tax provided for in § 4.1-1003; (ii) deliver, keep, and*
 1759 *preserve such records, invoices, and accounts as are required by § 4.1-703 or Board regulation; or (iii)*
 1760 *allow such records, invoices, and accounts or his place of business to be examined and inspected in*
 1761 *accordance with § 4.1-703. Any person convicted of a violation of this subsection is guilty of a Class 1*
 1762 *misdemeanor.*

1763 *B. After reasonable notice to a licensee that failed to make a return or pay taxes due, the Authority may*
 1764 *suspend or revoke any license of such licensee that was issued by the Authority.*

1765 **§ 4.1-1206. Nonpayment of marijuana tax; penalties.**

1766 *A. No person shall make a sale taxable under § 4.1-1003 without paying all applicable taxes due. No*
 1767 *retail marijuana store licensee shall purchase, receive, transport, store, or sell any marijuana or marijuana*
 1768 *products on which such retailer has reason to know such tax has not been paid and may not be paid. Any*
 1769 *person convicted of a violation of this subsection is guilty of a Class 1 misdemeanor.*

1770 *B. Any person who fails to file a return required for a tax due under § 4.1-1003 is subject to a civil*
 1771 *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*
 1772 *than 30 days, with an additional five percent for each additional 30 days, or fraction thereof, during which*
 1773 *the failure continues. Such civil penalty shall not exceed 25 percent in the aggregate.*

1774 *C. In the case of a false or fraudulent return, where willful intent exists to defraud the Commonwealth of*
 1775 *any tax due on marijuana or marijuana products, a civil penalty of 50 percent of the amount of the proper tax*
 1776 *due shall be assessed. Such penalty shall be in addition to any penalty imposed under subsection B. It shall*
 1777 *be prima facie evidence of willful intent to defraud the Commonwealth when any person reports its taxable*
 1778 *sales to the Authority at 50 percent or less of the actual amount.*

1779 *D. If any check tendered for any amount due under § 4.1-1003 or this section is not paid by the bank on*
 1780 *which it is drawn, and the person that tendered the check fails to pay the Authority the amount due within five*
 1781 *days after the Authority gives it notice that such check was returned unpaid, the person that tendered the*
 1782 *check is guilty of a violation of § 18.2-182.1.*

1783 *E. All penalties shall be payable to the Authority and if not so paid shall be collectible in the same manner*
 1784 *as if they were a part of the tax imposed.*

1785 **§ 4.1-1300. Enjoining nuisances.**

1786 *A. In addition to the penalties imposed by § 4.1-1113, the Board, its special agents, the attorney for the*
 1787 *Commonwealth, or any citizen of the county, city, or town where a common nuisance as defined in § 4.1-1113*
 1788 *exists may maintain a suit in equity in the name of the Commonwealth to enjoin the common nuisance.*

1789 *B. The courts of equity shall have jurisdiction, and in every case where the bill charges, on the knowledge*
 1790 *or belief of the complainant, and is sworn to by two reputable citizens, that marijuana or marijuana products*
 1791 *are cultivated, processed, stored, sold, dispensed, given away, or used in such house, building, or other place*
 1792 *described in § 4.1-1113 contrary to the laws of the Commonwealth, an injunction shall be granted as soon as*
 1793 *the bill is presented to the court. The injunction shall enjoin and restrain the owners and tenants and their*
 1794 *agents and employees, and any person connected with such house, building, or other place, and all persons*

1795 whomsoever from cultivating, processing, storing, selling, dispensing, giving away, or using marijuana or
 1796 marijuana products on such premises. The injunction shall also restrain all persons from removing any
 1797 marijuana or marijuana products then on such premises until the further order of the court. If the court is
 1798 satisfied that the material allegations of the bill are true, although the premises complained of may not then
 1799 be unlawfully used, it shall continue the injunction against such place for a period of time as the court deems
 1800 proper. The injunction may be dissolved if a proper case is shown for dissolution.

1801 **§ 4.1-1301. Contraband marijuana or marijuana products and other articles subject to forfeiture.**

1802 A. All apparatus and materials for the cultivation or processing of marijuana or marijuana products, all
 1803 marijuana or marijuana products and materials used in their manufacture or processing, and all containers
 1804 in which marijuana or marijuana products may be found that are kept, stored, possessed, or in any manner
 1805 used in violation of the provisions of this subtitle, and any dangerous weapons as described in § 18.2-308
 1806 that may be used or that may be found upon the person, or in any vehicle that such person is using, to aid
 1807 such person in the unlawful cultivation, manufacture, processing, transportation, or sale of marijuana or
 1808 marijuana products, or found in the possession of such person, or any horse, mule, or other beast of burden
 1809 or any wagon, automobile, truck, or vehicle of any nature whatsoever that is found in the immediate vicinity
 1810 of any place where marijuana or marijuana products are being unlawfully manufactured or processed and
 1811 where such animal or vehicle is being used to aid in the unlawful manufacture or processing, shall be deemed
 1812 contraband and shall be forfeited to the Commonwealth.

1813 B. Proceedings for the confiscation of the property in subsection A shall be in accordance with § 4.1-1303
 1814 for all such property except motor vehicles, which proceedings shall be in accordance with Chapter 22.1
 1815 (§ 19.2-386.1 et seq.) of Title 19.2.

1816 **§ 4.1-1303. Confiscation proceedings; disposition of forfeited articles.**

1817 A. All proceedings for the confiscation of articles, except motor vehicles, declared contraband and
 1818 forfeited to the Commonwealth under this subtitle shall be as provided in this section.

1819 B. Whenever any article declared contraband under the provisions of this subtitle and required to be
 1820 forfeited to the Commonwealth has been seized, with or without a warrant, by any officer charged with the
 1821 enforcement of this subtitle, he shall produce the contraband article and any person in whose possession it
 1822 was found. In those cases where no person is found in possession of such articles, the return shall so state
 1823 and a copy of the warrant shall be posted on the door of the buildings or room where the articles were found,
 1824 or if there is no door, then in any conspicuous place upon the premises.

1825 In case of seizure of any item for any offense involving its forfeiture where it is impracticable to remove
 1826 such item to a place of safe storage from the place where seized, the seizing officer may destroy such item
 1827 only as necessary to prevent use of all or any part thereof. The destruction shall be in the presence of at least
 1828 one credible witness, and such witness shall join the officer in a sworn report of the seizure and destruction
 1829 to be made to the Board. The report shall set forth the grounds of the claim of forfeiture, the reasons for
 1830 seizure and destruction, an estimate of the fair cash value of the item destroyed, and the materials remaining
 1831 after such destruction. The report shall include a statement that, from facts within their own knowledge, the
 1832 seizing officer and witness have no doubt whatever that the item was set up for use, or had been used in the
 1833 unlawful cultivation, processing, or manufacture of marijuana, and that it was impracticable to remove such
 1834 apparatus to a place of safe storage.

1835 In case of seizure of any quantity of marijuana or marijuana products for any offense involving forfeiture
 1836 of the same, the seizing officer may destroy them to prevent the use of all or any part thereof for the purpose
 1837 of unlawful cultivation, processing, or manufacture of marijuana or marijuana products or any other
 1838 violation of this subtitle. The destruction shall be in the presence of at least one credible witness, and such
 1839 witness shall join the officer in a sworn report of the seizure and destruction to be made to the Board. The
 1840 report shall set forth the grounds of the claim of forfeiture, the reasons for seizure and destruction, and a
 1841 statement that, from facts within their own knowledge, the seizing officer and witness have no doubt whatever
 1842 that the marijuana or marijuana products were intended for use in the unlawful cultivation, processing, or
 1843 manufacture of marijuana or marijuana products or were intended for use in violation of this subtitle.

1844 C. Upon the return of the warrant as provided in this section, the court shall fix a time not less than 10
 1845 days, unless waived by the accused in writing, and not more than 30 days thereafter, for the hearing on such
 1846 return to determine whether or not the articles seized, or any part thereof, were used or in any manner kept,
 1847 stored, or possessed in violation of this subtitle.

1848 At such hearing, if no claimant appears, the court shall declare the articles seized forfeited to the
 1849 Commonwealth and, if such articles are not necessary as evidence in any pending prosecution, shall turn
 1850 them over to the Board. Any person claiming an interest in any of the articles seized may appear at the
 1851 hearing and file a written claim setting forth particularly the character and extent of his interest. The court
 1852 shall certify the warrant and the articles seized along with any claim filed to the circuit court to hear and
 1853 determine the validity of such claim.

1854 If the evidence warrants, the court shall enter a judgment of forfeiture and order the articles seized to be
 1855 turned over to the Board. Action under this section and the forfeiture of any articles hereunder shall not be a
 1856 bar to any prosecution under any other provision of this subtitle.

1857 *D. Any articles forfeited to the Commonwealth and turned over to the Board in accordance with this*
 1858 *section shall be destroyed or sold by the Board as it deems proper. The net proceeds from such sales shall be*
 1859 *paid into the Literary Fund.*

1860 *If the Board believes that any foodstuffs forfeited to the Commonwealth and turned over to the Board in*
 1861 *accordance with this section are usable, should not be destroyed, and cannot be sold, or whose sale would be*
 1862 *impractical, it may give such foodstuffs to any institution in the Commonwealth and shall prefer a gift to the*
 1863 *local jail or other local correctional facility in the jurisdiction where seizure took place. A record shall be*
 1864 *made showing the nature of the foodstuffs and amount given, to whom given, and the date when given and*
 1865 *shall be kept in the offices of the Board.*

1866 **§ 4.1-1304. Contraband marijuana or marijuana products.**

1867 *Failure to maintain on a conveyance or vehicle a permit or other indicia of permission issued by the*
 1868 *Board authorizing the transportation of marijuana or marijuana products within the Commonwealth when*
 1869 *other Board regulations applicable to such transportation have been complied with shall not be cause for*
 1870 *deeming such marijuana or marijuana products contraband.*

1871 **§ 4.1-1305. Punishment for violations of title or regulations; bond.**

1872 *A. Any person convicted of a misdemeanor under the provisions of this subtitle without specification as to*
 1873 *the class of offense or penalty, or convicted of violating any other provision thereof, or convicted of violating*
 1874 *any Board regulation is guilty of a Class 1 misdemeanor.*

1875 *B. In addition to the penalties imposed by this subtitle for violations, any court before whom any person is*
 1876 *convicted of a violation of any provision of this subtitle may require such defendant to execute bond based*
 1877 *upon his ability to pay, with approved security, in the penalty of not more than \$1,000, with the condition that*
 1878 *the defendant will not violate any of the provisions of this subtitle for the term of one year. If any such bond is*
 1879 *required and is not given, the defendant shall be committed to jail until it is given, or until he is discharged*
 1880 *by the court, provided that he shall not be confined for a period longer than six months. If any such bond*
 1881 *required by a court is not given during the term of the court by which conviction is had, it may be given*
 1882 *before any judge or before the clerk of such court.*

1883 *C. The provisions of this subtitle shall not prevent the Board from suspending, revoking, or refusing to*
 1884 *continue the license of any person convicted of a violation of any provision of this subtitle.*

1885 *D. No court shall hear such a case unless the respective attorney for the Commonwealth or his assistant*
 1886 *has been notified that such a case is pending.*

1887 **§ 4.1-1306. Witness not excused from testifying because of self-incrimination.**

1888 *No person shall be excused from testifying or from producing books, papers, correspondence,*
 1889 *memoranda, or other records for the Commonwealth as to any offense alleged to have been committed by*
 1890 *another under this subtitle by reason of his testimony or other evidence tending to incriminate himself, but*
 1891 *the testimony given and evidence so produced by such person on behalf of the Commonwealth when called*
 1892 *for by the trial judge or court trying the case, or by the attorney for the Commonwealth, or when summoned*
 1893 *by the Commonwealth and sworn as a witness by the court or the clerk and sent before the grand jury, shall*
 1894 *be in no case used against him nor shall he be prosecuted as to the offense as to which he testifies.*

1895 **§ 4.1-1307. Previous convictions.**

1896 *In any indictment, information, or warrant charging any person with a violation of any provision of this*
 1897 *subtitle, it may be alleged and evidence may be introduced at the trial of such person to prove that such*
 1898 *person has been previously convicted of a violation of this subtitle.*

1899 **§ 4.1-1308. Label on sealed container prima facie evidence of marijuana content.**

1900 *In any prosecution for violations of this subtitle, where a sealed container is labeled as containing*
 1901 *marijuana or marijuana products, such labeling shall be prima facie evidence of the marijuana content of the*
 1902 *container. Nothing shall preclude the introduction of other relevant evidence to establish the marijuana*
 1903 *content of a container, whether sealed or not.*

1904 **§ 4.1-1309. No recovery for marijuana or marijuana products illegally sold.**

1905 *No action to recover the price of any marijuana or marijuana products sold in contravention of this*
 1906 *subtitle may be maintained.*

1907 **§ 4.1-1403. Board to establish regulations for marijuana testing.**

1908 *The Board shall establish a testing program for marijuana and marijuana products. Except as otherwise*
 1909 *provided in this subtitle or otherwise provided by law, the program shall require a licensee, prior to selling*
 1910 *or distributing marijuana or a marijuana product to a consumer or to another licensee, to submit a*
 1911 *representative sample of the marijuana or marijuana product, not to exceed 10 percent of the total harvest or*
 1912 *batch, to a licensed marijuana testing facility for testing to ensure that the marijuana or marijuana product*
 1913 *does not exceed the maximum level of allowable contamination for any contaminant that is injurious to*
 1914 *health and for which testing is required and to ensure correct labeling. The Board shall adopt regulations (i)*
 1915 *establishing a testing program pursuant to this section; (ii) establishing acceptable testing and research*
 1916 *practices, including regulations relating to testing practices, methods, and standards; quality control*
 1917 *analysis; equipment certification and calibration; marijuana testing facility recordkeeping, documentation,*
 1918 *and business practices; disposal of used, unused, and waste marijuana and marijuana products; and*

1919 reporting of test results; (iii) identifying the types of contaminants that are injurious to health for which
 1920 marijuana and marijuana products shall be tested under this subtitle; and (iv) establishing the maximum
 1921 level of allowable contamination for each contaminant.

1922 **§ 4.1-1404. Mandatory testing; scope; recordkeeping; notification; additional testing not required;**
 1923 **required destruction; random testing.**

1924 A. A licensee may not sell or distribute marijuana or a marijuana product to a consumer or to another
 1925 licensee under this subtitle unless a representative sample of the marijuana or marijuana product has been
 1926 tested pursuant to this subtitle and the regulations adopted pursuant to this subtitle and the mandatory testing
 1927 has demonstrated that (i) the marijuana or marijuana product does not exceed the maximum level of
 1928 allowable contamination for any contaminant that is injurious to health and for which testing is required and
 1929 (ii) the labeling on the marijuana or marijuana product is correct.

1930 B. Mandatory testing of marijuana and marijuana products under this section shall include testing for:

- 1931 1. Residual solvents;
- 1932 2. Heavy metals;
- 1933 3. Microbiological contaminants;
- 1934 4. Mycotoxins;
- 1935 5. Pesticide chemical residue; and
- 1936 6. Active ingredient analysis.

1937 Testing shall be performed on the final form in which the marijuana or marijuana product will be
 1938 consumed.

1939 C. A licensee shall maintain a record of all mandatory testing that includes a description of the marijuana
 1940 or marijuana product provided to the marijuana testing facility, the identity of the marijuana testing facility,
 1941 and the results of the mandatory test.

1942 D. If the results of a mandatory test conducted pursuant to this section indicate that the tested marijuana
 1943 or marijuana product exceeds the maximum level of allowable tetrahydrocannabinol or contamination for
 1944 any contaminant that is injurious to health and for which testing is required, the marijuana testing facility
 1945 shall immediately quarantine, document, and properly destroy the marijuana or marijuana product and
 1946 within seven days of completing the test shall notify the Board of the test results.

1947 A marijuana testing facility is not required to notify the Board of the results of any test:

1948 1. Conducted on marijuana or a marijuana product at the direction of a licensee pursuant to this section
 1949 that demonstrates that the marijuana or marijuana product does not exceed the maximum level of allowable
 1950 tetrahydrocannabinol or contamination for any contaminant that is injurious to health and for which testing
 1951 is required;

1952 2. Conducted on marijuana or a marijuana product at the direction of a licensee for research and
 1953 development purposes only, so long as the licensee notifies the marijuana testing facility prior to the
 1954 performance of the test that the testing is for research and development purposes only; or

1955 3. Conducted on marijuana or a marijuana product at the direction of a person who is not a licensee.

1956 E. Notwithstanding the foregoing, a licensee may sell or furnish to a consumer or to another licensee
 1957 marijuana or a marijuana product that the licensee has not submitted for testing in accordance with this
 1958 subtitle and regulations adopted pursuant to this subtitle if the following conditions are met:

1959 1. The marijuana or marijuana product has previously undergone testing in accordance with this subtitle
 1960 and regulations adopted pursuant to this subtitle at the direction of another licensee and the testing
 1961 demonstrated that the marijuana or marijuana product does not exceed the maximum level of allowable
 1962 tetrahydrocannabinol or contamination for any contaminant that is injurious to health and for which testing
 1963 is required;

1964 2. The mandatory testing process and the test results for the marijuana or marijuana product are
 1965 documented in accordance with the requirements of this subtitle and all applicable regulations adopted
 1966 pursuant to this subtitle;

1967 3. Tracking from immature marijuana plant to the point of retail sale has been maintained for the
 1968 marijuana or marijuana product and transfers of the marijuana or marijuana product to another licensee or
 1969 to a consumer can be easily identified; and

1970 4. The marijuana or marijuana product has not undergone any further processing, manufacturing, or
 1971 alteration subsequent to the performance of the prior testing under subsection A.

1972 F. Licensees shall be required to destroy harvested batches of marijuana or batches of marijuana
 1973 products whose testing samples indicate noncompliance with the health and safety standards required by this
 1974 subtitle and the regulations adopted by the Board pursuant to this subtitle, unless remedial measures can
 1975 bring the marijuana or marijuana product into compliance with such required health and safety standards.

1976 G. A licensee shall comply with all requests for samples of marijuana and marijuana products for the
 1977 purpose of random testing by a state-owned laboratory or state-approved private laboratory.

1978 **§ 4.1-1405. Labeling and packaging requirements; prohibitions.**

1979 A. Marijuana and marijuana products to be sold or offered for sale by a licensee to a consumer shall be
 1980 labeled with the following information:

- 1981 1. Identification of the type of marijuana or marijuana product;
- 1982 2. The license numbers of the marijuana cultivation facility, the marijuana processing facility, and the
- 1983 retail marijuana store where the marijuana or marijuana product was cultivated, processed, and offered for
- 1984 sale, as applicable;
- 1985 3. A statement of the net weight of the marijuana or marijuana product;
- 1986 4. In English and in a font no less than 1/16 of an inch, information concerning (i) all ingredients,
- 1987 including pharmacologically active ingredients, tetrahydrocannabinol, cannabidiol, and other cannabinoid
- 1988 content; (ii) all possible allergens; (iii) the amount of servings in the package; (iv) if the product contains
- 1989 tetrahydrocannabinol, the total percentage and milligrams of all tetrahydrocannabinols included in the
- 1990 package and the total number of milligrams of all tetrahydrocannabinols contained in each serving; and (v)
- 1991 the potency of the tetrahydrocannabinol and other cannabinoid content;
- 1992 5. Information on gases, solvents, and chemicals used in marijuana extraction, if applicable;
- 1993 6. Instructions on usage, including information regarding the amount of marijuana or marijuana product
- 1994 that constitutes a single serving;
- 1995 7. A recommended use by date or expiration date;
- 1996 8. For marijuana and marijuana products, the following statement, prominently displayed in bold print
- 1997 and in a clear and legible fashion: "GOVERNMENT WARNING: THIS PACKAGE CONTAINS MARIJUANA
- 1998 AND TETRAHYDROCANNABINOL (THC). MARIJUANA MAY ONLY BE SOLD TO AND USED BY
- 1999 ADULTS 21 YEARS OF AGE OR OLDER. KEEP OUT OF REACH OF CHILDREN. CONSUMPTION OF
- 2000 MARIJUANA IMPAIRS COGNITION AND YOUR ABILITY TO DRIVE AND MAY BE HABIT-FORMING.
- 2001 MARIJUANA SHOULD NOT BE USED WHILE PREGNANT OR BREASTFEEDING. PLEASE USE
- 2002 CAUTION AND VISIT _____ (website maintained by the Board pursuant to § 4.1-604) FOR MORE
- 2003 INFORMATION.";
- 2004 9. A universal symbol stamped or embossed on the packaging of any marijuana and marijuana products;
- 2005 10. A certificate of analysis, produced by licensed marijuana testing facility, that states the total
- 2006 tetrahydrocannabinol concentration of the substance or the total tetrahydrocannabinol concentration of the
- 2007 batch from which the substance originates; and
- 2008 11. Any other information required by Board regulations.
- 2009 B. Marijuana and marijuana products to be sold or offered for sale by a licensee to a consumer in
- 2010 accordance with the provisions of this subtitle shall be packaged in the following manner:
- 2011 1. Marijuana and marijuana products shall be prepackaged in child-resistant, tamper-evident, and
- 2012 resealable packaging that is opaque or shall be placed at the final point of sale to a consumer in child-
- 2013 resistant, tamper-evident, and resealable packaging that is opaque;
- 2014 2. Packaging for multiserving liquid marijuana products shall include an integral measurement
- 2015 component; and
- 2016 3. Packaging shall comply with any other requirements imposed by Board regulations.
- 2017 C. Marijuana and marijuana products to be sold or offered for sale by a licensee to a consumer in
- 2018 accordance with the provisions of this subtitle shall not:
- 2019 1. (i) Without authorization, bear, be packaged in a container or wrapper that bears, or otherwise be
- 2020 labeled to bear the trademark, trade name, famous mark as defined in 15 U.S.C. § 1125, or other identifying
- 2021 mark, imprint, or device, or any likeness thereof, of a manufacturer, processor, packer, or distributor of a
- 2022 product intended for human consumption other than the manufacturer, processor, packer, or distributor that
- 2023 did in fact so manufacture, process, pack, or distribute such substance or (ii) otherwise be packaged or
- 2024 labeled in violation of a federal trademark law or regulation;
- 2025 2. Be labeled or packaged in a manner that appeals particularly to persons younger than 21 years of age;
- 2026 3. Be labeled or packaged in a manner that obscures identifying information on the label;
- 2027 4. Be labeled or packaged using a false or misleading label;
- 2028 5. Depict, model the shape of, or use a label or package that depicts or models the shape of a human,
- 2029 animal, vehicle, or fruit; and
- 2030 6. Be labeled or packaged in violation of any other labeling or packaging requirements imposed by Board
- 2031 regulations.
- 2032 **§ 4.1-1406. Other health and safety requirements for edible marijuana products and other marijuana**
- 2033 **products deemed applicable by the Authority; health and safety regulations.**
- 2034 A. In addition to all other applicable provisions of this subtitle, edible marijuana products and other
- 2035 marijuana products deemed applicable by the Authority to be sold or offered for sale by a licensee to a
- 2036 consumer:
- 2037 1. Shall be processed and manufactured by an approved source, as determined by § 3.2-5145.3;
- 2038 2. Shall comply with the provisions of Chapter 51 (§ 3.2-5100 et seq.) of Title 3.2;
- 2039 3. Shall be processed and manufactured in a manner that results in the cannabinoid content within the
- 2040 product being homogeneous throughout the product or throughout each element of the product that has a
- 2041 cannabinoid content;
- 2042 4. Shall be processed and manufactured in a manner that results in the amount of marijuana concentrate

2043 *within the product being homogeneous throughout the product or throughout each element of the product*
 2044 *that contains marijuana concentrate;*

2045 *5. Shall have a universal symbol stamped or embossed on the packaging of each product;*

2046 *6. Shall not contain more than 10 milligrams of tetrahydrocannabinol per serving of the product and shall*
 2047 *not contain more than 100 milligrams of tetrahydrocannabinol per package of the product;*

2048 *7. Shall not contain additives that (i) are toxic or harmful to human beings, (ii) are specifically designed*
 2049 *to make the product more addictive, (iii) contain alcohol or nicotine, (iv) are misleading to consumers, or (v)*
 2050 *are specifically designed to make the product appeal particularly to persons younger than 21 years of age;*
 2051 *and*

2052 *8. Shall not involve the addition of marijuana to a trademarked food or drink product, except when the*
 2053 *trademarked product is used as a component of or ingredient in the edible marijuana product and the edible*
 2054 *marijuana product is not advertised or described for sale as containing the trademarked product.*

2055 *B. The Board shall adopt any additional labeling, packaging, or other health and safety regulations that it*
 2056 *deems necessary for marijuana and marijuana products to be sold or offered for sale by a licensee to a*
 2057 *consumer in accordance with this subtitle. Regulations adopted pursuant to this subsection shall establish*
 2058 *mandatory health and safety standards applicable to the cultivation of marijuana, the processing and*
 2059 *manufacture of marijuana products, and the packaging and labeling of marijuana and marijuana products*
 2060 *sold by a licensee to a consumer. Such regulations shall address:*

2061 *1. Requirements for the storage, warehousing, and transportation of marijuana and marijuana products*
 2062 *by licensees;*

2063 *2. Sanitary standards for marijuana establishments, including sanitary standards for the processing and*
 2064 *manufacture of marijuana and marijuana products; and*

2065 *3. Limitations on the display of marijuana and marijuana products at retail marijuana stores.*

2066 **§ 4.1-1500. Definitions.**

2067 As used in this chapter, unless the context requires a different meaning:

2068 "CDFI" means a community development financial institution that provides credit and financial services
 2069 for underserved communities.

2070 "Fund" means the Virginia Cannabis Equity Business Loan Fund established in § 4.1-1501.

2071 "Funding" means loans *and grants* made from the Fund.

2072 "Program" means the Virginia Cannabis Equity Business Loan Program established in § 4.1-1502.

2073 "~~Social equity qualified cannabis licensee~~" means a person or business who meets the criteria in § 4.1-606
 2074 ~~to qualify as a social equity applicant and who either holds or is in the final stages of acquiring, as determined~~
 2075 ~~by the Board, a license to operate a marijuana establishment.~~

2076 **§ 4.1-1501. Virginia Cannabis Equity Business Loan Fund.**

2077 There is hereby created in the state treasury a special nonreverting fund to be known as the Virginia
 2078 Cannabis Equity Business Loan Fund, referred to in this section as "the Fund." The Fund shall be established
 2079 on the books of the Comptroller. All funds appropriated for such purpose and any gifts, donations, grants,
 2080 bequests, and other funds received on its behalf shall be paid into the state treasury and credited to the Fund.
 2081 Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining
 2082 in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but
 2083 shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes of providing *grants,*
 2084 *low-interest and loans, zero-interest loans, and other supports and services* to ~~social equity qualified cannabis~~
 2085 *micro business* licensees in order to foster business ownership and economic growth within communities that
 2086 have been the most disproportionately impacted by the former prohibition of cannabis. Expenditures and
 2087 disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller
 2088 upon written request signed by the Chief Executive Officer of the Authority.

2089 **§ 4.1-1502. Program requirements; guidelines for management of the Fund; selection of CDFI.**

2090 A. The Authority shall establish a Program to provide loans, *grants, and other supports and services* to
 2091 ~~qualified social equity cannabis micro business~~ licensees for the purpose of promoting business ownership
 2092 and economic growth by communities that have been disproportionately impacted by the prohibition of
 2093 cannabis. ~~The~~ For the purposes of issuing loans, the Authority shall may select and work in collaboration
 2094 with a CDFI to assist in administering the Program and carrying out the purposes of the Fund. ~~The~~ If the
 2095 Authority utilizes a CDFI for issuing loans, the CDFI selected by the Authority shall have (i) a statewide
 2096 presence in Virginia, (ii) experience in business lending, (iii) a proven track record of working with
 2097 disadvantaged communities, and (iv) the capability to dedicate sufficient staff to manage the Program.
 2098 ~~Working with the selected CDFI, the~~ The Authority shall establish monitoring and accountability
 2099 mechanisms for *micro* businesses receiving funding and shall report annually the number of businesses
 2100 funded; the geographic distribution of the businesses; the costs of the Program; and the outcomes, including
 2101 the number and types of jobs created.

2102 B. The Program shall:

2103 1. Identify ~~social equity qualified cannabis micro business~~ licensees who are in need of capital *or other*
 2104 *supports and services* for the start-up of a cannabis business properly licensed pursuant to the provisions of

2105 this subtitle;

2106 2. Provide loans, *grants, and other supports and services* for the purposes described in subsection A and
2107 § 4.1-1501;

2108 3. Provide technical assistance; and

2109 4. Bring together community partners to sustain the Program.

2110 **§ 4.1-1601. Certification for use of cannabis for treatment.**

2111 A. A practitioner in the course of his professional practice may issue a written certification for the use of
2112 cannabis products for treatment or to alleviate the symptoms of any diagnosed condition or disease
2113 determined by the practitioner to benefit from such use. The practitioner shall use his professional judgment
2114 to determine the manner and frequency of patient care and evaluation and may employ the use of
2115 telemedicine, provided that the use of telemedicine includes the delivery of patient care through real-time
2116 interactive audiovisual technology. No practitioner may issue a written certification while such practitioner is
2117 on the premises of a pharmaceutical processor or cannabis dispensing facility. A pharmaceutical processor
2118 shall not endorse or promote any practitioner who issues certifications to patients. If a practitioner determines
2119 it is consistent with the standard of care to dispense botanical cannabis to a minor, the written certification
2120 shall specifically authorize such dispensing. If not specifically included on the initial written certification,
2121 authorization for botanical cannabis may be communicated verbally or in writing to the pharmacist at the
2122 time of dispensing. A practitioner who issues written certifications shall not directly or indirectly accept,
2123 solicit, or receive anything of value from a pharmaceutical processor, cannabis dispensing facility, or any
2124 person associated with a pharmaceutical processor, cannabis dispensing facility, or provider of paraphernalia,
2125 excluding information on products or educational materials on the benefits and risks of cannabis products.

2126 B. The written certification shall be on a form provided by the Authority. Such written certification shall
2127 contain the name, address, and telephone number of the practitioner, the name and address of the patient
2128 issued the written certification, the date on which the written certification was made, and the signature or
2129 authentic electronic signature of the practitioner. Such written certification issued pursuant to subsection A
2130 shall expire one year after its issuance unless the practitioner provides in such written certification an earlier
2131 expiration. A written certification shall not be issued to a patient by more than one practitioner during any
2132 given time period.

2133 C. No practitioner shall be prosecuted under *Chapter 11 (§ 4.1-1100 et seq.)* or § 18.2-248 ~~or 18.2-248.1~~
2134 for the issuance of a certification for the use of cannabis products for the treatment or to alleviate the
2135 symptoms of a patient's diagnosed condition or disease pursuant to a written certification issued pursuant to
2136 subsection A. Nothing in this section shall preclude a practitioner's professional licensing board from
2137 sanctioning the practitioner for failing to properly evaluate or treat a patient's medical condition or otherwise
2138 violating the applicable standard of care for evaluating or treating medical conditions.

2139 D. A practitioner who issues a written certification to a patient pursuant to this section (i) shall hold
2140 sufficient education and training to exercise appropriate professional judgment in the certification of patients;
2141 (ii) shall not offer a discount or any other thing of value to a patient or a patient's parent, guardian, or
2142 registered agent that is contingent on or encourages the person's decision to use a particular pharmaceutical
2143 processor or cannabis product; (iii) shall not issue a certification to himself or his family members,
2144 employees, or coworkers; (iv) shall not provide product samples containing cannabis other than those
2145 approved by the U.S. Food and Drug Administration; and (v) shall not accept compensation from a
2146 pharmaceutical processor or cannabis dispensing facility. The Board shall not limit the number of patients to
2147 whom a practitioner may issue a written certification. The Board may report information to the applicable
2148 licensing board on unusual patterns of certifications issued by a practitioner.

2149 E. No patient shall be required to physically present the written certification after the initial dispensing by
2150 any pharmaceutical processor or cannabis dispensing facility under each written certification, provided that
2151 the pharmaceutical processor or cannabis dispensing facility maintains an electronic copy of the written
2152 certification. Pharmaceutical processors and cannabis dispensing facilities shall electronically transmit on a
2153 monthly basis all new written certifications received by the pharmaceutical processor or cannabis dispensing
2154 facility to the Authority.

2155 F. A patient, or, if such patient is a minor or a vulnerable adult as defined in § 18.2-369, such patient's
2156 parent or legal guardian, may designate an individual to act as his registered agent for the purposes of
2157 receiving cannabis products pursuant to a valid written certification. Such designated individual shall register
2158 with the Board unless the individual's name listed on the patient's written certification. An individual may, on
2159 the basis of medical need and in the discretion of the patient's registered practitioner, be listed on the patient's
2160 written certification upon the patient's request. The Board may set a limit on the number of patients for whom
2161 any individual is authorized to act as a registered agent.

2162 G. Upon delivery of a cannabis product by a pharmaceutical processor or cannabis dispensing facility to a
2163 designated caregiver facility, any employee or contractor of a designated caregiver facility who is licensed or
2164 registered by a health regulatory board and who is authorized to possess, distribute, or administer medications
2165 may accept delivery of the cannabis product on behalf of a patient or resident for subsequent delivery to the
2166 patient or resident and may assist in the administration of the cannabis product to the patient or resident as

2167 necessary.

2168 H. Information obtained under the patient certification or agent registration process shall be confidential
 2169 and shall not be subject to the disclosure provisions of the Virginia Freedom of Information Act (§ 2.2-3700
 2170 et seq.). However, reasonable access to registry information shall be provided to (i) the Chairmen of the
 2171 House and Senate Committees for Courts of Justice, (ii) state and federal agencies or local law enforcement
 2172 for the purpose of investigating or prosecuting a specific individual for a specific violation of law, (iii)
 2173 licensed practitioners or pharmacists, or their agents, for the purpose of providing patient care and drug
 2174 therapy management and monitoring of drugs obtained by a patient, (iv) a pharmaceutical processor or
 2175 cannabis dispensing facility involved in the treatment of a patient, or (v) a patient's registered agent, but only
 2176 with respect to information related to such patient.

2177 **§ 4.1-1604. Criminal liability; exceptions.**

2178 No agent or employee of a pharmaceutical processor or cannabis dispensing facility shall be prosecuted
 2179 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
 2180 marijuana or for possession, manufacture, or distribution of cannabis products, subject to any civil penalty,
 2181 denied any right or privilege, or subject to any disciplinary action by a professional licensing board if such
 2182 agent or employee (i) possessed or manufactured such marijuana for the purposes of producing cannabis
 2183 products in accordance with the provisions of this chapter and Board regulations or (ii) possessed,
 2184 manufactured, or distributed such cannabis products that are consistent with generally accepted cannabis
 2185 industry standards in accordance with the provisions of this chapter and Board regulations.

2186 **§ 5.1-13. Operation of aircraft while under influence of intoxicating liquors or drugs; reckless
 2187 operation.**

2188 Any person who ~~shall operate~~ *operates* any aircraft within the airspace over, above, or upon the lands or
 2189 waters of ~~this the~~ Commonwealth, while under the influence of intoxicating liquor or of any narcotic *or*
 2190 *marijuana* or any habit-forming drugs ~~shall be~~ *is* guilty of a felony and shall be confined in a state
 2191 correctional facility not less than one nor more than five years, or, in the discretion of the court or jury trying
 2192 the case, be confined in jail not exceeding ~~twelve~~ *12* months and fined not exceeding \$500, or both such fine
 2193 and imprisonment.

2194 Any person who ~~shall operate~~ *operates* any aircraft within the airspace over, above, or upon the lands or
 2195 waters of ~~this the~~ Commonwealth carelessly or heedlessly in willful or wanton disregard of the rights or
 2196 safety of others, or without due caution and circumspection and in a manner so as to endanger any person or
 2197 property, ~~shall be~~ *is* guilty of a misdemeanor.

2198 **§ 6.2-108. Financial services for licensed marijuana establishments.**

2199 A. As used in this section, "licensed" and "marijuana establishment" have the same meanings as provided
 2200 in § 4.1-600.

2201 B. A bank or credit union that provides a financial service to a licensed marijuana establishment, and the
 2202 officers, directors, and employees of that bank or credit union, shall not be held liable pursuant to any state
 2203 law or regulation solely for providing such a financial service or for further investing any income derived
 2204 from such a financial service.

2205 C. Nothing in this section shall require a bank or credit union to provide financial services to a licensed
 2206 marijuana establishment.

2207 **§ 9.1-1101. Powers and duties of the Department.**

2208 A. It shall be the responsibility of the Department to provide forensic laboratory services upon request of
 2209 the Superintendent of State Police; the Chief Medical Examiner, the Assistant Chief Medical Examiners, and
 2210 local medical examiners; any attorney for the Commonwealth; any chief of police, sheriff, or sergeant
 2211 responsible for law enforcement in the jurisdiction served by him; any local fire department; the head of any
 2212 private police department that has been designated as a criminal justice agency by the Department of
 2213 Criminal Justice Services as defined by § 9.1-101; or any state agency in any criminal matter. The
 2214 Department shall provide such services to any federal investigatory agency within available resources.

2215 B. The Department shall:

2216 1. Provide forensic laboratory services to all law-enforcement agencies throughout the Commonwealth
 2217 and provide laboratory services, research, and scientific investigations for agencies of the Commonwealth as
 2218 needed;

2219 2. Establish and maintain a DNA testing program in accordance with Article 1.1 (§ 19.2-310.2 et seq.) of
 2220 Chapter 18 of Title 19.2 to determine identification characteristics specific to an individual; ~~and~~

2221 3. Test the accuracy of equipment used to test the blood alcohol content of breath at least once every six
 2222 months. Only equipment found to be accurate shall be used to test the blood alcohol content of breath; *and*

2223 4. Determine the proper methods for detecting the concentration of tetrahydrocannabinol (THC) in
 2224 substances for the purposes of Chapter 11 (§ 4.1-1100 et seq.) of Title 4.1 and §§ 54.1-3401 and 54.1-3446.
 2225 The testing methodology shall use post-decarboxylation testing or other equivalent method and shall consider
 2226 the potential conversion of tetrahydrocannabinol acid (THC-A) into THC. The test result shall include the
 2227 total available THC derived from the sum of the THC and THC-A content.

2228 C. The Department shall have the power and duty to:

2229 1. Receive, administer, and expend all funds and other assistance available for carrying out the purposes
2230 of this chapter;

2231 2. Make and enter into all contracts and agreements necessary or incidental to the performance of its
2232 duties and execution of its powers under this chapter including, but not limited to, contracts with the United
2233 States, units of general local government or combinations thereof in Virginia or other states, and with
2234 agencies and departments of the Commonwealth; and

2235 3. Perform such other acts as may be necessary or convenient for the effective performance of its duties.

2236 D. The Director may appoint and employ a deputy director and such other personnel as are needed to
2237 carry out the duties and responsibilities conferred by this chapter.

2238 **§ 16.1-69.40:1. Traffic infractions within authority of traffic violations clerk; schedule of fines; prepayment of local ordinances.**

2239 A. The Supreme Court shall by rule, which may from time to time be amended, supplemented or repealed,
2240 but which shall be uniform in its application throughout the Commonwealth, designate the traffic infractions
2241 for which a pretrial waiver of appearance, plea of guilty and fine payment may be accepted. Such designated
2242 infractions shall include violations of §§ 46.2-830.1, 46.2-878.2 and 46.2-1242 or any parallel local
2243 ordinances. Notwithstanding any rule of the Supreme Court, a person charged with a traffic offense that is
2244 listed as prepayable in the Uniform Fine Schedule may prepay his fines and costs without court appearance
2245 whether or not he was involved in an accident. The prepayable fine amount for a violation of § 46.2-878.2
2246 shall be \$200 plus an amount per mile-per-hour in excess of posted speed limits, as authorized in
2247 § 46.2-878.3.

2248 Such infractions shall not include:

2249 1. Indictable offenses;

2250 2. [Repealed.]

2251 3. Operation of a motor vehicle while under the influence of intoxicating liquor, *marijuana*, or a narcotic
2252 or habit-producing drug, or permitting another person, who is under the influence of intoxicating liquor,
2253 *marijuana*, or a narcotic or habit-producing drug, to operate a motor vehicle owned by the defendant or in his
2254 custody or control;

2255 4. Reckless driving;

2256 5. Leaving the scene of an accident;

2257 6. Driving while under suspension or revocation of driving privileges;

2258 7. Driving without being licensed to drive.

2259 8. [Repealed.]

2260 B. An appearance may be made in person or in writing by mail to a clerk of court or in person before a
2261 magistrate, prior to any date fixed for trial in court. Any person so appearing may enter a waiver of trial and a
2262 plea of guilty and pay the fine and any civil penalties established for the offense charged, with costs. He shall,
2263 prior to the plea, waiver, and payment, be informed of his right to stand trial, that his signature to a plea of
2264 guilty will have the same force and effect as a judgment of court, and that the record of conviction will be
2265 sent to the Commissioner of the Department of Motor Vehicles.

2266 C. The Supreme Court, upon the recommendation of the Committee on District Courts, shall establish a
2267 schedule, within the limits prescribed by law, of the amounts of fines and any civil penalties to be imposed,
2268 designating each infraction specifically. The schedule, which may from time to time be amended,
2269 supplemented or repealed, shall be uniform in its application throughout the Commonwealth. Such schedule
2270 shall not be construed or interpreted so as to limit the discretion of any trial judge trying individual cases at
2271 the time fixed for trial. The rule of the Supreme Court establishing the schedule shall be prominently posted
2272 in the place where the fines are paid. Fines and costs shall be paid in accordance with the provisions of this
2273 Code or any rules or regulations promulgated thereunder.

2274 D. Fines imposed under local traffic infraction ordinances that do not parallel provisions of state law and
2275 fulfill the criteria set out in subsection A may be prepayable in the manner set forth in subsection B if such
2276 ordinances appear in a schedule entered by order of the local circuit courts. The chief judge of each circuit
2277 may establish a schedule of the fines, within the limits prescribed by local ordinances, to be imposed for
2278 prepayment of local ordinances designating each offense specifically. Upon the entry of such order it shall be
2279 forwarded within 10 days to the Supreme Court of Virginia by the clerk of the local circuit court. The
2280 schedule, which from time to time may be amended, supplemented or repealed, shall be uniform in its
2281 application throughout the circuit. Such schedule shall not be construed or interpreted so as to limit the
2282 discretion of any trial judge trying individual cases at the time fixed for trial. This schedule shall be
2283 prominently posted in the place where fines are paid. Fines and costs shall be paid in accordance with the
2284 provisions of this Code or any rules or regulations promulgated thereunder.

2285 **§ 16.1-260. Intake; petition; investigation.**

2286 A. All matters alleged to be within the jurisdiction of the court shall be commenced by the filing of a
2287 petition, except as provided in subsection H and in § 16.1-259. The form and content of the petition shall be
2288 as provided in § 16.1-262. No individual shall be required to obtain support services from the Department of
2289 Social Services prior to filing a petition seeking support for a child. Complaints, requests, and the processing
2290

2291 of petitions to initiate a case shall be the responsibility of the intake officer. However, (i) the attorney for the
2292 Commonwealth of the city or county may file a petition on his own motion with the clerk; (ii) designated
2293 nonattorney employees of the Department of Social Services may complete, sign, and file petitions and
2294 motions relating to the establishment, modification, or enforcement of support on forms approved by the
2295 Supreme Court of Virginia with the clerk; (iii) designated nonattorney employees of a local department of
2296 social services may complete, sign, and file with the clerk, on forms approved by the Supreme Court of
2297 Virginia, petitions for foster care review, petitions for permanency planning hearings, petitions to establish
2298 paternity, motions to establish or modify support, motions to amend or review an order, and motions for a
2299 rule to show cause; and (iv) any attorney may file petitions on behalf of his client with the clerk except
2300 petitions alleging that the subject of the petition is a child alleged to be in need of services, in need of
2301 supervision, or delinquent. Complaints alleging abuse or neglect of a child shall be referred initially to the
2302 local department of social services in accordance with the provisions of Chapter 15 (§ 63.2-1500 et seq.) of
2303 Title 63.2. Motions and other subsequent pleadings in a case shall be filed directly with the clerk. The intake
2304 officer or clerk with whom the petition or motion is filed shall inquire whether the petitioner is receiving
2305 child support services or public assistance. No individual who is receiving support services or public
2306 assistance shall be denied the right to file a petition or motion to establish, modify, or enforce an order for
2307 support of a child. If the petitioner is seeking or receiving child support services or public assistance, the
2308 clerk, upon issuance of process, shall forward a copy of the petition or motion, together with notice of the
2309 court date, to the Division of Child Support Enforcement. If a petitioner is seeking to establish child support,
2310 the intake officer shall provide the petitioner information on the possible availability of medical assistance
2311 through the Family Access to Medical Insurance Security (FAMIS) plan or other government-sponsored
2312 coverage through the Department of Medical Assistance Services.

2313 B. The appearance of a child before an intake officer may be by (i) personal appearance before the intake
2314 officer or (ii) use of two-way electronic video and audio communication. If two-way electronic video and
2315 audio communication is used, an intake officer may exercise all powers conferred by law. All
2316 communications and proceedings shall be conducted in the same manner as if the appearance were in person,
2317 and any documents filed may be transmitted by facsimile process. The facsimile may be served or executed
2318 by the officer or person to whom sent, and returned in the same manner, and with the same force, effect,
2319 authority, and liability as an original document. All signatures thereon shall be treated as original signatures.
2320 Any two-way electronic video and audio communication system used for an appearance shall meet the
2321 standards as set forth in subsection B of § 19.2-3.1.

2322 When the court service unit of any court receives a complaint alleging facts which may be sufficient to
2323 invoke the jurisdiction of the court pursuant to § 16.1-241, the unit, through an intake officer, may proceed
2324 informally to make such adjustment as is practicable without the filing of a petition or may authorize a
2325 petition to be filed by any complainant having sufficient knowledge of the matter to establish probable cause
2326 for the issuance of the petition.

2327 An intake officer may proceed informally on a complaint alleging a child is in need of services, in need of
2328 supervision, or delinquent only if the juvenile (a) is not alleged to have committed a violent juvenile felony or
2329 (b) has not previously been proceeded against informally or adjudicated delinquent for an offense that would
2330 be a felony if committed by an adult. A petition alleging that a juvenile committed a violent juvenile felony
2331 shall be filed with the court. A petition alleging that a juvenile is delinquent for an offense that would be a
2332 felony if committed by an adult shall be filed with the court if the juvenile had previously been proceeded
2333 against informally by intake or had been adjudicated delinquent for an offense that would be a felony if
2334 committed by an adult.

2335 If a juvenile is alleged to be a truant pursuant to a complaint filed in accordance with § 22.1-258 and the
2336 attendance officer has provided documentation to the intake officer that the relevant school division has
2337 complied with the provisions of § 22.1-258, then the intake officer shall file a petition with the court. The
2338 intake officer may defer filing the petition and proceed informally by developing a truancy plan, provided
2339 that (1) the juvenile has not previously been proceeded against informally or adjudicated in need of
2340 supervision on more than two occasions for failure to comply with compulsory school attendance as provided
2341 in § 22.1-254 and (2) the immediately previous informal action or adjudication occurred at least three
2342 calendar years prior to the current complaint. The juvenile and his parent or parents, guardian, or other person
2343 standing in loco parentis must agree, in writing, for the development of a truancy plan. The truancy plan may
2344 include requirements that the juvenile and his parent or parents, guardian, or other person standing in loco
2345 parentis participate in such programs, cooperate in such treatment, or be subject to such conditions and
2346 limitations as necessary to ensure the juvenile's compliance with compulsory school attendance as provided
2347 in § 22.1-254. The intake officer may refer the juvenile to the appropriate public agency for the purpose of
2348 developing a truancy plan using an interagency interdisciplinary team approach. The team may include
2349 qualified personnel who are reasonably available from the appropriate department of social services,
2350 community services board, local school division, court service unit, and other appropriate and available
2351 public and private agencies and may be the family assessment and planning team established pursuant to
2352 § 2.2-5207. If at the end of the deferral period the juvenile has not successfully completed the truancy plan or

2353 the truancy program, then the intake officer shall file the petition.

2354 Whenever informal action is taken as provided in this subsection on a complaint alleging that a child is in
 2355 need of services, in need of supervision, or delinquent, the intake officer shall (A) develop a plan for the
 2356 juvenile, which may include restitution, the performance of community service, or on a complaint alleging
 2357 that a child has committed a delinquent act other than an act that would be a felony or a Class 1 misdemeanor
 2358 if committed by an adult and with the consent of the juvenile's parent or legal guardian, referral to a youth
 2359 justice diversion program established pursuant to § 16.1-309.11, based upon community resources and the
 2360 circumstances which resulted in the complaint, (B) create an official record of the action taken by the intake
 2361 officer and file such record in the juvenile's case file, and (C) advise the juvenile and the juvenile's parent,
 2362 guardian, or other person standing in loco parentis and the complainant that any subsequent complaint
 2363 alleging that the child is in need of supervision or delinquent based upon facts which may be sufficient to
 2364 invoke the jurisdiction of the court pursuant to § 16.1-241, or in the case of a referral to a youth justice
 2365 diversion program established pursuant to § 16.1-309.11, that any subsequent report from the youth justice
 2366 diversion program alleging that the juvenile failed to comply with the youth justice diversion program's
 2367 sentence within 180 days of the sentencing date, may result in the filing of a petition with the court.

2368 C. The intake officer shall accept and file a petition in which it is alleged that (i) the custody, visitation, or
 2369 support of a child is the subject of controversy or requires determination, (ii) a person has deserted,
 2370 abandoned, or failed to provide support for any person in violation of law, (iii) a child or such child's parent,
 2371 guardian, legal custodian, or other person standing in loco parentis is entitled to treatment, rehabilitation, or
 2372 other services which are required by law, (iv) family abuse has occurred and a protective order is being
 2373 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
 2374 occurred, a protective order is being sought pursuant to § 19.2-152.8, 19.2-152.9, or 19.2-152.10, and either
 2375 the alleged victim or the respondent is a juvenile. If any such complainant does not file a petition, the intake
 2376 officer may file it. In cases in which a child is alleged to be abused, neglected, in need of services, in need of
 2377 supervision, or delinquent, if the intake officer believes that probable cause does not exist, or that the
 2378 authorization of a petition will not be in the best interest of the family or juvenile or that the matter may be
 2379 effectively dealt with by some agency other than the court, he may refuse to authorize the filing of a petition.
 2380 The intake officer shall provide to a person seeking a protective order pursuant to § 16.1-253.1, 16.1-253.4,
 2381 or 16.1-279.1 a written explanation of the conditions, procedures and time limits applicable to the issuance of
 2382 protective orders pursuant to § 16.1-253.1, 16.1-253.4, or 16.1-279.1. If the person is seeking a protective
 2383 order pursuant to § 19.2-152.8, 19.2-152.9, or 19.2-152.10, the intake officer shall provide a written
 2384 explanation of the conditions, procedures, and time limits applicable to the issuance of protective orders
 2385 pursuant to § 19.2-152.8, 19.2-152.9, or 19.2-152.10.

2386 D. Prior to the filing of any petition alleging that a child is in need of supervision, the matter shall be
 2387 reviewed by an intake officer who shall determine whether the petitioner and the child alleged to be in need
 2388 of supervision have utilized or attempted to utilize treatment and services available in the community and
 2389 have exhausted all appropriate nonjudicial remedies which are available to them. When the intake officer
 2390 determines that the parties have not attempted to utilize available treatment or services or have not exhausted
 2391 all appropriate nonjudicial remedies which are available, he shall refer the petitioner and the child alleged to
 2392 be in need of supervision to the appropriate agency, treatment facility, or individual to receive treatment or
 2393 services, and a petition shall not be filed. Only after the intake officer determines that the parties have made a
 2394 reasonable effort to utilize available community treatment or services may he permit the petition to be filed.

2395 E. If the intake officer refuses to authorize a petition relating to an offense that if committed by an adult
 2396 would be punishable as a Class 1 misdemeanor or as a felony, when such refusal is based solely upon a
 2397 finding that no probable cause exists, the complainant shall be notified in writing at that time of the
 2398 complainant's right to apply to a magistrate for a warrant. The application for a warrant to the magistrate shall
 2399 be filed within 10 days of the issuance of the written notification. The written notification shall indicate that
 2400 the intake officer made a finding that no probable cause exists and shall provide notice that the complainant
 2401 has 10 days to apply for a warrant to the magistrate. The complainant shall provide the magistrate with a copy
 2402 of the written notification upon application to the magistrate. If a magistrate determines that probable cause
 2403 exists, he shall issue a warrant returnable to the juvenile and domestic relations district court. The warrant
 2404 shall be delivered forthwith to the juvenile court, and the intake officer shall accept and file a petition
 2405 founded upon the warrant. If the court is closed and the magistrate finds that the criteria for detention or
 2406 shelter care set forth in § 16.1-248.1 have been satisfied, the juvenile may be detained pursuant to the warrant
 2407 issued in accordance with this subsection. If the intake officer refuses to authorize a petition relating to a
 2408 child in need of services or in need of supervision, a status offense, or a misdemeanor other than Class 1, his
 2409 decision is final. If the intake officer refuses to authorize a petition relating to an offense that if committed by
 2410 an adult would be punishable as a Class 1 misdemeanor or as a felony when such refusal is based upon a
 2411 finding that (i) probable cause exists, but that (ii) the matter is appropriate for diversion, his decision is final
 2412 and the complainant shall not have a right to apply to a magistrate for a warrant.

2413 Upon delivery to the juvenile court of a warrant issued pursuant to subdivision 2 of § 16.1-256, the intake
 2414 officer shall accept and file a petition founded upon the warrant.

2415 F. The intake officer shall notify the attorney for the Commonwealth of the filing of any petition which
 2416 alleges facts of an offense which would be a felony if committed by an adult.

2417 G. Notwithstanding the provisions of Article 12 (§ 16.1-299 et seq.), the intake officer shall file a report
 2418 with the division superintendent of the school division in which any student who is the subject of a petition
 2419 alleging that such student who is a juvenile has committed an act, wherever committed, which would be a
 2420 crime if committed by an adult, or that such student who is an adult has committed a crime and is alleged to
 2421 be within the jurisdiction of the court. The report shall notify the division superintendent of the filing of the
 2422 petition and the nature of the offense, if the violation involves:

2423 1. A firearm offense pursuant to Article 4 (§ 18.2-279 et seq.), 5 (§ 18.2-288 et seq.), 6 (§ 18.2-299 et
 2424 seq.), 6.1 (§ 18.2-307.1 et seq.), or 7 (§ 18.2-308.1 et seq.) of Chapter 7 of Title 18.2;

2425 2. Homicide, pursuant to Article 1 (§ 18.2-30 et seq.) of Chapter 4 of Title 18.2;

2426 3. Felonious assault and bodily wounding, pursuant to Article 4 (§ 18.2-51 et seq.) of Chapter 4 of Title
 2427 18.2;

2428 4. Criminal sexual assault, pursuant to Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2;

2429 5. Manufacture, sale, gift, distribution or possession of Schedule I or II controlled substances, pursuant to
 2430 Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2;

2431 6. Manufacture, sale or distribution of marijuana pursuant to ~~Article 4~~ *Chapter 11* (§ ~~18.2-247 4.1-1100~~ et
 2432 seq.) of ~~Chapter 7~~ of Title 18.2 *4.1*;

2433 7. Arson and related crimes, pursuant to Article 1 (§ 18.2-77 et seq.) of Chapter 5 of Title 18.2;

2434 8. Burglary and related offenses, pursuant to §§ 18.2-89 through 18.2-93;

2435 9. Robbery pursuant to § 18.2-58;

2436 10. Prohibited criminal street gang activity pursuant to § 18.2-46.2;

2437 11. Recruitment of other juveniles for a criminal street gang activity pursuant to § 18.2-46.3;

2438 12. An act of violence by a mob pursuant to § 18.2-42.1;

2439 13. Abduction of any person pursuant to § 18.2-47 or 18.2-48; or

2440 14. A threat pursuant to § 18.2-60.

2441 The failure to provide information regarding the school in which the student who is the subject of the
 2442 petition may be enrolled shall not be grounds for refusing to file a petition.

2443 The information provided to a division superintendent pursuant to this section may be disclosed only as
 2444 provided in § 16.1-305.2.

2445 H. The filing of a petition shall not be necessary:

2446 1. In the case of violations of the traffic laws, including offenses involving bicycles, hitchhiking and other
 2447 pedestrian offenses, game and fish laws, or a violation of the ordinance of any city regulating surfing or any
 2448 ordinance establishing curfew violations, animal control violations, or littering violations. In such cases the
 2449 court may proceed on a summons issued by the officer investigating the violation in the same manner as
 2450 provided by law for adults. Additionally, an officer investigating a motor vehicle accident may, at the scene
 2451 of the accident or at any other location where a juvenile who is involved in such an accident may be located,
 2452 proceed on a summons in lieu of filing a petition.

2453 2. In the case of seeking consent to apply for the issuance of a work permit pursuant to subsection H of
 2454 § 16.1-241.

2455 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
 2456 other alcohol-related offense, provided that the juvenile is released to the custody of a parent or legal
 2457 guardian pending the initial court date. The officer releasing a juvenile to the custody of a parent or legal
 2458 guardian shall issue a summons to the juvenile and shall also issue a summons requiring the parent or legal
 2459 guardian to appear before the court with the juvenile. Disposition of the charge shall be in the manner
 2460 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
 2461 § 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
 2462 samples of both blood and breath for chemical analysis pursuant to §§ 18.2-268.1 through 18.2-268.12 or
 2463 29.1-738.2, the provisions of these sections shall be followed except that the magistrate shall authorize
 2464 execution of the warrant as a summons. The summons shall be served on a parent or legal guardian and the
 2465 juvenile, and a copy of the summons shall be forwarded to the court in which the violation is to be tried.
 2466 When a violation of § 4.1-305 *or 4.1-1105* is charged by summons, the juvenile shall be entitled to have the
 2467 charge referred to intake for consideration of informal proceedings pursuant to subsection B, provided that
 2468 such right is exercised by written notification to the clerk not later than 10 days prior to trial. At the time such
 2469 summons alleging a violation of § 4.1-305 *or 4.1-1105* is served, the officer shall also serve upon the juvenile
 2470 written notice of the right to have the charge referred to intake on a form approved by the Supreme Court and
 2471 make return of such service to the court. If the officer fails to make such service or return, the court shall
 2472 dismiss the summons without prejudice.

2473 4. In the case of offenses, *other than marijuana-related offenses*, which, if committed by an adult, would
 2474 be punishable as a Class 3 or Class 4 misdemeanor. In such cases the court may direct that an intake officer
 2475 proceed as provided in § 16.1-237 on a summons issued by the officer investigating the violation in the same
 2476 manner as provided by law for adults provided that notice of the summons to appear is mailed by the

2477 investigating officer within five days of the issuance of the summons to a parent or legal guardian of the
2478 juvenile.

2479 I. Failure to comply with the procedures set forth in this section shall not divest the juvenile court of the
2480 jurisdiction granted it in § 16.1-241.

2481 **§ 16.1-273. Court may require investigation of social history and preparation of victim impact**
2482 **statement.**

2483 A. When a juvenile and domestic relations district court or circuit court has adjudicated any case
2484 involving a child subject to the jurisdiction of the court hereunder, except for a traffic violation, a violation of
2485 the game and fish law, or a violation of any city ordinance regulating surfing or establishing curfew
2486 violations, the court before final disposition thereof may require an investigation, which (i) shall include a
2487 drug screening and (ii) may, and for the purposes of subdivision A 14 or 17 of § 16.1-278.8 shall, include a
2488 social history of the physical, mental, and social conditions, including an assessment of any affiliation with a
2489 criminal street gang as defined in § 18.2-46.1, and personality of the child and the facts and circumstances
2490 surrounding the violation of law. However, in the case of a juvenile adjudicated delinquent on the basis of an
2491 act committed on or after January 1, 2000, which would be (a) a felony if committed by an adult, ~~or~~ (b) a
2492 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
2493 and such offense would be punishable as a Class 1 or Class 2 misdemeanor if committed by an adult, *or (c) a*
2494 *violation of § 4.1-1105*, the court shall order the juvenile to undergo a drug screening. If the drug screening
2495 indicates that the juvenile has a substance abuse or dependence problem, an assessment shall be completed by
2496 a certified substance abuse counselor as defined in § 54.1-3500 employed by the Department of Juvenile
2497 Justice or by a locally operated court services unit or by an individual employed by or currently under
2498 contract to such agencies and who is specifically trained to conduct such assessments under the supervision
2499 of such counselor.

2500 B. The court also shall, on motion of the attorney for the Commonwealth with the consent of the victim,
2501 or may in its discretion, require the preparation of a victim impact statement in accordance with the
2502 provisions of § 19.2-299.1 if the court determines that the victim may have suffered significant physical,
2503 psychological, or economic injury as a result of the violation of law.

2504 **§ 16.1-278.9. Delinquent children; loss of driving privileges for alcohol, firearm, and drug offenses;**
2505 **truancy.**

2506 A. If a court has found facts which would justify a finding that a child at least 13 years of age at the time
2507 of the offense is delinquent and such finding involves (i) a violation of § 18.2-266 or of a similar ordinance of
2508 any county, city, or town; (ii) a refusal to take a breath test in violation of § 18.2-268.2; (iii) a felony violation
2509 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
2510 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*
2511 *of § 4.1-1105*; (v) the unlawful purchase, possession, or consumption of alcohol in violation of § 4.1-305 or
2512 the unlawful drinking or possession of alcoholic beverages in or on public school grounds in violation of
2513 § 4.1-309; (vi) public intoxication in violation of § 18.2-388 or a similar ordinance of a county, city, or town;
2514 (vii) the unlawful use or possession of a handgun or possession of a "streetsweeper" as defined below; or
2515 (viii) a violation of § 18.2-83, the court shall order, in addition to any other penalty that it may impose as
2516 provided by law for the offense, that the child be denied a driver's license. In addition to any other penalty
2517 authorized by this section, if the offense involves a violation designated under clause (i) and the child was
2518 transporting a person 17 years of age or younger, the court shall impose the additional fine and order
2519 community service as provided in § 18.2-270. If the offense involves a violation designated under clause (i),
2520 (ii), (iii), or (viii), the denial of a driver's license shall be for a period of one year or until the juvenile reaches
2521 the age of 17, whichever is longer, for a first such offense or for a period of one year or until the juvenile
2522 reaches the age of 18, whichever is longer, for a second or subsequent such offense. If the offense involves a
2523 violation designated under clause (iv), (v), or (vi) the denial of driving privileges shall be for a period of six
2524 months unless the offense is committed by a child under the age of 16 years and three months, in which case
2525 the child's ability to apply for a driver's license shall be delayed for a period of six months following the date
2526 he reaches the age of 16 and three months. If the offense involves a first violation designated under clause (v)
2527 or (vi), the court shall impose the license sanction and may enter a judgment of guilt or, without entering a
2528 judgment of guilt, may defer disposition of the delinquency charge until such time as the court disposes of the
2529 case pursuant to subsection F. If the offense involves a violation designated under clause (iii) or (iv), the
2530 court shall impose the license sanction and shall dispose of the delinquency charge pursuant to the provisions
2531 of this chapter or § 18.2-251. If the offense involves a violation designated under clause (vii), the denial of
2532 driving privileges shall be for a period of not less than 30 days, except when the offense involves possession
2533 of a concealed handgun or a striker 12, commonly called a "streetsweeper," or any semi-automatic folding
2534 stock shotgun of like kind with a spring tension drum magazine capable of holding 12 shotgun shells, in
2535 which case the denial of driving privileges shall be for a period of two years unless the offense is committed
2536 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
2537 license shall be delayed for a period of two years following the date he reaches the age of 16 and three
2538 months.

2539 A1. If a court finds that a child at least 13 years of age has failed to comply with school attendance and
2540 meeting requirements as provided in § 22.1-258, the court shall order the denial of the child's driving
2541 privileges for a period of not less than 30 days. If such failure to comply involves a child under the age of 16
2542 years and three months, the child's ability to apply for a driver's license shall be delayed for a period of not
2543 less than 30 days following the date he reaches the age of 16 and three months.

2544 If the court finds a second or subsequent such offense, it may order the denial of a driver's license for a
2545 period of one year or until the juvenile reaches the age of 18, whichever is longer, or delay the child's ability
2546 to apply for a driver's license for a period of one year following the date he reaches the age of 16 and three
2547 months, as may be appropriate.

2548 A2. If a court finds that a child at least 13 years of age has refused to take a blood test in violation of
2549 § 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
2550 the juvenile reaches the age of 17, whichever is longer, for a first such offense or for a period of one year or
2551 until the juvenile reaches the age of 18, whichever is longer, for a second or subsequent such offense.

2552 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
2553 provided in subsection A1 or A2 shall be ordered to surrender his driver's license, which shall be held in the
2554 physical custody of the court during any period of license denial.

2555 C. The court shall report any order issued under this section to the Department of Motor Vehicles, which
2556 shall preserve a record thereof. The report and the record shall include a statement as to whether the child was
2557 represented by or waived counsel or whether the order was issued pursuant to subsection A1 or A2.
2558 Notwithstanding the provisions of Article 12 (§ 16.1-299 et seq.) or the provisions of Title 46.2, this record
2559 shall be available only to all law-enforcement officers, attorneys for the Commonwealth and courts. No other
2560 record of the proceeding shall be forwarded to the Department of Motor Vehicles unless the proceeding
2561 results in an adjudication of guilt pursuant to subsection F.

2562 The Department of Motor Vehicles shall refuse to issue a driver's license to any child denied a driver's
2563 license until such time as is stipulated in the court order or until notification by the court of withdrawal of the
2564 order of denial under subsection E.

2565 D. If the finding as to the child involves a violation designated under clause (i), (ii), (iii) or (vi) of
2566 subsection A or a violation designated under subsection A2, the child may be referred to a certified alcohol
2567 safety action program in accordance with § 18.2-271.1 upon such terms and conditions as the court may set
2568 forth. If the finding as to such child involves a violation designated under clause (iii), (iv), (v), (vii) or (viii)
2569 of subsection A, such child may be referred to appropriate rehabilitative or educational services upon such
2570 terms and conditions as the court may set forth.

2571 The court, in its discretion and upon a demonstration of hardship, may authorize the use of a restricted
2572 permit to operate a motor vehicle by any child who has a driver's license at the time of the offense or at the
2573 time of the court's finding as provided in subsection A1 or A2 for any of the purposes set forth in subsection
2574 E of § 18.2-271.1 or for travel to and from school, except that no restricted license shall be issued for travel to
2575 and from home and school when school-provided transportation is available and no restricted license shall be
2576 issued if the finding as to such child involves a violation designated under clause (iii) or (iv) of subsection A,
2577 or if it involves a second or subsequent violation of any offense designated in subsection A, a second finding
2578 by the court of failure to comply with school attendance and meeting requirements as provided in subsection
2579 A1, or a second or subsequent finding by the court of a refusal to take a blood test as provided in subsection
2580 A2. The issuance of the restricted permit shall be set forth within the court order, a copy of which shall be
2581 provided to the child, and shall specifically enumerate the restrictions imposed and contain such information
2582 regarding the child as is reasonably necessary to identify him. The child may operate a motor vehicle under
2583 the court order in accordance with its terms. Any child who operates a motor vehicle in violation of any
2584 restrictions imposed pursuant to this section is guilty of a violation of § 46.2-301.

2585 E. Upon petition made at least 90 days after issuance of the order, the court may review and withdraw any
2586 order of denial of a driver's license if for a first such offense or finding as provided in subsection A1 or A2.
2587 For a second or subsequent such offense or finding, the order may not be reviewed and withdrawn until one
2588 year after its issuance.

2589 F. If the finding as to such child involves a first violation designated under clause (vii) of subsection A,
2590 upon fulfillment of the terms and conditions prescribed by the court and after the child's driver's license has
2591 been restored, the court shall or, in the event the violation resulted in the injury or death of any person or if
2592 the finding involves a violation designated under clause (i), (ii), (v), or (vi) of subsection A, may discharge
2593 the child and dismiss the proceedings against him. Discharge and dismissal under these provisions shall be
2594 without an adjudication of guilt but a record of the proceeding shall be retained for the purpose of applying
2595 this section in subsequent proceedings. Failure of the child to fulfill such terms and conditions shall result in
2596 an adjudication of guilt. If the finding as to such child involves a violation designated under clause (iii) or (iv)
2597 of subsection A, the charge shall not be dismissed pursuant to this subsection but shall be disposed of
2598 pursuant to the provisions of this chapter or § 18.2-251. If the finding as to such child involves a second
2599 violation under clause (v), (vi) or (vii) of subsection A, the charge shall not be dismissed pursuant to this
2600 subsection but shall be disposed of under § 16.1-278.8.

2601 § 18.2-46.1. Definitions.

2602 As used in this article, unless the context requires a different meaning:

2603 "Act of violence" means those felony offenses described in subsection C of § 17.1-805 or subsection A of
2604 § 19.2-297.1.

2605 "Criminal street gang" means any ongoing organization, association, or group of three or more persons,
2606 whether formal or informal, (i) which has as one of its primary objectives or activities the commission of one
2607 or more criminal activities; (ii) which has an identifiable name or identifying sign or symbol; and (iii) whose
2608 members individually or collectively have engaged in the commission of, attempt to commit, conspiracy to
2609 commit, or solicitation of two or more predicate criminal acts, at least one of which is an act of violence,
2610 provided such acts were not part of a common act or transaction.

2611 "Predicate criminal act" means (i) an act of violence; (ii) any violation of § 18.2-42, 18.2-46.3, 18.2-56.1,
2612 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,
2613 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,
2614 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
2615 § 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~~
2616 ~~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
2617 violation of a local ordinance adopted pursuant to § 15.2-1812.2; or (vi) any substantially similar offense
2618 under the laws of another state or territory of the United States, the District of Columbia, or the United States.

2619 § 18.2-247. Use of terms "controlled substances," "Schedules I, II, III, IV, V, and VI," "imitation
2620 controlled substance," and "counterfeit controlled substance" in Title 18.2.

2621 A. Wherever the terms "controlled substances" and "Schedules I, II, III, IV, V, and VI" are used in Title
2622 18.2, such terms refer to those terms as they are used or defined in the Drug Control Act (§ 54.1-3400 et
2623 seq.).

2624 B. The term "imitation controlled substance" when used in this article means (i) a counterfeit controlled
2625 substance or (ii) a pill, capsule, tablet, or substance in any form whatsoever ~~which~~ that is not a controlled
2626 substance subject to abuse, and:

2627 1. Which by overall dosage unit appearance, including color, shape, size, marking, and packaging or by
2628 representations made, would cause the likelihood that such a pill, capsule, tablet, or substance in any other
2629 form whatsoever will be mistaken for a controlled substance unless such substance was introduced into
2630 commerce prior to the initial introduction into commerce of the controlled substance which it is alleged to
2631 imitate; or

2632 2. Which by express or implied representations purports to act like a controlled substance as a stimulant or
2633 depressant of the central nervous system and which is not commonly used or recognized for use in that
2634 particular formulation for any purpose other than for such stimulant or depressant effect, unless marketed,
2635 promoted, or sold as permitted by the U.S. Food and Drug Administration.

2636 C. In determining whether a pill, capsule, tablet, or substance in any other form whatsoever, is an
2637 "imitation controlled substance," there shall be considered, in addition to all other relevant factors,
2638 comparisons with accepted methods of marketing for legitimate nonprescription drugs for medicinal purposes
2639 rather than for drug abuse or any similar nonmedicinal use, including consideration of the packaging of the
2640 drug and its appearance in overall finished dosage form, promotional materials or representations, oral or
2641 written, concerning the drug, and the methods of distribution of the drug and where and how it is sold to the
2642 public.

2643 D. The term "marijuana" when used in this article means any part of a plant of the genus *Cannabis*,
2644 whether growing or not; its seeds or resin; and every compound, manufacture, salt, derivative, mixture, or
2645 preparation of such plant, its seeds, its resin, or any extract containing one or more cannabinoids. "Marijuana"
2646 does not include (i) the mature stalks of such plant, fiber produced from such stalk, oil or cake made from the
2647 seed of such plant, unless such stalks, fiber, oil or cake is combined with other parts of plants of the genus
2648 *Cannabis*; (ii) industrial hemp, as defined in § 3.2-4112, that is possessed by a person registered pursuant to
2649 subsection A of § 3.2-4115 or his agent; (iii) industrial hemp, as defined in § 3.2-4112, that is possessed by a
2650 person who holds a hemp producer license issued by the U.S. Department of Agriculture pursuant to 7 C.F.R.
2651 Part 990; (iv) a hemp product, as defined in § 3.2-4112; (v) an industrial hemp extract, as defined in
2652 § 3.2-5145.1; or (vi) any substance containing a tetrahydrocannabinol isomer, ester, ether, salt or salts of such
2653 isomer, ester, or ether that has been placed by the Board of Pharmacy into one of the schedules set forth in the
2654 Drug Control Act (§ 54.1-3400 et seq.) pursuant to § 54.1-3443.

2655 E. The term "counterfeit controlled substance" means a controlled substance that, without authorization,
2656 bears, is packaged in a container or wrapper that bears, or is otherwise labeled to bear, the trademark, trade
2657 name, or other identifying mark, imprint or device or any likeness thereof, of a drug manufacturer, processor,
2658 packer, or distributor other than the manufacturer, processor, packer, or distributor who did in fact so
2659 manufacture, process, pack or distribute such drug.

2660 F. E. The term "tetrahydrocannabinol" means any naturally occurring or synthetic tetrahydrocannabinol,
2661 including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of
2662 isomers is possible within the specific chemical designation and any preparation, mixture, or substance

2663 containing, or mixed or infused with, any detectable amount of tetrahydrocannabinol. For the purposes of this
 2664 definition, "isomer" means the optical, position, and geometric isomers.

2665 ~~G. F.~~ The term "total tetrahydrocannabinol" means the sum, after the application of any necessary
 2666 conversion factor, of the percentage by weight of tetrahydrocannabinol and the percentage by weight of
 2667 tetrahydrocannabinolic acid.

2668 ~~H. G.~~ The Department of Forensic Science shall determine the proper methods for detecting the
 2669 concentration of tetrahydrocannabinol in substances for the purposes of this title, Chapter 11 (§ 4.1-1100 et
 2670 seq.) of Title 4.1, and § 54.1-3401. The testing methodology shall use post-decarboxylation testing or other
 2671 equivalent method and shall consider the potential conversion of tetrahydrocannabinolic acid into
 2672 tetrahydrocannabinol.

2673 **§ 18.2-248. Manufacturing, selling, giving, distributing, or possessing with intent to manufacture,
 2674 sell, give, or distribute a controlled substance or an imitation controlled substance prohibited;
 2675 penalties.**

2676 A. Except as authorized in the Drug Control Act (§ 54.1-3400 et seq.), it ~~shall be~~ *is* unlawful for any
 2677 person to manufacture, sell, give, distribute, or possess with intent to manufacture, sell, give or distribute a
 2678 controlled substance or an imitation controlled substance.

2679 B. In determining whether any person intends to manufacture, sell, give or distribute an imitation
 2680 controlled substance, the court may consider, in addition to all other relevant evidence, whether any
 2681 distribution or attempted distribution of such pill, capsule, tablet or substance in any other form whatsoever
 2682 included an exchange of or a demand for money or other property as consideration, and, if so, whether the
 2683 amount of such consideration was substantially greater than the reasonable value of such pill, capsule, tablet
 2684 or substance in any other form whatsoever, considering the actual chemical composition of such pill, capsule,
 2685 tablet or substance in any other form whatsoever and, where applicable, the price at which over-the-counter
 2686 substances of like chemical composition sell.

2687 C. Except as provided in subsection C1, any person who violates this section with respect to a controlled
 2688 substance classified in Schedule I or II shall upon conviction be imprisoned for not less than five nor more
 2689 than 40 years and fined not more than \$500,000. Upon a second conviction of such a violation, and it is
 2690 alleged in the warrant, indictment, or information that the person has been before convicted of such an
 2691 offense or of a substantially similar offense in any other jurisdiction, which offense would be a felony if
 2692 committed in the Commonwealth, and such prior conviction occurred before the date of the offense alleged in
 2693 the warrant, indictment, or information, any such person may, in the discretion of the court or jury imposing
 2694 the sentence, be sentenced to imprisonment for life or for any period not less than five years, three years of
 2695 which shall be a mandatory minimum term of imprisonment to be served consecutively with any other
 2696 sentence, and he shall be fined not more than \$500,000.

2697 When a person is convicted of a third or subsequent offense under this subsection and it is alleged in the
 2698 warrant, indictment or information that he has been before convicted of two or more such offenses or of
 2699 substantially similar offenses in any other jurisdiction which offenses would be felonies if committed in the
 2700 Commonwealth and such prior convictions occurred before the date of the offense alleged in the warrant,
 2701 indictment, or information, he shall be sentenced to imprisonment for life or for a period of not less than 10
 2702 years, 10 years of which shall be a mandatory minimum term of imprisonment to be served consecutively
 2703 with any other sentence, and he shall be fined not more than \$500,000.

2704 Any person who manufactures, sells, gives, distributes or possesses with the intent to manufacture, sell,
 2705 give, or distribute the following is guilty of a felony punishable by a fine of not more than \$1 million and
 2706 imprisonment for five years to life, five years of which shall be a mandatory minimum term of imprisonment
 2707 to be served consecutively with any other sentence:

- 2708 1. 100 grams or more of a mixture or substance containing a detectable amount of heroin;
- 2709 2. 500 grams or more of a mixture or substance containing a detectable amount of:
 - 2710 a. Coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and
 - 2711 derivatives of ecgonine or their salts have been removed;
 - 2712 b. Cocaine, its salts, optical and geometric isomers, and salts of isomers;
 - 2713 c. Cocaine base;
 - 2714 d. Ecgonine, its derivatives, their salts, isomers, and salts of isomers; or
 - 2715 e. Any compound, mixture, or preparation that contains any quantity of any of the substances referred to
 - 2716 in subdivisions 2a through 2d; or
 - 2717 3. 10 grams or more of methamphetamine, its salts, isomers, or salts of its isomers or 20 grams or more of
 - 2718 a mixture or substance containing a detectable amount of methamphetamine, its salts, isomers, or salts of its
 - 2719 isomers.

2720 The mandatory minimum term of imprisonment to be imposed for a violation of this subsection shall not
 2721 be applicable if the court finds that:

- 2722 a. The person does not have a prior conviction for an offense listed in subsection C of § 17.1-805;
- 2723 b. The person did not use violence or credible threats of violence or possess a firearm or other dangerous
- 2724 weapon in connection with the offense or induce another participant in the offense to do so;

- 2725 c. The offense did not result in death or serious bodily injury to any person;
- 2726 d. The person was not an organizer, leader, manager, or supervisor of others in the offense, and was not
- 2727 engaged in a continuing criminal enterprise as defined in subsection I; and
- 2728 e. Not later than the time of the sentencing hearing, the person has truthfully provided to the
- 2729 Commonwealth all information and evidence the person has concerning the offense or offenses that were part
- 2730 of the same course of conduct or of a common scheme or plan, but the fact that the person has no relevant or
- 2731 useful other information to provide or that the Commonwealth already is aware of the information shall not
- 2732 preclude a determination by the court that the defendant has complied with this requirement.
- 2733 C1. Any person who violates this section with respect to the manufacturing of methamphetamine, its salts,
- 2734 isomers, or salts of its isomers or less than 200 grams of a mixture or substance containing a detectable
- 2735 amount of methamphetamine, its salts, isomers, or salts of its isomers shall, upon conviction, be imprisoned
- 2736 for not less than 10 nor more than 40 years and fined not more than \$500,000. Upon a second conviction of
- 2737 such a violation, any such person may, in the discretion of the court or jury imposing the sentence, be
- 2738 sentenced to imprisonment for life or for any period not less than 10 years, and be fined not more than
- 2739 \$500,000. When a person is convicted of a third or subsequent offense under this subsection and it is alleged
- 2740 in the warrant, indictment, or information that he has been previously convicted of two or more such offenses
- 2741 or of substantially similar offenses in any other jurisdiction, which offenses would be felonies if committed in
- 2742 the Commonwealth and such prior convictions occurred before the date of the offense alleged in the warrant,
- 2743 indictment, or information, he shall be sentenced to imprisonment for life or for a period not less than 10
- 2744 years, three years of which shall be a mandatory minimum term of imprisonment to be served consecutively
- 2745 with any other sentence and he shall be fined not more than \$500,000.
- 2746 Upon conviction, in addition to any other punishment, a person found guilty of this offense shall be
- 2747 ordered by the court to make restitution, as the court deems appropriate, to any innocent property owner
- 2748 whose property is damaged, destroyed, or otherwise rendered unusable as a result of such methamphetamine
- 2749 production. This restitution shall include the person's or his estate's estimated or actual expenses associated
- 2750 with cleanup, removal, or repair of the affected property. If the property that is damaged, destroyed, or
- 2751 otherwise rendered unusable as a result of such methamphetamine production is property owned in whole or
- 2752 in part by the person convicted, the court shall order the person to pay to the Methamphetamine Cleanup
- 2753 Fund authorized in § 18.2-248.04 the reasonable estimated or actual expenses associated with cleanup,
- 2754 removal, or repair of the affected property or, if actual or estimated expenses cannot be determined, the sum
- 2755 of \$10,000. The convicted person shall also pay the cost of certifying that any building that is cleaned up or
- 2756 repaired pursuant to this section is safe for human occupancy according to the guidelines established pursuant
- 2757 to § 32.1-11.7.
- 2758 D. If such person proves that he gave, distributed or possessed with intent to give or distribute a controlled
- 2759 substance classified in Schedule I or II only as an accommodation to another individual who is not an inmate
- 2760 in a community correctional facility, local correctional facility or state correctional facility as defined in
- 2761 § 53.1-1 or in the custody of an employee thereof, and not with intent to profit thereby from any
- 2762 consideration received or expected nor to induce the recipient or intended recipient of the controlled
- 2763 substance to use or become addicted to or dependent upon such controlled substance, he ~~shall be~~ *is* guilty of a
- 2764 Class 5 felony.
- 2765 E. If the violation of the provisions of this article consists of the filling by a pharmacist of the prescription
- 2766 of a person authorized under this article to issue the same, which prescription has not been received in writing
- 2767 by the pharmacist prior to the filling thereof, and such written prescription is in fact received by the
- 2768 pharmacist within one week of the time of filling the same, or if such violation consists of a request by such
- 2769 authorized person for the filling by a pharmacist of a prescription which has not been received in writing by
- 2770 the pharmacist and such prescription is, in fact, written at the time of such request and delivered to the
- 2771 pharmacist within one week thereof, either such offense shall constitute a Class 4 misdemeanor.
- 2772 E1. Any person who violates this section with respect to a controlled substance classified in Schedule III
- 2773 except for an anabolic steroid classified in Schedule III, constituting a violation of § 18.2-248.5, ~~shall be~~ *is*
- 2774 guilty of a Class 5 felony.
- 2775 E2. Any person who violates this section with respect to a controlled substance classified in Schedule IV
- 2776 ~~shall be~~ *is* guilty of a Class 6 felony.
- 2777 E3. Any person who proves that he gave, distributed or possessed with the intent to give or distribute a
- 2778 controlled substance classified in Schedule III or IV, except for an anabolic steroid classified in Schedule III,
- 2779 constituting a violation of § 18.2-248.5, only as an accommodation to another individual who is not an inmate
- 2780 in a community correctional facility, local correctional facility or state correctional facility as defined in
- 2781 § 53.1-1 or in the custody of an employee thereof, and not with the intent to profit thereby from any
- 2782 consideration received or expected nor to induce the recipient or intended recipient of the controlled
- 2783 substance to use or become addicted to or dependent upon such controlled substance, is guilty of a Class 1
- 2784 misdemeanor.
- 2785 F. Any person who violates this section with respect to a controlled substance classified in Schedule V or
- 2786 Schedule VI or an imitation controlled substance ~~which~~ *that* imitates a controlled substance classified in

2787 Schedule V or Schedule VI, ~~shall be~~ *is* guilty of a Class 1 misdemeanor.

2788 G. Any person who violates this section with respect to an imitation controlled substance ~~which that~~
 2789 imitates a controlled substance classified in Schedule I, II, III, or IV ~~shall be~~ *is* guilty of a Class 6 felony. In
 2790 any prosecution brought under this subsection, it is not a defense to a violation of this subsection that the
 2791 defendant believed the imitation controlled substance to actually be a controlled substance.

2792 H. Any person who manufactures, sells, gives, distributes or possesses with the intent to manufacture, sell,
 2793 give or distribute the following:

2794 1. 1.0 kilograms or more of a mixture or substance containing a detectable amount of heroin;

2795 2. 5.0 kilograms or more of a mixture or substance containing a detectable amount of:

2796 a. Coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and
 2797 derivatives of ecgonine or their salts have been removed;

2798 b. Cocaine, its salts, optical and geometric isomers, and salts of isomers;

2799 c. Cocaine base;

2800 d. Ecgonine, its derivatives, their salts, isomers, and salts of isomers; or

2801 e. Any compound, mixture, or preparation ~~which that~~ contains any quantity of any of the substances
 2802 referred to in subdivisions a through d; *or*

2803 3. ~~100 kilograms or more of a mixture or substance containing a detectable amount of marijuana; or~~

2804 4. 100 grams or more of methamphetamine, its salts, isomers, or salts of its isomers or 200 grams or more
 2805 of a mixture or substance containing a detectable amount of methamphetamine, its salts, isomers, or salts of
 2806 its isomers ~~shall be~~ *is* guilty of a felony punishable by a fine of not more than \$1 million and imprisonment
 2807 for 20 years to life, 20 years of which shall be a mandatory minimum sentence. Such mandatory minimum
 2808 sentence shall not be applicable if the court finds that (i) the person does not have a prior conviction for an
 2809 offense listed in subsection C of § 17.1-805; (ii) the person did not use violence or credible threats of
 2810 violence or possess a firearm or other dangerous weapon in connection with the offense or induce another
 2811 participant in the offense to do so; (iii) the offense did not result in death or serious bodily injury to any
 2812 person; (iv) the person was not an organizer, leader, manager, or supervisor of others in the offense, and was
 2813 not engaged in a continuing criminal enterprise as defined in subsection I ~~of this section~~; and (v) not later
 2814 than the time of the sentencing hearing, the person has truthfully provided to the Commonwealth all
 2815 information and evidence the person has concerning the offense or offenses that were part of the same course
 2816 of conduct or of a common scheme or plan, but the fact that the person has no relevant or useful other
 2817 information to provide or that the Commonwealth already is aware of the information shall not preclude a
 2818 determination by the court that the defendant has complied with this requirement.

2819 H1. Any person who was the principal or one of several principal administrators, organizers or leaders of
 2820 a continuing criminal enterprise ~~shall be~~ *is* guilty of a felony if (i) the enterprise received at least \$100,000
 2821 but less than \$250,000 in gross receipts during any 12-month period of its existence from the manufacture,
 2822 importation, or distribution of heroin or cocaine or ecgonine or methamphetamine or the derivatives, salts,
 2823 isomers, or salts of isomers thereof ~~or marijuana~~ or (ii) the person engaged in the enterprise to manufacture,
 2824 sell, give, distribute or possess with the intent to manufacture, sell, give or distribute the following during any
 2825 12-month period of its existence:

2826 1. At least 1.0 kilograms but less than 5.0 kilograms of a mixture or substance containing a detectable
 2827 amount of heroin;

2828 2. At least 5.0 kilograms but less than 10 kilograms of a mixture or substance containing a detectable
 2829 amount of:

2830 a. Coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and
 2831 derivatives of ecgonine or their salts have been removed;

2832 b. Cocaine, its salts, optical and geometric isomers, and salts of isomers;

2833 c. Cocaine base;

2834 d. Ecgonine, its derivatives, their salts, isomers, and salts of isomers; or

2835 e. Any compound, mixture, or preparation ~~which that~~ contains any quantity of any of the substances
 2836 referred to in subdivisions a through d; *or*

2837 3. ~~At least 100 kilograms but less than 250 kilograms of a mixture or substance containing a detectable~~
 2838 ~~amount of marijuana; or~~

2839 4. At least 100 grams but less than 250 grams of methamphetamine, its salts, isomers, or salts of its
 2840 isomers or at least 200 grams but less than 1.0 kilograms of a mixture or substance containing a detectable
 2841 amount of methamphetamine, its salts, isomers, or salts of its isomers.

2842 A conviction under this section shall be punishable by a fine of not more than \$1 million and
 2843 imprisonment for 20 years to life, 20 years of which shall be a mandatory minimum sentence.

2844 H2. Any person who was the principal or one of several principal administrators, organizers or leaders of
 2845 a continuing criminal enterprise if (i) the enterprise received \$250,000 or more in gross receipts during any
 2846 12-month period of its existence from the manufacture, importation, or distribution of heroin or cocaine or
 2847 ecgonine or methamphetamine or the derivatives, salts, isomers, or salts of isomers thereof ~~or marijuana~~ or
 2848 (ii) the person engaged in the enterprise to manufacture, sell, give, distribute or possess with the intent to

2849 manufacture, sell, give or distribute the following during any 12-month period of its existence:
 2850 1. At least 5.0 kilograms of a mixture or substance containing a detectable amount of heroin;
 2851 2. At least 10 kilograms of a mixture or substance containing a detectable amount of:
 2852 a. Coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and
 2853 derivatives of ecgonine or their salts have been removed;
 2854 b. Cocaine, its salts, optical and geometric isomers, and salts of isomers;
 2855 c. Cocaine base;
 2856 d. Ecgonine, its derivatives, their salts, isomers, and salts of isomers; or
 2857 e. Any compound, mixture, or preparation ~~which~~ *that* contains any quantity of any of the substances
 2858 referred to in subdivisions a through d; *or*

2859 3. ~~At least 250 kilograms of a mixture or substance containing a detectable amount of marijuana; or~~
 2860 4. At least 250 grams of methamphetamine, its salts, isomers, or salts of its isomers or at least 1.0
 2861 kilograms of a mixture or substance containing a detectable amount of methamphetamine, its salts, isomers,
 2862 or salts of its isomers ~~shall be~~ *is* guilty of a felony punishable by a fine of not more than \$1 million and
 2863 imprisonment for life, which shall be served with no suspension in whole or in part. Such punishment shall be
 2864 made to run consecutively with any other sentence. However, the court may impose a mandatory minimum
 2865 sentence of 40 years if the court finds that the defendant substantially cooperated with law-enforcement
 2866 authorities.

2867 I. For purposes of this section, a person is engaged in a continuing criminal enterprise if (i) he violates any
 2868 provision of this section, the punishment for which is a felony and either (ii) such violation is a part of a
 2869 continuing series of violations of this section which are undertaken by such person in concert with five or
 2870 more other persons with respect to whom such person occupies a position of organizer, a supervisory
 2871 position, or any other position of management, and from which such person obtains substantial income or
 2872 resources or (iii) such violation is committed, with respect to methamphetamine or other controlled substance
 2873 classified in Schedule I or II, for the benefit of, at the direction of, or in association with any criminal street
 2874 gang as defined in § 18.2-46.1.

2875 J. Except as authorized in the Drug Control Act (§ 54.1-3400 et seq.), any person who possesses any two
 2876 or more different substances listed below with the intent to manufacture methamphetamine, methcathinone,
 2877 or amphetamine is guilty of a Class 6 felony: liquefied ammonia gas, ammonium nitrate, ether,
 2878 hypophosphorus acid solutions, hypophosphite salts, hydrochloric acid, iodine crystals or tincture of iodine,
 2879 phenylacetone, phenylacetic acid, red phosphorus, methylamine, methyl formamide, lithium, sodium metal,
 2880 sulfuric acid, sodium hydroxide, potassium dichromate, sodium dichromate, potassium permanganate,
 2881 chromium trioxide, methylbenzene, methamphetamine precursor drugs, trichloroethane, or 2-propanone.

2882 K. The term "methamphetamine precursor drug," when used in this article, means a drug or product
 2883 containing ephedrine, pseudoephedrine, or phenylpropanolamine or any of their salts, optical isomers, or salts
 2884 of optical isomers.

2885 **§ 18.2-248.01. Transporting controlled substances into the Commonwealth; penalty.**

2886 Except as authorized in the Drug Control Act (§ 54.1-3400 et seq.) it is unlawful for any person to
 2887 transport into the Commonwealth by any means with intent to sell or distribute one ounce or more of cocaine,
 2888 coca leaves or any salt, compound, derivative or preparation thereof as described in Schedule II of the Drug
 2889 Control Act or one ounce or more of any other Schedule I or II controlled substance ~~or five or more pounds~~
 2890 ~~of marijuana~~. A violation of this section shall constitute a separate and distinct felony. Upon conviction, the
 2891 person shall be sentenced to not less than five years nor more than 40 years imprisonment, three years of
 2892 which shall be a mandatory minimum term of imprisonment, and a fine not to exceed ~~\$1,000,000~~ *\$1 million*.
 2893 A second or subsequent conviction hereunder shall be punishable by a mandatory minimum term of
 2894 imprisonment of 10 years, which shall be served consecutively with any other sentence.

2895 **§ 18.2-251. Persons charged with first offense may be placed on probation; conditions; substance**
 2896 **abuse screening, assessment treatment and education programs or services; drug tests; costs and fees;**
 2897 **violations; discharge.**

2898 Whenever any person who has not previously been convicted of any criminal offense under this article or
 2899 under any statute of the United States or of any state relating to narcotic drugs; ~~marijuana~~, or stimulant,
 2900 depressant, or hallucinogenic drugs, ~~with the exception of any misdemeanor conviction for possession of~~
 2901 ~~marijuana~~, or has not previously had a proceeding against him for violation of such an offense dismissed as
 2902 provided in this section, ~~except a dismissal of a misdemeanor offense for possession of marijuana~~, pleads
 2903 guilty to or enters a plea of not guilty to possession of a controlled substance under § 18.2-250, the court,
 2904 upon such plea if the facts found by the court would justify a finding of guilt, without entering a judgment of
 2905 guilt and with the consent of the accused, may defer further proceedings and place him on probation upon
 2906 terms and conditions. If the court defers further proceedings, at that time the court shall determine whether
 2907 the clerk of court has been provided with the fingerprint identification information or fingerprints of the
 2908 person, taken by a law-enforcement officer pursuant to § 19.2-390, and, if not, shall order that the fingerprints
 2909 and photograph of the person be taken by a law-enforcement officer.

2910 As a term or condition, the court shall require the accused to undergo a substance abuse assessment

2911 pursuant to § 18.2-251.01 or 19.2-299.2, as appropriate, and enter treatment and/or education program or
 2912 services, if available, such as, in the opinion of the court, may be best suited to the needs of the accused based
 2913 upon consideration of the substance abuse assessment. The program or services may be located in the judicial
 2914 district in which the charge is brought or in any other judicial district as the court may provide. The services
 2915 shall be provided by (i) a program licensed by the Department of Behavioral Health and Developmental
 2916 Services, by a similar program which is made available through the Department of Corrections, (ii) a local
 2917 community-based probation services agency established pursuant to § 9.1-174, or (iii) an ASAP program
 2918 certified by the Commission on VASAP.

2919 The court shall require the person entering such program under the provisions of this section to pay all or
 2920 part of the costs of the program, including the costs of the screening, assessment, testing, and treatment,
 2921 based upon the accused's ability to pay unless the person is determined by the court to be indigent.

2922 As a condition of probation, the court shall require the accused (a) to successfully complete treatment or
 2923 education program or services, (b) to remain drug and alcohol free during the period of probation and submit
 2924 to such tests during that period as may be necessary and appropriate to determine if the accused is drug and
 2925 alcohol free, (c) to make reasonable efforts to secure and maintain employment, and (d) to comply with a
 2926 plan of at least 100 hours of community service for a felony and up to 24 hours of community service for a
 2927 misdemeanor. Such testing shall be conducted by personnel of the supervising probation agency or personnel
 2928 of any program or agency approved by the supervising probation agency.

2929 Upon violation of a term or condition, the court may enter an adjudication of guilt and proceed as
 2930 otherwise provided. Upon fulfillment of the terms and conditions, and upon determining that the clerk of
 2931 court has been provided with the fingerprint identification information or fingerprints of such person, the
 2932 court shall discharge the person and dismiss the proceedings against him. Discharge and dismissal under this
 2933 section shall be without adjudication of guilt and is a conviction only for the purposes of applying this section
 2934 in subsequent proceedings.

2935 Notwithstanding any other provision of this section, whenever a court places an individual on probation
 2936 upon terms and conditions pursuant to this section, such action shall be treated as a conviction for purposes of
 2937 § 22.1-315. The provisions of this paragraph shall not be applicable to any offense for which a juvenile has
 2938 had his license suspended or denied pursuant to § 16.1-278.9 for the same offense.

2939 **§ 18.2-251.03. Arrest and prosecution when experiencing or reporting an overdose or act of sexual**
 2940 **violence.**

2941 A. For purposes of this section:

2942 "Act of sexual violence" means an alleged violation of § 18.2-361, 18.2-370, or 18.2-370.1 or the laws
 2943 pertaining to criminal sexual assault pursuant to Article 7 (§ 18.2-61 et seq.) of Chapter 4.

2944 "Overdose" means a life-threatening condition resulting from the consumption or use of a controlled
 2945 substance, alcohol, or any combination of such substances.

2946 B. No individual shall be subject to arrest or prosecution for the unlawful purchase, possession, or
 2947 consumption of alcohol pursuant to § 4.1-305, unlawful purchase, possession, or consumption of marijuana
 2948 pursuant to § ~~4.1-1105.1~~ 4.1-1105, involuntary manslaughter pursuant to § 18.2-36.3, possession of a
 2949 controlled substance pursuant to § 18.2-250, intoxication in public pursuant to § 18.2-388, or possession of
 2950 controlled paraphernalia pursuant to § 54.1-3466 if:

2951 1. Such individual (i) in good faith, seeks or obtains emergency medical attention (a) for himself, if he is
 2952 experiencing an overdose, or (b) for another individual, if such other individual is experiencing an overdose;
 2953 (ii) is experiencing an overdose and another individual, in good faith, seeks or obtains emergency medical
 2954 attention for such individual, by contemporaneously reporting such overdose to a firefighter, as defined in
 2955 § 65.2-102, emergency medical services personnel, as defined in § 32.1-111.1, a law-enforcement officer, as
 2956 defined in § 9.1-101, or an emergency 911 system; or (iii) in good faith, renders emergency care or
 2957 assistance, including cardiopulmonary resuscitation (CPR) or the administration of naloxone or other opioid
 2958 antagonist for overdose reversal, to an individual experiencing an overdose while another individual seeks or
 2959 obtains emergency medical attention in accordance with this subdivision;

2960 2. Such individual remains at the scene of the overdose or at any alternative location to which he or the
 2961 person requiring emergency medical attention has been transported until a law-enforcement officer responds
 2962 to the report of an overdose. If no law-enforcement officer is present at the scene of the overdose or at the
 2963 alternative location, then such individual shall cooperate with law enforcement as otherwise set forth herein;

2964 3. Such individual identifies himself to the law-enforcement officer who responds to the report of the
 2965 overdose; and

2966 4. The evidence for the prosecution of an offense enumerated in this subsection was obtained as a result of
 2967 the individual seeking or obtaining emergency medical attention or rendering emergency care or assistance.

2968 C. No individual shall be subject to arrest or prosecution for the unlawful purchase, possession, or
 2969 consumption of alcohol pursuant to § 4.1-305, unlawful purchase, possession, or consumption of marijuana
 2970 pursuant to § ~~4.1-1105.1~~ 4.1-1105, possession of a controlled substance pursuant to § 18.2-250, intoxication
 2971 in public pursuant to § 18.2-388, or possession of controlled paraphernalia pursuant to § 54.1-3466 if:

2972 1. Such individual, in good faith, seeks or obtains assistance for himself or another individual from

2973 emergency medical services personnel, as defined in § 32.1-111.1, a health care provider, as defined in
2974 § 8.01-581.1, or a law-enforcement officer, as defined in § 9.1-101, and seeks to report an act of sexual
2975 violence committed against himself or another individual;

2976 2. Such individual identifies himself to the law-enforcement officer who responds to the report of the act
2977 of sexual violence; and

2978 3. The evidence for the prosecution of an offense enumerated in this subsection was obtained as a result of
2979 the individual seeking or obtaining medical attention, rendering care or assistance, or reporting to law
2980 enforcement.

2981 This subsection shall not apply to an individual who is alleged to have committed the act of sexual
2982 violence.

2983 D. The provisions of this section shall not apply to any person who seeks or obtains emergency medical
2984 attention for himself or another individual, to a person experiencing an overdose or who has experienced an
2985 act of sexual violence when another individual seeks or obtains emergency medical attention for him, or to a
2986 person who renders emergency care or assistance to an individual experiencing an overdose or who has
2987 experienced an act of sexual violence while another person seeks or obtains emergency medical attention
2988 during the execution of a search warrant or during the conduct of a lawful search or a lawful arrest.

2989 E. This section does not establish protection from arrest or prosecution for any individual or offense other
2990 than those listed in subsection B or C. However, any individual immune to arrest or prosecution under this
2991 section shall not have his bail, probation, furlough, supervised release, suspended sentence, or parole revoked
2992 for the behavior immune from arrest or prosecution under the provisions of this section.

2993 F. No law-enforcement officer acting in good faith shall be found liable for false arrest if it is later
2994 determined that the person arrested was immune from prosecution under this section.

2995 **§ 18.2-251.1:1. Possession or distribution of cannabis oil; public schools.**

2996 No school nurse employed by a local school board, person employed by a local health department who is
2997 assigned to the public school pursuant to an agreement between the local health department and the school
2998 board, or other person employed by or contracted with a local school board to deliver health-related services
2999 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
3000 18.2-255 for the possession or distribution of cannabis oil for storing, dispensing, or administering cannabis
3001 oil, in accordance with a policy adopted by the local school board, to a student who has been issued a valid
3002 written certification for the use of cannabis oil in accordance with § 4.1-1601.

3003 **§ 18.2-251.1:2. Possession or distribution of cannabis oil; nursing homes and certified nursing**
3004 **facilities; hospice and hospice facilities; assisted living facilities.**

3005 No person employed by a nursing home, hospice, hospice facility, or assisted living facility and
3006 authorized to possess, distribute, or administer medications to patients or residents shall be prosecuted under
3007 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
3008 distribution of cannabis oil for the purposes of storing, dispensing, or administering cannabis oil to a patient
3009 or resident who has been issued a valid written certification for the use of cannabis oil in accordance with
3010 § 4.1-1601.

3011 **§ 18.2-251.1:3. Possession or distribution of cannabis oil, or industrial hemp; laboratories;**
3012 **Department of Agriculture and Consumer Services, Department of Law employees.**

3013 A. No person employed by an analytical laboratory to retrieve, deliver, or possess cannabis oil or
3014 industrial hemp samples from a permitted pharmaceutical processor, a registered industrial hemp grower, a
3015 federally licensed hemp producer, or a registered industrial hemp processor for the purpose of performing
3016 required testing shall be prosecuted under Chapter 11 (§ 4.1-1100 et seq.) of Title 4.1 or § 18.2-248,
3017 ~~18.2-248.1~~, 18.2-250, or 18.2-255 for the possession or distribution of cannabis oil or industrial hemp or for
3018 storing cannabis oil or industrial hemp for testing purposes in accordance with regulations promulgated by
3019 the Board of ~~Pharmacy~~ *of Directors of the Virginia Cannabis Control Authority* and the Board of Agriculture
3020 and Consumer Services.

3021 B. No employee of the Department of Agriculture and Consumer Services or of the Department of Law
3022 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,
3023 ~~18.2-248.1~~, or 18.2-250 for the possession or distribution of industrial hemp or any substance containing
3024 tetrahydrocannabinol when possession of industrial hemp or any substance containing tetrahydrocannabinol
3025 is necessary in the performance of his duties.

3026 **§ 18.2-252. Suspended sentence conditioned upon substance abuse screening, assessment, testing,**
3027 **and treatment or education.**

3028 The trial judge or court trying the case of any person found guilty of a criminal violation of any law
3029 concerning the use, in any manner, of drugs, controlled substances, narcotics, ~~marijuana~~, noxious chemical
3030 substances and like substances shall condition any suspended sentence by first requiring such person to agree
3031 to undergo a substance abuse screening pursuant to § 18.2-251.01 and to submit to such periodic substance
3032 abuse testing, to include alcohol testing, as may be directed by the court. Such testing shall be conducted by
3033 the supervising probation agency or by personnel of any program or agency approved by the supervising
3034 probation agency. The cost of such testing ordered by the court shall be paid by the Commonwealth and taxed

3035 as a part of the costs of such proceedings. The judge or court shall order the person, as a condition of any
 3036 suspended sentence, to undergo such treatment or education for substance abuse, if available, as the judge or
 3037 court deems appropriate based upon consideration of the substance abuse assessment. The treatment or
 3038 education shall be provided by a program or agency licensed by the Department of Behavioral Health and
 3039 Developmental Services, by a similar program or services available through the Department of Corrections if
 3040 the court imposes a sentence of one year or more or, if the court imposes a sentence of 12 months or less, by a
 3041 similar program or services available through a local or regional jail, a local community-based probation
 3042 services agency established pursuant to § 9.1-174, or an ASAP program certified by the Commission on
 3043 VASAP.

3044 **§ 18.2-254. Commitment of convicted person for treatment for substance abuse.**

3045 A. Whenever any person who has not previously been convicted of any criminal offense under this article
 3046 or under any statute of the United States or of any state relating to narcotic drugs, ~~marijuana~~, or stimulant,
 3047 depressant, or hallucinogenic drugs or has not previously had a proceeding against him for violation of such
 3048 an offense dismissed as provided in § 18.2-251 is found guilty of violating any law concerning the use, in any
 3049 manner, of drugs, controlled substances, narcotics, ~~marijuana~~, noxious chemical substances, and like
 3050 substances, the judge or court shall require such person to undergo a substance abuse screening pursuant to
 3051 § 18.2-251.01 and to submit to such periodic substance abuse testing, to include alcohol testing, as may be
 3052 directed by the court. The cost of such testing ordered by the court shall be paid by the Commonwealth and
 3053 taxed as a part of the costs of the criminal proceedings. The judge or court shall also order the person to
 3054 undergo such treatment or education for substance abuse, if available, as the judge or court deems appropriate
 3055 based upon consideration of the substance abuse assessment. The treatment or education shall be provided by
 3056 a program or agency licensed by the Department of Behavioral Health and Developmental Services or by a
 3057 similar program or services available through the Department of Corrections if the court imposes a sentence
 3058 of one year or more or, if the court imposes a sentence of 12 months or less, by a similar program or services
 3059 available through a local or regional jail, a local community-based probation services agency established
 3060 pursuant to § 9.1-174, or an ASAP program certified by the Commission on VASAP.

3061 B. The court trying the case of any person alleged to have committed any criminal offense designated by
 3062 this article or by the Drug Control Act (§ 54.1-3400 et seq.) or in any other criminal case in which the
 3063 commission of the offense was motivated by or closely related to the use of drugs and determined by the
 3064 court, pursuant to a substance abuse screening and assessment, to be in need of treatment for the use of drugs
 3065 may commit, based upon a consideration of the substance abuse assessment, such person, upon his
 3066 conviction, to any facility for the treatment of persons with substance abuse, licensed by the Department of
 3067 Behavioral Health and Developmental Services, if space is available in such facility, for a period of time not
 3068 in excess of the maximum term of imprisonment specified as the penalty for conviction of such offense or, if
 3069 sentence was determined by a jury, not in excess of the term of imprisonment as set by such jury.
 3070 Confinement under such commitment shall be, in all regards, treated as confinement in a penal institution and
 3071 the person so committed may be convicted of escape if he leaves the place of commitment without authority.
 3072 A charge of escape may be prosecuted in either the jurisdiction where the treatment facility is located or the
 3073 jurisdiction where the person was sentenced to commitment. The court may revoke such commitment at any
 3074 time and transfer the person to an appropriate state or local correctional facility. Upon presentation of a
 3075 certified statement from the director of the treatment facility to the effect that the confined person has
 3076 successfully responded to treatment, the court may release such confined person prior to the termination of
 3077 the period of time for which such person was confined and may suspend the remainder of the term upon such
 3078 conditions as the court may prescribe.

3079 C. The court trying a case in which commission of the criminal offense was related to the defendant's
 3080 habitual abuse of alcohol and in which the court determines, pursuant to a substance abuse screening and
 3081 assessment, that such defendant is in need of treatment, may commit, based upon a consideration of the
 3082 substance abuse assessment, such person, upon his conviction, to any facility for the treatment of persons
 3083 with substance abuse licensed by the Department of Behavioral Health and Developmental Services, if space
 3084 is available in such facility, for a period of time not in excess of the maximum term of imprisonment
 3085 specified as the penalty for conviction. Confinement under such commitment shall be, in all regards, treated
 3086 as confinement in a penal institution and the person so committed may be convicted of escape if he leaves the
 3087 place of commitment without authority. The court may revoke such commitment at any time and transfer the
 3088 person to an appropriate state or local correctional facility. Upon presentation of a certified statement from
 3089 the director of the treatment facility to the effect that the confined person has successfully responded to
 3090 treatment, the court may release such confined person prior to the termination of the period of time for which
 3091 such person was confined and may suspend the remainder of the term upon such conditions as the court may
 3092 prescribe.

3093 **§ 18.2-255. Distribution of certain drugs to persons under 18 prohibited; penalty.**

3094 A. Except as authorized in the Drug Control Act, ~~Chapter 34~~ (§ 54.1-3400 et seq.) of ~~Title 54.1~~, it shall be
 3095 is unlawful for any person who is at least 18 years of age to knowingly or intentionally (i) distribute any drug
 3096 classified in Schedule I, II, III, or IV ~~or marijuana~~ to any person under 18 years of age who is at least three

3097 years his junior or (ii) cause any person under 18 years of age to assist in such distribution of any drug
 3098 classified in Schedule I, II, III, or IV ~~of marijuana~~. Any person violating this provision shall upon conviction
 3099 be imprisoned in a state correctional facility for a period not less than 10 nor more than 50 years, and fined
 3100 not more than \$100,000. Five years of the sentence imposed for a conviction under this section involving a
 3101 Schedule I or II controlled substance ~~or one ounce or more of marijuana~~ shall be a mandatory minimum
 3102 sentence. ~~Two years of the sentence imposed for a conviction under this section involving less than one~~
 3103 ~~ounce of marijuana shall be a mandatory minimum sentence.~~

3104 B. It ~~shall be~~ *is* unlawful for any person who is at least 18 years of age to knowingly or intentionally (i)
 3105 distribute any imitation controlled substance to a person under 18 years of age who is at least three years his
 3106 junior or (ii) cause any person under 18 years of age to assist in such distribution of any imitation controlled
 3107 substance. Any person violating this provision ~~shall be~~ *is* guilty of a Class 6 felony.

3108 **§ 18.2-255.1. Distribution, sale or display of printed material advertising instruments for use in**
 3109 **administering controlled substances to minors; penalty.**

3110 It ~~shall be~~ *is* a Class 1 misdemeanor for any person knowingly to sell, distribute, or display for sale to a
 3111 minor any book, pamphlet, periodical, or other printed matter ~~which~~ *that* he knows advertises for sale any
 3112 instrument, device, article, or contrivance for advertised use in unlawfully ingesting, smoking, administering,
 3113 preparing, or growing ~~marijuana~~ or a controlled substance.

3114 **§ 18.2-255.2. Prohibiting the sale or manufacture of drugs on or near certain properties; penalty.**

3115 A. It ~~shall be~~ *is* unlawful for any person to manufacture, sell, or distribute or possess with intent to sell,
 3116 give, or distribute any controlled substance; *or* imitation controlled substance; ~~or marijuana~~ while:

3117 1. Upon the property, including buildings and grounds, of any public or private elementary or secondary
 3118 school, any institution of higher education, or any clearly marked licensed child day center as defined in
 3119 § 22.1-289.02;

3120 2. Upon public property or any property open to public use within 1,000 feet of the property described in
 3121 subdivision 1;

3122 3. On any school bus as defined in § 46.2-100;

3123 4. Upon a designated school bus stop, or upon either public property or any property open to public use
 3124 which is within 1,000 feet of such school bus stop, during the time when school children are waiting to be
 3125 picked up and transported to or are being dropped off from school or a school-sponsored activity;

3126 5. Upon the property, including buildings and grounds, of any publicly owned or publicly operated
 3127 recreation or community center facility or any public library; or

3128 6. Upon the property of any state facility as defined in § 37.2-100 or upon public property or property
 3129 open to public use within 1,000 feet of such ~~an institution~~ *facility*. It is a violation of the provisions of this
 3130 section if the person possessed the controlled substance; *or* imitation controlled substance; ~~or marijuana~~ on
 3131 the property described in subdivisions 1 through 6, regardless of where the person intended to sell, give, or
 3132 distribute the controlled substance; *or* imitation controlled substance; ~~or marijuana~~. Nothing in this section
 3133 shall prohibit the authorized distribution of controlled substances.

3134 B. Violation of this section shall constitute a separate and distinct felony. Any person violating the
 3135 provisions of this section shall, upon conviction, be imprisoned for a term of not less than one year nor more
 3136 than five years and fined not more than \$100,000. A second or subsequent conviction hereunder for an
 3137 offense involving a controlled substance classified in Schedule I, II, or III of the Drug Control Act
 3138 (§ 54.1-3400 et seq.) ~~or more than one-half ounce of marijuana~~ shall be punished by a mandatory minimum
 3139 term of imprisonment of one year to be served consecutively with any other sentence. However, if such
 3140 person proves that he sold such controlled substance ~~or marijuana~~ only as an accommodation to another
 3141 individual and not with intent to profit thereby from any consideration received or expected nor to induce the
 3142 recipient or intended recipient of the controlled substance ~~or marijuana~~ to use or become addicted to or
 3143 dependent upon such controlled substance ~~or marijuana~~, he is guilty of a Class 1 misdemeanor.

3144 C. If a person commits an act violating the provisions of this section, and the same act also violates
 3145 another provision of law that provides for penalties greater than those provided for by this section, then
 3146 nothing in this section shall prohibit or bar any prosecution or proceeding under that other provision of law or
 3147 the imposition of any penalties provided for thereby.

3148 **§ 18.2-258. Certain premises deemed common nuisance; penalty.**

3149 Any office, store, shop, restaurant, dance hall, theater, poolroom, clubhouse, storehouse, warehouse,
 3150 dwelling house, apartment, building of any kind, vehicle, vessel, boat, or aircraft, which with the knowledge
 3151 of the owner, lessor, agent of any such lessor, manager, chief executive officer, operator, or tenant thereof, is
 3152 frequented by persons under the influence of illegally obtained controlled substances ~~or marijuana~~, as defined
 3153 in § 54.1-3401, or for the purpose of illegally obtaining possession of, manufacturing, or distributing
 3154 controlled substances ~~or marijuana~~, or is used for the illegal possession, manufacture, or distribution of
 3155 controlled substances ~~or marijuana~~ shall be deemed a common nuisance. Any such owner, lessor, agent of
 3156 any such lessor, manager, chief executive officer, operator, or tenant who knowingly permits, establishes,
 3157 keeps or maintains such a common nuisance is guilty of a Class 1 misdemeanor and, for a second or
 3158 subsequent offense, a Class 6 felony.

3159 **§ 18.2-258.02. Maintaining a fortified drug house; penalty.**

3160 Any office, store, shop, restaurant, dance hall, theater, poolroom, clubhouse, storehouse, warehouse,
 3161 dwelling house, apartment or building or structure of any kind ~~which~~ *that* is (i) substantially altered from its
 3162 original status by means of reinforcement with the intent to impede, deter or delay lawful entry by a
 3163 law-enforcement officer into such structure, (ii) being used for the purpose of manufacturing or distributing
 3164 controlled substances ~~or marijuana~~, and (iii) the object of a valid search warrant, shall be considered a
 3165 fortified drug house. Any person who maintains or operates a fortified drug house is guilty of a Class 5
 3166 felony.

3167 **§ 18.2-258.1. Obtaining drugs, procuring administration of controlled substances, etc., by fraud,
 3168 deceit or forgery.**

3169 A. It ~~shall be~~ *is* unlawful for any person to obtain or attempt to obtain any drug or procure or attempt to
 3170 procure the administration of any controlled substance ~~or marijuana~~: (i) by fraud, deceit, misrepresentation,
 3171 embezzlement, or subterfuge; (ii) by the forgery or alteration of a prescription or of any written order; (iii) by
 3172 the concealment of a material fact; or (iv) by the use of a false name or the giving of a false address.

3173 B. It ~~shall be~~ *is* unlawful for any person to furnish false or fraudulent information in or omit any
 3174 information from, or willfully make a false statement in, any prescription, order, report, record, or other
 3175 document required by ~~Chapter 34 the Drug Control Act (§ 54.1-3400 et seq.) of Title 54-1.~~

3176 C. It ~~shall be~~ *is* unlawful for any person to use in the course of the manufacture or distribution of a
 3177 controlled substance ~~or marijuana~~ a license number ~~which~~ *that* is fictitious, revoked, suspended, or issued to
 3178 another person.

3179 D. It ~~shall be~~ *is* unlawful for any person, for the purpose of obtaining any controlled substance ~~or~~
 3180 ~~marijuana~~, to falsely assume the title of, or represent himself to be, a manufacturer, wholesaler, pharmacist,
 3181 physician, dentist, veterinarian, or other authorized person.

3182 E. It ~~shall be~~ *is* unlawful for any person to make or utter any false or forged prescription or false or forged
 3183 written order.

3184 F. It ~~shall be~~ *is* unlawful for any person to affix any false or forged label to a package or receptacle
 3185 containing any controlled substance.

3186 G. This section shall not apply to officers and employees of the United States, of this Commonwealth or
 3187 of a political subdivision of this Commonwealth acting in the course of their employment, who obtain such
 3188 drugs for investigative, research or analytical purposes, or to the agents or duly authorized representatives of
 3189 any pharmaceutical manufacturer who obtain such drugs for investigative, research or analytical purposes and
 3190 who are acting in the course of their employment; provided that such manufacturer is licensed under the
 3191 provisions of the Federal Food, Drug and Cosmetic Act; and provided further, that such pharmaceutical
 3192 manufacturer, its agents and duly authorized representatives file with the Board such information as the
 3193 Board may deem appropriate.

3194 H. Except as otherwise provided in this subsection, any person who shall violate any provision herein
 3195 ~~shall be~~ *is* guilty of a Class 6 felony.

3196 Whenever any person who has not previously been convicted of any offense under this article or under
 3197 any statute of the United States or of any state relating to narcotic drugs; ~~marijuana~~, or stimulant, depressant,
 3198 or hallucinogenic drugs, or has not previously had a proceeding against him for violation of such an offense
 3199 dismissed, or reduced as provided in this section, pleads guilty to or enters a plea of not guilty to the court for
 3200 violating this section, upon such plea if the facts found by the court would justify a finding of guilt, the court
 3201 may place him on probation upon terms and conditions.

3202 As a term or condition, the court shall require the accused to be evaluated and enter a treatment and/or
 3203 education program, if available, such as, in the opinion of the court, may be best suited to the needs of the
 3204 accused. This program may be located in the judicial circuit in which the charge is brought or in any other
 3205 judicial circuit as the court may provide. The services shall be provided by a program certified or licensed by
 3206 the Department of Behavioral Health and Developmental Services. The court shall require the person entering
 3207 such program under the provisions of this section to pay all or part of the costs of the program, including the
 3208 costs of the screening, evaluation, testing and education, based upon the person's ability to pay unless the
 3209 person is determined by the court to be indigent.

3210 As a condition of supervised probation, the court shall require the accused to remain drug free during the
 3211 period of probation and submit to such tests during that period as may be necessary and appropriate to
 3212 determine if the accused is drug free. Such testing may be conducted by the personnel of any screening,
 3213 evaluation, and education program to which the person is referred or by the supervising agency.

3214 Unless the accused was fingerprinted at the time of arrest, the court shall order the accused to report to the
 3215 original arresting law-enforcement agency to submit to fingerprinting.

3216 Upon violation of a term or condition, the court may enter an adjudication of guilt upon the felony and
 3217 proceed as otherwise provided. Upon fulfillment of the terms and conditions of probation, the court shall find
 3218 the defendant guilty of a Class 1 misdemeanor.

3219 **§ 18.2-265.1. Definition.**

3220 As used in this article, "drug paraphernalia" means all equipment, products, and materials of any kind

3221 which are either designed for use or which are intended by the person charged with violating § 18.2-265.3 for
 3222 use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting,
 3223 producing, processing, preparing, strength testing, analyzing, packaging, repackaging, storing, containing,
 3224 concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body ~~marijuana~~ or a
 3225 controlled substance. "Drug paraphernalia" includes:

3226 1. Kits intended for use or designed for use in planting, propagating, cultivating, growing, or harvesting
 3227 ~~marijuana~~ or any species of plant which is a controlled substance or from which a controlled substance can be
 3228 derived;

3229 2. Kits intended for use or designed for use in manufacturing, compounding, converting, producing,
 3230 processing, or preparing ~~marijuana~~ or controlled substances;

3231 3. Isomerization devices intended for use or designed for use in increasing the potency of ~~marijuana~~ or
 3232 any species of plant ~~which that~~ is a controlled substance;

3233 4. Testing equipment intended for use or designed for use in identifying or in analyzing the strength or
 3234 effectiveness of ~~marijuana~~ or controlled substances, other than drug checking products used to determine the
 3235 presence or concentration of a contaminant that can cause physical harm or death;

3236 5. Scales and balances intended for use or designed for use in weighing or measuring ~~marijuana~~ or
 3237 controlled substances;

3238 6. Diluents and adulterants, such as quinine hydrochloride, mannitol, or mannite, intended for use or
 3239 designed for use in cutting controlled substances;

3240 7. Separation gins and sifters intended for use or designed for use in removing twigs and seeds from, or in
 3241 otherwise cleaning or refining, ~~marijuana~~;

3242 8. Blenders, bowls, containers, spoons, and mixing devices intended for use or designed for use in
 3243 compounding controlled substances;

3244 9. 8. Capsules, balloons, envelopes, and other containers intended for use or designed for use in packaging
 3245 small quantities of ~~marijuana~~ or controlled substances;

3246 10. 9. Containers and other objects intended for use or designed for use in storing or concealing ~~marijuana~~
 3247 or controlled substances;

3248 11. 10. Hypodermic syringes, needles, and other objects intended for use or designed for use in
 3249 parenterally injecting controlled substances into the human body;

3250 12. 11. Objects intended for use or designed for use in ingesting, inhaling, or otherwise introducing
 3251 ~~marijuana~~, cocaine, hashish, or hashish oil into the human body, such as:

3252 a. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent
 3253 screens, ~~hashish heads~~, or punctured metal bowls;

3254 b. Water pipes;

3255 c. Carburetion tubes and devices;

3256 d. Smoking and carburetion masks;

3257 e. Roach clips, meaning objects used to hold burning material, such as a ~~marijuana cigarette~~, that has
 3258 become too small or too short to be held in the hand;

3259 f. Miniature cocaine spoons and cocaine vials;

3260 g. Chamber pipes;

3261 h. Carburetor pipes;

3262 i. Electric pipes;

3263 j. Air-driven pipes;

3264 k. Chillums;

3265 l. Bongs;

3266 m. Ice pipes or chillers.

3267 **§ 18.2-265.2. Evidence to be considered in cases under this article.**

3268 In determining whether an object is drug paraphernalia, the court may consider, in addition to all other
 3269 relevant evidence, the following:

3270 1. Constitutionally admissible statements by the accused concerning the use of the object;

3271 2. The proximity of the object to ~~marijuana~~ or controlled substances, which proximity is actually known to
 3272 the accused;

3273 3. Instructions, oral or written, provided with the object concerning its use;

3274 4. Descriptive materials accompanying the object ~~which that~~ explain or depict its use;

3275 5. National and local advertising within the actual knowledge of the accused concerning its use;

3276 6. The manner in which the object is displayed for sale;

3277 7. Whether the accused is a legitimate supplier of like or related items to the community, such as a
 3278 licensed distributor or dealer of tobacco products;

3279 8. Evidence of the ratio of sales of the objects defined in § 18.2-265.1 to the total sales of the business
 3280 enterprise;

3281 9. The existence and scope of legitimate uses for the object in the community;

3282 10. Expert testimony concerning its use or the purpose for which it was designed; *and*

3283 11. Relevant evidence of the intent of the accused to deliver it to persons who he knows, or should
 3284 reasonably know, intend to use the object with an illegal drug. The innocence of an owner, or of anyone in
 3285 control of the object, as to a direct violation of this article shall not prevent a finding that the object is
 3286 intended for use or designed for use as drug paraphernalia.

3287 **§ 18.2-265.3. Penalties for sale, etc., of drug paraphernalia.**

3288 A. Any person who sells or possesses with intent to sell drug paraphernalia, knowing, or under
 3289 circumstances where one reasonably should know, that it is either designed for use or intended by such
 3290 person for use to illegally plant, propagate, cultivate, grow, harvest, manufacture, compound, convert,
 3291 produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or
 3292 otherwise introduce into the human body ~~marijuana~~ or a controlled substance, ~~shall be~~ *is* guilty of a Class 1
 3293 misdemeanor.

3294 B. Any person ~~eighteen~~ 18 years of age or older who violates subsection A ~~hereof~~ by selling drug
 3295 paraphernalia to a minor who is at least three years junior to the accused in age ~~shall be~~ *is* guilty of a Class 6
 3296 felony.

3297 C. Any person ~~eighteen~~ 18 years of age or older who distributes drug paraphernalia to a minor ~~shall be~~ *is*
 3298 guilty of a Class 1 misdemeanor.

3299 **§ 18.2-287.2. Wearing of body armor while committing a crime; penalty.**

3300 Any person who, while committing a crime of violence as defined in § 18.2-288 (2) or a felony violation
 3301 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
 3302 body armor designed to diminish the effect of the impact of a bullet or projectile ~~shall be~~ *is* guilty of a Class 4
 3303 felony.

3304 **§ 18.2-308.012. Prohibited conduct.**

3305 A. Any person permitted to carry a concealed handgun who is under the influence of alcohol, *marijuana*,
 3306 or illegal drugs while carrying such handgun in a public place is guilty of a Class 1 misdemeanor. Conviction
 3307 of any of the following offenses shall be prima facie evidence, subject to rebuttal, that the person is "under
 3308 the influence" for purposes of this section: manslaughter in violation of § 18.2-36.1, maiming in violation of
 3309 § 18.2-51.4, driving while intoxicated in violation of § 18.2-266, public intoxication in violation of
 3310 § 18.2-388, or driving while intoxicated in violation of § 46.2-341.24. Upon such conviction that court shall
 3311 revoke the person's permit for a concealed handgun and promptly notify the issuing circuit court. A person
 3312 convicted of a violation of this subsection shall be ineligible to apply for a concealed handgun permit for a
 3313 period of five years.

3314 B. No person who carries a concealed handgun onto the premises of any restaurant or club as defined in
 3315 § 4.1-100 for which a license to sell and serve alcoholic beverages for on-premises consumption has been
 3316 granted by the Virginia Alcoholic Beverage Control Authority under Title 4.1 may consume an alcoholic
 3317 beverage while on the premises. A person who carries a concealed handgun onto the premises of such a
 3318 restaurant or club and consumes alcoholic beverages is guilty of a Class 2 misdemeanor. However, nothing in
 3319 this subsection shall apply to a federal, state, or local law-enforcement officer.

3320 **§ 18.2-308.4. Possession of firearms while in possession of certain substances.**

3321 A. It ~~shall be~~ *is* unlawful for any person unlawfully in possession of a controlled substance classified in
 3322 Schedule I or II of the Drug Control Act (§ 54.1-3400 et seq.) of Title 54.1 to simultaneously with knowledge
 3323 and intent possess any firearm. A violation of this subsection is a Class 6 felony and constitutes a separate
 3324 and distinct felony.

3325 B. It ~~shall be~~ *is* unlawful for any person unlawfully in possession of a controlled substance classified in
 3326 Schedule I or II of the Drug Control Act (§ 54.1-3400 et seq.) to simultaneously with knowledge and intent
 3327 possess any firearm on or about his person. A violation of this subsection is a Class 6 felony and constitutes a
 3328 separate and distinct felony and any person convicted hereunder shall be sentenced to a mandatory minimum
 3329 term of imprisonment of two years. Such punishment shall be separate and apart from, and shall be made to
 3330 run consecutively with, any punishment received for the commission of the primary felony.

3331 C. It ~~shall be~~ *is* unlawful for any person to possess, use, or attempt to use any pistol, shotgun, rifle, or
 3332 other firearm or display such weapon in a threatening manner while committing or attempting to commit the
 3333 illegal manufacture, sale, distribution, or the possession with the intent to manufacture, sell, or distribute a
 3334 controlled substance classified in Schedule I or Schedule II of the Drug Control Act (§ 54.1-3400 et seq.) ~~or~~
 3335 ~~more than one pound of marijuana~~. A violation of this subsection is a Class 6 felony, and constitutes a
 3336 separate and distinct felony and any person convicted hereunder shall be sentenced to a mandatory minimum
 3337 term of imprisonment of five years. Such punishment shall be separate and apart from, and shall be made to
 3338 run consecutively with, any punishment received for the commission of the primary felony.

3339 **§ 18.2-460. Obstructing justice; resisting arrest; fleeing from a law-enforcement officer; penalties.**

3340 A. If any person without just cause knowingly obstructs a judge, magistrate, justice, juror, attorney for the
 3341 Commonwealth, witness, any law-enforcement officer, or animal control officer employed pursuant to
 3342 § 3.2-6555 in the performance of his duties as such or fails or refuses without just cause to cease such
 3343 obstruction when requested to do so by such judge, magistrate, justice, juror, attorney for the Commonwealth,
 3344 witness, law-enforcement officer, or animal control officer employed pursuant to § 3.2-6555, he is guilty of a

3345 Class 1 misdemeanor.

3346 B. Except as provided in subsection C, any person who, by threats or force, knowingly attempts to
3347 intimidate or impede a judge, magistrate, justice, juror, attorney for the Commonwealth, witness, any
3348 law-enforcement officer, or an animal control officer employed pursuant to § 3.2-6555 lawfully engaged in
3349 his duties as such, or to obstruct or impede the administration of justice in any court, is guilty of a Class 1
3350 misdemeanor.

3351 C. If any person by threats of bodily harm or force knowingly attempts to intimidate or impede a judge,
3352 magistrate, justice, juror, attorney for the Commonwealth, witness, ~~any~~ or law-enforcement officer, lawfully
3353 engaged in the discharge of his duty, or to obstruct or impede the administration of justice in any court
3354 relating to a violation of or conspiracy to violate § 18.2-248 or subdivision (a)(3), (b) or (c) of § 18.2-248.1,
3355 ~~or~~ §, 18.2-46.2, or § 18.2-46.3, or relating to the violation of or conspiracy to violate any violent felony
3356 offense listed in subsection C of § 17.1-805, he is guilty of a Class 5 felony.

3357 D. Any person who knowingly and willfully makes any materially false statement or representation to a
3358 law-enforcement officer or an animal control officer employed pursuant to § 3.2-6555 who is in the course of
3359 conducting an investigation of a crime by another is guilty of a Class 1 misdemeanor.

3360 E. Any person who intentionally prevents or attempts to prevent a law-enforcement officer from lawfully
3361 arresting him, with or without a warrant, is guilty of a Class 1 misdemeanor. For purposes of this subsection,
3362 intentionally preventing or attempting to prevent a lawful arrest means fleeing from a law-enforcement
3363 officer when (i) the officer applies physical force to the person, or (ii) the officer communicates to the person
3364 that he is under arrest and (a) the officer has the legal authority and the immediate physical ability to place
3365 the person under arrest, and (b) a reasonable person who receives such communication knows or should know
3366 that he is not free to leave.

3367 **§ 18.2-474.1. Delivery of drugs, firearms, explosives, etc., to prisoners or committed persons.**

3368 Notwithstanding the provisions of § 18.2-474, any person who shall willfully in any manner deliver,
3369 attempt to deliver, or conspire with another to deliver to any prisoner confined under authority of the
3370 Commonwealth of Virginia, or of any political subdivision thereof, or to any person committed to the
3371 Department of Juvenile Justice in any juvenile correctional center, any drug ~~which that~~ is a controlled
3372 substance regulated by the Drug Control Act in Chapter 34 (§ 54.1-3400 et seq.) of Title 54.1 or marijuana is
3373 guilty of a Class 5 felony. Any person who shall willfully in any manner so deliver or attempt to deliver or
3374 conspire to deliver to any such prisoner or confined or committed person, firearms, ammunitions, or
3375 explosives of any nature is guilty of a Class 3 felony.

3376 Nothing herein contained shall be construed to repeal or amend § 18.2-473.

3377 **§ 19.2-66. When Attorney General or Chief Deputy Attorney General may apply for order**
3378 **authorizing interception of communications.**

3379 A. The Attorney General or Chief Deputy Attorney General, if the Attorney General so designates in
3380 writing, in any case where the Attorney General is authorized by law to prosecute or pursuant to a request in
3381 his official capacity of an attorney for the Commonwealth in any city or county, may apply to a judge of
3382 competent jurisdiction for an order authorizing the interception of wire, electronic or oral communications by
3383 the Department of State Police, when such interception may reasonably be expected to provide evidence of
3384 the commission of a felonious offense of extortion, bribery, kidnapping, murder, any felony violation of
3385 § 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
3386 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.),
3387 Article 5 (§ 18.2-58 et seq.), Article 6 (§ 18.2-59 et seq.) or any felonies that are not Class 6 felonies in
3388 Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, or any conspiracy to commit any of the foregoing
3389 offenses. The Attorney General or Chief Deputy Attorney General may apply for authorization for the
3390 observation or monitoring of the interception by a police department of a county or city, by a sheriff's office,
3391 or by law-enforcement officers of the United States. Such application shall be made, and such order may be
3392 granted, in conformity with the provisions of § 19.2-68.

3393 B. The application for an order under subsection B of § 19.2-68 shall be made as follows:

3394 1. In the case of an application for a wire or electronic interception, a judge of competent jurisdiction shall
3395 have the authority to issue an order under subsection B of § 19.2-68 if there is probable cause to believe that
3396 an offense was committed, is being committed, or will be committed or the person or persons whose
3397 communications are to be intercepted live, work, subscribe to a wire or electronic communication system,
3398 maintain an address or a post office box, or are making the communication within the territorial jurisdiction
3399 of the court.

3400 2. In the case of an application for an oral intercept, a judge of competent jurisdiction shall have the
3401 authority to issue an order under subsection B of § 19.2-68 if there is probable cause to believe that an
3402 offense was committed, is being committed, or will be committed or the physical location of the oral
3403 communication to be intercepted is within the territorial jurisdiction of the court.

3404 C. For the purposes of an order entered pursuant to subsection B of § 19.2-68 for the interception of a wire
3405 or electronic communication, such communication shall be deemed to be intercepted in the jurisdiction where
3406 the order is entered, regardless of the physical location or the method by which the communication is

3407 captured or routed to the monitoring location.

3408 **§ 19.2-81. Arrest without warrant authorized in certain cases.**

3409 A. The following officers shall have the powers of arrest as provided in this section:

3410 1. Members of the State Police force of the Commonwealth;

3411 2. Sheriffs of the various counties and cities, and their deputies;

3412 3. Members of any county police force or any duly constituted police force of any city or town of the
3413 Commonwealth;

3414 4. The Commissioner, members and employees of the Marine Resources Commission granted the power
3415 of arrest pursuant to § 28.2-900;

3416 5. Regular conservation police officers appointed pursuant to § 29.1-200;

3417 6. United States Coast Guard and United States Coast Guard Reserve commissioned, warrant, and petty
3418 officers authorized under § 29.1-205 to make arrests;

3419 7. Conservation officers appointed pursuant to § 10.1-115;

3420 8. Full-time sworn members of the enforcement division of the Department of Motor Vehicles appointed
3421 pursuant to § 46.2-217;

3422 9. Special agents of the Virginia Alcoholic Beverage Control Authority *or the Virginia Cannabis Control*
3423 *Authority*;

3424 10. Campus police officers appointed under Article 3 (§ 23.1-809 et seq.) of Chapter 8 of Title 23.1; and

3425 11. Members of the Division of Capitol Police.

3426 B. Such officers may arrest without a warrant any person who commits any crime in the presence of the
3427 officer and any person whom he has reasonable grounds or probable cause to suspect of having committed a
3428 felony not in his presence.

3429 Such officers may arrest without a warrant any person whom the officer has probable cause to suspect of
3430 operating any watercraft or motorboat while (i) intoxicated in violation of subsection B of § 29.1-738 or a
3431 substantially similar ordinance of any county, city, or town in the Commonwealth or (ii) in violation of an
3432 order issued pursuant to § 29.1-738.4 and may thereafter transfer custody of the person arrested to another
3433 officer, who may obtain a warrant based upon statements made to him by the arresting officer.

3434 C. Any such officer may, at the scene of any accident involving a motor vehicle, watercraft as defined in
3435 § 29.1-733.2 or motorboat, or at any hospital or medical facility to which any person involved in such
3436 accident has been transported, or in the apprehension of any person charged with the theft of any motor
3437 vehicle, on any of the highways or waters of the Commonwealth, upon reasonable grounds to believe, based
3438 upon personal investigation, including information obtained from eyewitnesses, that a crime has been
3439 committed by any person then and there present, apprehend such person without a warrant of arrest. For
3440 purposes of this section, "the scene of any accident" shall include a reasonable location where a vehicle or
3441 person involved in an accident has been moved at the direction of a law-enforcement officer to facilitate the
3442 clearing of the highway or to ensure the safety of the motoring public.

3443 D. Such officers may, within three hours of the alleged offense, arrest without a warrant at any location
3444 any person whom the officer has probable cause to suspect of driving or operating a motor vehicle, watercraft
3445 or motorboat while intoxicated in violation of § 18.2-266, 18.2-266.1, 46.2-341.24, or subsection B of
3446 § 29.1-738; or a substantially similar ordinance of any county, city, or town in the Commonwealth, whether
3447 or not the offense was committed in such officer's presence. Such officers may, within three hours of the
3448 alleged offense, arrest without a warrant at any location any person whom the officer has probable cause to
3449 suspect of operating a watercraft or motorboat in violation of an order issued pursuant to § 29.1-738.4,
3450 whether or not the offense was committed in such officer's presence.

3451 E. Such officers may arrest, without a warrant or a *capias*, persons duly charged with a crime in another
3452 jurisdiction upon receipt of a photocopy of a warrant or a *capias*, telegram, computer printout, facsimile
3453 printout, a radio, telephone or teletype message, in which photocopy of a warrant, telegram, computer
3454 printout, facsimile printout, radio, telephone or teletype message shall be given the name or a reasonably
3455 accurate description of such person wanted and the crime alleged.

3456 F. Such officers may arrest, without a warrant or a *capias*, for an alleged misdemeanor not committed in
3457 his presence when the officer receives a radio message from his department or other law-enforcement agency
3458 within the Commonwealth that a warrant or *capias* for such offense is on file.

3459 G. Such officers may also arrest without a warrant for an alleged misdemeanor not committed in their
3460 presence involving (i) shoplifting in violation of § 18.2-96 or 18.2-103 or a similar local ordinance, (ii)
3461 carrying a weapon on school property in violation of § 18.2-308.1, (iii) assault and battery, (iv) brandishing a
3462 firearm in violation of § 18.2-282, or (v) destruction of property in violation of § 18.2-137, when such
3463 property is located on premises used for business or commercial purposes, or a similar local ordinance, when
3464 any such arrest is based on probable cause upon reasonable complaint of the person who observed the alleged
3465 offense. The arresting officer may issue a summons to any person arrested under this section for a
3466 misdemeanor violation involving shoplifting.

3467 **§ 19.2-81.1. Arrest without warrant by correctional officers in certain cases.**

3468 Any correctional officer, as defined in § 53.1-1, may arrest, in the same manner as provided in § 19.2-81,

3469 persons for crimes involving:

- 3470 (a) 1. The escape of an inmate from a correctional institution, as defined in § 53.1-1;
 3471 (b) 2. Assisting an inmate to escape from a correctional institution, as defined in § 53.1-1;
 3472 (c) 3. The delivery of contraband to an inmate in violation of § 4.1-1117, 18.2-474, or § 18.2-474.1; and
 3473 (d) 4. Any other criminal offense ~~which~~ *that* may contribute to the disruption of the safety, welfare, or
 3474 security of the population of a correctional institution.

3475 **§ 19.2-83.1. Report of arrest of school employees and adult students for certain offenses.**

3476 A. Every state official or agency and every sheriff, police officer, or other local law-enforcement officer
 3477 or conservator of the peace having the power to arrest for a felony, upon arresting a person who is known or
 3478 discovered by the arresting official to be a full-time, part-time, permanent, or temporary teacher or any other
 3479 employee in any local school division in the Commonwealth for a felony or a Class 1 misdemeanor or an
 3480 equivalent offense in another state, shall file a report of such arrest with the division safety official designated
 3481 pursuant to subsection F of § 22.1-279.8 in the school division in which such person is employed as soon as
 3482 practicable but no later than 48 hours after such arrest. The contents of the report required pursuant to this
 3483 subsection shall be utilized by the local school division solely to implement the provisions of subsection B of
 3484 § 22.1-296.2 and § 22.1-315.

3485 B. The report required pursuant to subsection A shall be transmitted to the division safety official (i) via
 3486 certified mail, return receipt requested, to the mailing address identified by the division superintendent
 3487 pursuant to subsection F of § 22.1-279.8 or (ii) via email to the email address identified by the division
 3488 superintendent pursuant to subsection F of § 22.1-279.8. Any certified mail return receipt shall be retained in
 3489 the case file.

3490 C. (Expires July 1, 2027) In the event that the law-enforcement agency has existing access to Virginia
 3491 Employment Commission records, each arresting official shall request in writing that the Virginia
 3492 Employment Commission provide the name of the current employer of each person arrested for an offense set
 3493 forth in § 9.1-902 for purposes of determining whether a report is required pursuant to subsection A.

3494 D. Every state official or agency and every sheriff, police officer, or other local law-enforcement officer
 3495 or conservator of the peace having the power to arrest for a felony shall file a report, as soon as practicable,
 3496 with the division superintendent of the school division in which the student is enrolled upon arresting a
 3497 person who is known or discovered by the arresting official to be a student age 18 or older in any local school
 3498 division in the Commonwealth for:

- 3499 1. A firearm offense pursuant to Article 4 (§ 18.2-279 et seq.), 5 (§ 18.2-288 et seq.), 6 (§ 18.2-299 et
 3500 seq.), 6.1 (§ 18.2-307.1 et seq.), or 7 (§ 18.2-308.1 et seq.) of Chapter 7 of Title 18.2;
 3501 2. Homicide, pursuant to Article 1 (§ 18.2-30 et seq.) of Chapter 4 of Title 18.2;
 3502 3. Felonious assault and bodily wounding, pursuant to Article 4 (§ 18.2-51 et seq.) of Chapter 4 of Title
 3503 18.2;
 3504 4. Criminal sexual assault, pursuant to Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2;
 3505 5. Manufacture, sale, gift, distribution or possession of Schedule I or II controlled substances, pursuant to
 3506 Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2;
 3507 6. Manufacture, sale or distribution of marijuana pursuant to ~~Article 4~~ *Chapter 11* (§ ~~18.2-247~~ *4.1-1100* et
 3508 seq.) of ~~Chapter 7~~ of Title ~~18.2~~ *4.1*;
 3509 7. Arson and related crimes, pursuant to Article 1 (§ 18.2-77 et seq.) of Chapter 5 of Title 18.2;
 3510 8. Burglary and related offenses, pursuant to §§ 18.2-89 through 18.2-93;
 3511 9. Robbery pursuant to § 18.2-58;
 3512 10. Prohibited criminal street gang activity pursuant to § 18.2-46.2;
 3513 11. Recruitment of juveniles for criminal street gang pursuant to § 18.2-46.3;
 3514 12. An act of violence by a mob pursuant to § 18.2-42.1; or
 3515 13. Abduction of any person pursuant to § 18.2-47 or 18.2-48.

3516 **§ 19.2-188.1. Testimony regarding identification of controlled substances.**

3517 A. In any preliminary hearing on a violation of Chapter 11 (§ 4.1-1100 et seq.) of Title 4.1, Article 1
 3518 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2, or subdivision 6 of § 53.1-203, any law-enforcement officer
 3519 shall be permitted to testify as to the results of field tests that have been approved by the Department of
 3520 Forensic Science pursuant to regulations adopted in accordance with the Administrative Process Act
 3521 (§ 2.2-4000 et seq.), regarding whether or not any substance the identity of which is at issue in such hearing is
 3522 a controlled substance, *or* imitation controlled substance, *as defined in § 18.2-247*, or marijuana, as defined in
 3523 ~~§ 18.2-247 4.1-600~~.

3524 B. In any trial for a violation of ~~§ 4.1-1105~~ *4.1-1104 or 4.1-1105*, any law-enforcement officer shall be
 3525 permitted to testify as to the results of any marijuana field test approved as accurate and reliable by the
 3526 Department of Forensic Science pursuant to regulations adopted in accordance with the Administrative
 3527 Process Act (§ 2.2-4000 et seq.), regarding whether or not any plant material, the identity of which is at issue,
 3528 is marijuana provided the defendant has been given written notice of his right to request a full chemical
 3529 analysis. Such notice shall be on a form approved by the Supreme Court and shall be provided to the
 3530 defendant prior to trial.

3531 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
 3532 attorney of record for the accused, desires a full chemical analysis of the alleged plant material, he may, by
 3533 motion prior to trial before the court in which the charge is pending, request such a chemical analysis. Upon
 3534 such motion, the court shall order that the analysis be performed by the Department of Forensic Science in
 3535 accordance with the provisions of § ~~18.2-247~~ *9.1-1101* and shall prescribe in its order the method of custody,
 3536 transfer, and return of evidence submitted for chemical analysis.

3537 **§ 19.2-303.01. Reduction of sentence; substantial assistance to prosecution.**

3538 Notwithstanding any other provision of law or rule of court, upon motion of the attorney for the
 3539 Commonwealth, the sentencing court may reduce the defendant's sentence if the defendant, after entry of the
 3540 final judgment order, provided substantial assistance in investigating or prosecuting another person for (i) an
 3541 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
 3542 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,
 3543 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
 3544 similar offense in any other jurisdiction, which offense would be a felony if committed in the
 3545 Commonwealth; (ii) a conspiracy to commit any of the offenses listed in clause (i); or (iii) violations as a
 3546 principal in the second degree or accessory before the fact of any of the offenses listed in clause (i). In
 3547 determining whether the defendant has provided substantial assistance pursuant to the provisions of this
 3548 section, the court shall consider (a) the court's evaluation of the significance and usefulness of the defendant's
 3549 assistance, taking into consideration the Commonwealth's evaluation of the assistance rendered; (b) the
 3550 truthfulness, completeness, and reliability of any information or testimony provided by the defendant; (c) the
 3551 nature and extent of the defendant's assistance; (d) any injury suffered or any danger or risk of injury to the
 3552 defendant or his family resulting from his assistance; and (e) the timeliness of the defendant's assistance. If
 3553 the motion is made more than one year after entry of the final judgment order, the court may reduce a
 3554 sentence only if the defendant's substantial assistance involved (1) information not known to the defendant
 3555 until more than one year after entry of the final judgment order, (2) information provided by the defendant
 3556 within one year of entry of the final judgment order but that did not become useful to the Commonwealth
 3557 until more than one year after entry of the final judgment order, or (3) information the usefulness of which
 3558 could not reasonably have been anticipated by the defendant until more than one year after entry of the final
 3559 judgment order and which was promptly provided to the Commonwealth by the defendant after its usefulness
 3560 was reasonably apparent.

3561 **§ 19.2-386.22. Seizure of property used in connection with or derived from illegal drug transactions.**

3562 A. The following property shall be subject to lawful seizure by any officer charged with enforcing the
 3563 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*
 3564 *Title 18.2: (i) all money, medical equipment, office equipment, laboratory equipment, motor vehicles, and all*
 3565 *other personal and real property of any kind or character, used in substantial connection with (a) the illegal*
 3566 *manufacture, sale or distribution of controlled substances or possession with intent to sell or distribute*
 3567 *controlled substances in violation of § 18.2-248, (b) the sale or distribution of marijuana or possession with*
 3568 *intent to distribute marijuana in violation of subdivisions (a)(2), (a)(3) and (e) of § 18.2-248.1 § 4.1-1103, or*
 3569 *(c) a drug-related offense in violation of § 4.1-1117 or 18.2-474.1; (ii) everything of value furnished, or*
 3570 *intended to be furnished, in exchange for a controlled substance in violation of § 18.2-248 or for marijuana in*
 3571 *violation of § 18.2-248.1 4.1-1103 or for a controlled substance or marijuana in violation of § 4.1-1117 or*
 3572 *18.2-474.1; and (iii) all moneys or other property, real or personal, traceable to such an exchange, together*
 3573 *with any interest or profits derived from the investment of such money or other property. Under the*
 3574 *provisions of clause (i), real property shall not be subject to lawful seizure unless the minimum prescribed*
 3575 *punishment for the violation is a term of not less than five years.*

3576 B. All seizures and forfeitures under this section shall be governed by the procedures contained in Chapter
 3577 22.1 (§ 19.2-386.1 et seq.).

3578 **§ 19.2-386.23. Disposal of seized controlled substances, marijuana, and paraphernalia.**

3579 A. All controlled substances, imitation controlled substances, marijuana, or paraphernalia, the lawful
 3580 possession of which is not established or the title to which cannot be ascertained, which have come into the
 3581 custody of a peace officer or have been seized in connection with violations of *Chapter 11 (§ 4.1-1100 et*
 3582 *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:

3583 1. Upon written application by (i) the Department of Forensic Science, (ii) the Department of State Police,
 3584 or (iii) any police department or sheriff's office in a locality, the court may order the forfeiture of any such
 3585 substance or paraphernalia to the Department of Forensic Science, the Department of State Police, or to such
 3586 police department or sheriff's office for research and training purposes and for destruction pursuant to
 3587 regulations of the United States Department of Justice Drug Enforcement Administration and of the Board of
 3588 Pharmacy once these purposes have been fulfilled.

3589 2. In the event no application is made under subdivision 1, the court shall order the destruction of all such
 3590 substances or paraphernalia, which order shall state the existence and nature of the substance or
 3591 paraphernalia, the quantity thereof, the location where seized, the person or persons from whom the substance
 3592 or paraphernalia was seized, if known, and the manner whereby such item shall be destroyed. However, the

3593 court may order that paraphernalia identified in subdivision 5 of § 18.2-265.1 not be destroyed and that it be
 3594 given to a person or entity that makes a showing to the court of sufficient need for the property and an ability
 3595 to put the property to a lawful and publicly beneficial use. A return under oath, reporting the time, place and
 3596 manner of destruction shall be made to the court by the officer to whom the order is directed. A copy of the
 3597 order and affidavit shall be made a part of the record of any criminal prosecution in which the substance or
 3598 paraphernalia was used as evidence and shall, thereafter, be prima facie evidence of its contents. In the event
 3599 a law-enforcement agency recovers, seizes, finds, is given or otherwise comes into possession of any such
 3600 substances or paraphernalia that are not evidence in a trial in the Commonwealth, the chief law-enforcement
 3601 officer of the agency or his designee may, with the written consent of the appropriate attorney for the
 3602 Commonwealth, order destruction of same; provided that a statement under oath, reporting a description of
 3603 the substances and paraphernalia destroyed and the time, place and manner of destruction, is made to the
 3604 chief law-enforcement officer by the officer to whom the order is directed.

3605 B. No such substance or paraphernalia used or to be used in a criminal prosecution under *Chapter 11*
 3606 (*§ 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
 3607 provided by this section until all rights of appeal have been exhausted, except as provided in § 19.2-386.24.

3608 C. The amount of any specific controlled substance, or imitation controlled substance, retained by any
 3609 law-enforcement agency pursuant to a court order issued under this section shall not exceed five pounds, or
 3610 25 pounds in the case of marijuana. Any written application to the court for controlled substances, imitation
 3611 controlled substances, or marijuana, shall certify that the amount requested shall not result in the requesting
 3612 agency's exceeding the limits allowed by this subsection.

3613 D. A law-enforcement agency that retains any controlled substance, imitation controlled substance, or
 3614 marijuana, pursuant to a court order issued under this section shall (i) be required to conduct an inventory of
 3615 such substance on a monthly basis, which shall include a description and weight of the substance, and (ii)
 3616 destroy such substance pursuant to subdivision A 1 when no longer needed for research and training
 3617 purposes. A written report outlining the details of the inventory shall be made to the chief law-enforcement
 3618 officer of the agency within 10 days of the completion of the inventory, and the agency shall detail the
 3619 substances that were used for research and training pursuant to a court order in the immediately preceding
 3620 fiscal year. Destruction of such substance shall be certified to the court along with a statement prepared under
 3621 oath, reporting a description of the substance destroyed, and the time, place, and manner of destruction.

3622 **§ 19.2-386.24. Destruction of seized controlled substances or marijuana prior to trial.**

3623 Where seizures of controlled substances or marijuana are made in excess of 10 pounds in connection with
 3624 any prosecution or investigation under *Chapter 11* (*§ 4.1-1100 et seq.*) of *Title 4.1* or Chapter 7 (§ 18.2-247 et
 3625 seq.) of Title 18.2, the appropriate law-enforcement agency may retain 10 pounds of the substance randomly
 3626 selected from the seized substance for representative purposes as evidence and destroy the remainder of the
 3627 seized substance.

3628 Before any destruction is carried out under this section, the law-enforcement agency shall cause the
 3629 material seized to be photographed with identification case numbers or other means of identification and shall
 3630 prepare a report identifying the seized material. It shall also notify the accused, or other interested party, if
 3631 known, or his attorney, at least five days in advance that the photography will take place and that they may be
 3632 present. Prior to any destruction under this section, the law-enforcement agency shall also notify the accused
 3633 or other interested party, if known, and his attorney at least seven days prior to the destruction of the time and
 3634 place the destruction will occur. Any notice required under the provisions of this section shall be by first-
 3635 class mail to the last known address of the person required to be notified. In addition to the substance retained
 3636 for representative purposes as evidence, all photographs and records made under this section and properly
 3637 identified shall be admissible in any court proceeding for any purposes for which the seized substance itself
 3638 would have been admissible.

3639 **§ 19.2-386.25. Judge may order law-enforcement agency to maintain custody of controlled**
 3640 **substances, etc.**

3641 Upon request of the clerk of any court, a judge of the court may order a law-enforcement agency to take
 3642 into its custody or to maintain custody of substantial quantities of any controlled substances, imitation
 3643 controlled substances, chemicals, marijuana, or paraphernalia used or to be used in a criminal prosecution
 3644 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
 3645 its order may make provision for ensuring integrity of these items until further order of the court.

3646 **§ 19.2-389. (Effective until July 1, 2026) Dissemination of criminal history record information.**

3647 A. Criminal history record information shall be disseminated, whether directly or through an intermediary,
 3648 only to:

3649 1. Authorized officers or employees of criminal justice agencies, as defined by § 9.1-101, for purposes of
 3650 the administration of criminal justice and the screening of an employment application or review of
 3651 employment by a criminal justice agency with respect to its own employees or applicants, and dissemination
 3652 to the Virginia Parole Board, pursuant to this subdivision, of such information on all state-responsible
 3653 inmates for the purpose of making parole determinations pursuant to subdivisions 1, 2, 3, 4, and 6 of
 3654 § 53.1-136 shall include collective dissemination by electronic means every 30 days. For purposes of this

3655 subdivision, criminal history record information includes information sent to the Central Criminal Records
3656 Exchange pursuant to §§ 37.2-819 and 64.2-2014 when disseminated to any full-time or part-time employee
3657 of the State Police, a police department or sheriff's office that is a part of or administered by the
3658 Commonwealth or any political subdivision thereof, and who is responsible for the prevention and detection
3659 of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth for the purposes of
3660 the administration of criminal justice;

3661 2. Such other individuals and agencies that require criminal history record information to implement a
3662 state or federal statute or executive order of the President of the United States or Governor that expressly
3663 refers to criminal conduct and contains requirements or exclusions expressly based upon such conduct, except
3664 that information concerning the arrest of an individual may not be disseminated to a noncriminal justice
3665 agency or individual if an interval of one year has elapsed from the date of the arrest and no disposition of the
3666 charge has been recorded and no active prosecution of the charge is pending;

3667 3. Individuals and agencies pursuant to a specific agreement with a criminal justice agency to provide
3668 services required for the administration of criminal justice pursuant to that agreement which shall specifically
3669 authorize access to data, limit the use of data to purposes for which given, and ensure the security and
3670 confidentiality of the data;

3671 4. Individuals and agencies for the express purpose of research, evaluative, or statistical activities pursuant
3672 to an agreement with a criminal justice agency that shall specifically authorize access to data, limit the use of
3673 data to research, evaluative, or statistical purposes, and ensure the confidentiality and security of the data;

3674 5. Agencies of state or federal government that are authorized by state or federal statute or executive order
3675 of the President of the United States or Governor to conduct investigations determining employment
3676 suitability or eligibility for security clearances allowing access to classified information;

3677 6. Individuals and agencies where authorized by court order or court rule;

3678 7. Agencies of any political subdivision of the Commonwealth, public transportation companies owned,
3679 operated or controlled by any political subdivision, and any public service corporation that operates a public
3680 transit system owned by a local government for the conduct of investigations of applicants for employment,
3681 permit, or license whenever, in the interest of public welfare or safety, it is necessary to determine under a
3682 duly enacted ordinance if the past criminal conduct of a person with a conviction record would be compatible
3683 with the nature of the employment, permit, or license under consideration;

3684 7a. Commissions created pursuant to the Transportation District Act of 1964 (§ 33.2-1900 et seq.) of Title
3685 ~~33.2~~ and their contractors, for the conduct of investigations of individuals who have been offered a position
3686 of employment whenever, in the interest of public welfare or safety and as authorized in the Transportation
3687 District Act of 1964, it is necessary to determine if the past criminal conduct of a person with a conviction
3688 record would be compatible with the nature of the employment under consideration;

3689 8. Public or private agencies when authorized or required by federal or state law or interstate compact to
3690 investigate (i) applicants for foster or adoptive parenthood or (ii) any individual, and the adult members of
3691 that individual's household, with whom the agency is considering placing a child or from whom the agency is
3692 considering removing a child due to abuse or neglect, on an emergency, temporary, or permanent basis
3693 pursuant to §§ 63.2-901.1 and 63.2-1505, subject to the restriction that the data shall not be further
3694 disseminated to any party other than a federal or state authority or court as may be required to comply with an
3695 express requirement of law;

3696 9. To the extent permitted by federal law or regulation, public service companies as defined in § 56-1, for
3697 the conduct of investigations of applicants for employment when such employment involves personal contact
3698 with the public or when past criminal conduct of an applicant would be incompatible with the nature of the
3699 employment under consideration;

3700 10. The appropriate authority for purposes of granting citizenship and for purposes of international travel,
3701 including, but not limited to, issuing visas and passports;

3702 11. A person requesting a copy of his own criminal history record information as defined in § 9.1-101 at
3703 his cost, except that criminal history record information shall be supplied at no charge to a person who has
3704 applied to be a volunteer with (i) a Virginia affiliate of Big Brothers/Big Sisters of America; (ii) a volunteer
3705 fire company; (iii) the Volunteer Emergency Families for Children; (iv) any affiliate of Prevent Child Abuse,
3706 Virginia; (v) any Virginia affiliate of Compeer; or (vi) any board member or any individual who has been
3707 offered membership on the board of a Crime Stoppers, Crime Solvers or Crime Line program as defined in
3708 § 15.2-1713.1;

3709 12. Administrators and board presidents of and applicants for licensure or registration as a child welfare
3710 agency as defined in § 63.2-100 for dissemination to the Commissioner of Social Services' representative
3711 pursuant to § 63.2-1702 for the conduct of investigations with respect to employees of and volunteers at such
3712 facilities, caretakers, and foster and adoptive parent applicants of private child-placing agencies, pursuant to
3713 §§ 63.2-1719, 63.2-1720, and 63.2-1721, subject to the restriction that the data shall not be further
3714 disseminated by the facility or agency to any party other than the data subject, the Commissioner of Social
3715 Services' representative or a federal or state authority or court as may be required to comply with an express
3716 requirement of law for such further dissemination; however, nothing in this subdivision shall be construed to

3717 prohibit the Commissioner of Social Services' representative from issuing written certifications regarding the
 3718 results of a background check that was conducted before July 1, 2021, in accordance with subsection J of
 3719 § 22.1-289.035 or § 22.1-289.039;

3720 13. The Department of Social Services for the purpose of screening individuals as a condition of licensure,
 3721 employment, volunteering, or providing services on a regular basis in a licensed child welfare agency
 3722 pursuant to §§ 63.2-1721 and 63.2-1726 or foster or adoptive home approved by a child-placing agency
 3723 pursuant to § 63.2-901.1;

3724 14. The school boards of the Commonwealth for the purpose of screening individuals who are offered or
 3725 who accept public school employment and those current school board employees for whom a report of arrest
 3726 has been made pursuant to § 19.2-83.1;

3727 15. The Virginia Lottery for the conduct of investigations as set forth in the Virginia Lottery Law
 3728 (§ 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
 3729 Department of Agriculture and Consumer Services for the conduct of investigations as set forth in Article
 3730 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2;

3731 16. Licensed nursing homes, hospitals and home care organizations for the conduct of investigations of
 3732 applicants for compensated employment in licensed nursing homes pursuant to § 32.1-126.01, hospital
 3733 pharmacies pursuant to § 32.1-126.02, and home care organizations pursuant to § 32.1-162.9:1, subject to the
 3734 limitations set out in subsection E;

3735 17. Licensed assisted living facilities and licensed adult day centers for the conduct of investigations of
 3736 applicants for compensated employment in licensed assisted living facilities and licensed adult day centers
 3737 pursuant to § 63.2-1720, subject to the limitations set out in subsection F;

3738 18. The Virginia Alcoholic Beverage Control Authority for the conduct of investigations as set forth in
 3739 § 4.1-103.1 or the Virginia Cannabis Control Authority for the conduct of investigations as set forth in
 3740 § 4.1-622;

3741 19. The State Board of Elections and authorized officers and employees thereof and general registrars
 3742 appointed pursuant to § 24.2-110 in the course of conducting necessary investigations with respect to voter
 3743 registration, limited to any record of felony convictions;

3744 20. The Commissioner of Behavioral Health and Developmental Services (the Commissioner) or his
 3745 designees for individuals who are committed to the custody of or being evaluated by the Commissioner
 3746 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,
 3747 19.2-182.8, and 19.2-182.9 where such information may be beneficial for the purpose of placement,
 3748 evaluation, treatment, or discharge planning;

3749 21. Any alcohol safety action program certified by the Commission on the Virginia Alcohol Safety Action
 3750 Program for (i) interventions with first offenders under § 18.2-251 or (ii) services to offenders under
 3751 § 18.2-51.4, 18.2-266, or 18.2-266.1;

3752 22. Residential facilities for juveniles regulated or operated by the Department of Social Services, the
 3753 Department of Education, or the Department of Behavioral Health and Developmental Services for the
 3754 purpose of determining applicants' fitness for employment or for providing volunteer or contractual services;

3755 23. The Department of Behavioral Health and Developmental Services and facilities operated by the
 3756 Department for the purpose of determining an individual's fitness for employment pursuant to departmental
 3757 instructions;

3758 24. Pursuant to § 22.1-296.3, the governing boards or administrators of private elementary or secondary
 3759 schools which are accredited pursuant to § 22.1-19 or a private organization coordinating such records
 3760 information on behalf of such governing boards or administrators pursuant to a written agreement with the
 3761 Department of State Police;

3762 25. Public institutions of higher education and nonprofit private institutions of higher education for the
 3763 purpose of screening individuals who are offered or accept employment;

3764 26. Members of a threat assessment team established by a local school board pursuant to § 22.1-79.4, by a
 3765 public institution of higher education pursuant to § 23.1-805, or by a private nonprofit institution of higher
 3766 education, for the purpose of assessing or intervening with an individual whose behavior may present a threat
 3767 to safety; however, no member of a threat assessment team shall redisclose any criminal history record
 3768 information obtained pursuant to this section or otherwise use any record of an individual beyond the purpose
 3769 that such disclosure was made to the threat assessment team;

3770 27. Executive directors of community services boards or the personnel director serving the community
 3771 services board for the purpose of determining an individual's fitness for employment, approval as a sponsored
 3772 residential service provider, permission to enter into a shared living arrangement with a person receiving
 3773 medical assistance services pursuant to a waiver, or permission for any person under contract with the
 3774 community services board to serve in a direct care position on behalf of the community services board
 3775 pursuant to §§ 37.2-506, 37.2-506.1, and 37.2-607;

3776 28. Executive directors of behavioral health authorities as defined in § 37.2-600 for the purpose of
 3777 determining an individual's fitness for employment, approval as a sponsored residential service provider,
 3778 permission to enter into a shared living arrangement with a person receiving medical assistance services

3779 pursuant to a waiver, or permission for any person under contract with the behavioral health authority to
3780 serve in a direct care position on behalf of the behavioral health authority pursuant to §§ 37.2-506,
3781 37.2-506.1, and 37.2-607;

3782 29. The Commissioner of Social Services for the purpose of locating persons who owe child support or
3783 who are alleged in a pending paternity proceeding to be a putative father, provided that only the name,
3784 address, demographics and social security number of the data subject shall be released;

3785 30. Authorized officers or directors of agencies licensed pursuant to Article 2 (§ 37.2-403 et seq.) of
3786 Chapter 4 of Title 37.2 by the Department of Behavioral Health and Developmental Services for the purpose
3787 of determining if any applicant who accepts employment in any direct care position or requests approval as a
3788 sponsored residential service provider, permission to enter into a shared living arrangement with a person
3789 receiving medical assistance services pursuant to a waiver, or permission for any person under contract with
3790 the provider to serve in a direct care position has been convicted of a crime that affects his fitness to have
3791 responsibility for the safety and well-being of individuals with mental illness, intellectual disability, or
3792 substance abuse pursuant to §§ 37.2-416, 37.2-416.1, 37.2-506, 37.2-506.1, and 37.2-607;

3793 31. The Commissioner of the Department of Motor Vehicles, for the purpose of evaluating applicants for
3794 and holders of a motor carrier certificate or license subject to the provisions of Chapters 20 (§ 46.2-2000 et
3795 seq.) and 21 (§ 46.2-2100 et seq.) of Title 46.2;

3796 32. The Chairman of the Senate Committee for Courts of Justice or the Chairman of the House Committee
3797 for Courts of Justice for the purpose of determining if any person being considered for election to any
3798 judgeship has been convicted of a crime;

3799 33. Heads of state agencies in which positions have been identified as sensitive for the purpose of
3800 determining an individual's fitness for employment in positions designated as sensitive under Department of
3801 Human Resource Management policies developed pursuant to § 2.2-1201.1;

3802 34. The Office of the Attorney General, for all criminal justice activities otherwise permitted under
3803 subdivision A 1 and for purposes of performing duties required by the Civil Commitment of Sexually Violent
3804 Predators Act (§ 37.2-900 et seq.);

3805 35. Shipyards, to the extent permitted by federal law or regulation, engaged in the design, construction,
3806 overhaul, or repair of nuclear vessels for the United States Navy, including their subsidiary companies, for
3807 the conduct of investigations of applications for employment or for access to facilities, by contractors, leased
3808 laborers, and other visitors;

3809 36. Any employer of individuals whose employment requires that they enter the homes of others, for the
3810 purpose of screening individuals who apply for, are offered, or have accepted such employment;

3811 37. Public agencies when and as required by federal or state law to investigate (i) applicants as providers
3812 of adult foster care and home-based services or (ii) any individual with whom the agency is considering
3813 placing an adult on an emergency, temporary, or permanent basis pursuant to § 63.2-1601.1, subject to the
3814 restriction that the data shall not be further disseminated by the agency to any party other than a federal or
3815 state authority or court as may be required to comply with an express requirement of law for such further
3816 dissemination, subject to limitations set out in subsection G;

3817 38. The Department of Medical Assistance Services, or its designee, for the purpose of screening
3818 individuals who, through contracts, subcontracts, or direct employment, volunteer, apply for, are offered, or
3819 have accepted a position related to the provision of transportation services to enrollees in the Medicaid
3820 Program or the Family Access to Medical Insurance Security (FAMIS) Program, or any other program
3821 administered by the Department of Medical Assistance Services;

3822 39. The State Corporation Commission for the purpose of investigating individuals who are current or
3823 proposed members, senior officers, directors, and principals of an applicant or person licensed under Chapter
3824 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.
3825 Notwithstanding any other provision of law, if an application is denied based in whole or in part on
3826 information obtained from the Central Criminal Records Exchange pursuant to Chapter 16, 19, or 26 of Title
3827 6.2, the Commissioner of Financial Institutions or his designee may disclose such information to the applicant
3828 or its designee;

3829 40. The Department of Professional and Occupational Regulation for the purpose of investigating
3830 individuals for initial licensure pursuant to § 54.1-2106.1;

3831 41. The Department for Aging and Rehabilitative Services and the Department for the Blind and Vision
3832 Impaired for the purpose of evaluating an individual's fitness for various types of employment and for the
3833 purpose of delivering comprehensive vocational rehabilitation services pursuant to Article 11 (§ 51.5-170 et
3834 seq.) of Chapter 14 of Title 51.5 that will assist the individual in obtaining employment;

3835 42. Bail bondsmen, in accordance with the provisions of § 19.2-120;

3836 43. The State Treasurer for the purpose of determining whether a person receiving compensation for
3837 wrongful incarceration meets the conditions for continued compensation under § 8.01-195.12;

3838 44. The Department of Education or its agents or designees for the purpose of screening individuals
3839 seeking to enter into a contract with the Department of Education or its agents or designees for the provision
3840 of child care services for which child care subsidy payments may be provided;

3841 45. The Department of Juvenile Justice to investigate any parent, guardian, or other adult members of a
 3842 juvenile's household when completing a predispositional or postdispositional report required by § 16.1-273 or
 3843 a Board of Juvenile Justice regulation promulgated pursuant to § 16.1-233;

3844 46. The State Corporation Commission, for the purpose of screening applicants for insurance licensure
 3845 under Chapter 18 (§ 38.2-1800 et seq.) of Title 38.2;

3846 47. Administrators and board presidents of and applicants for licensure or registration as a child day
 3847 program or family day system, as such terms are defined in § 22.1-289.02, for dissemination to the
 3848 Superintendent of Public Instruction's representative pursuant to § 22.1-289.013 for the conduct of
 3849 investigations with respect to employees of and volunteers at such facilities pursuant to §§ 22.1-289.034
 3850 through 22.1-289.037, subject to the restriction that the data shall not be further disseminated by the facility
 3851 or agency to any party other than the data subject, the Superintendent of Public Instruction's representative, or
 3852 a federal or state authority or court as may be required to comply with an express requirement of law for such
 3853 further dissemination; however, nothing in this subdivision shall be construed to prohibit the Superintendent
 3854 of Public Instruction's representative from issuing written certifications regarding the results of prior
 3855 background checks in accordance with subsection J of § 22.1-289.035 or § 22.1-289.039;

3856 48. The National Center for Missing and Exploited Children for the purpose of screening individuals who
 3857 are offered or accept employment or will be providing volunteer or contractual services with the National
 3858 Center for Missing and Exploited Children;

3859 49. The Executive Director or investigators of the Board of Accountancy for the purpose of the
 3860 enforcement of laws relating to the Board of Accountancy in accordance with § 54.1-4407; and

3861 50. Other entities as otherwise provided by law.

3862 Upon an ex parte motion of a defendant in a felony case and upon the showing that the records requested
 3863 may be relevant to such case, the court shall enter an order requiring the Central Criminal Records Exchange
 3864 to furnish the defendant, as soon as practicable, copies of any records of persons designated in the order on
 3865 whom a report has been made under the provisions of this chapter.

3866 Notwithstanding any other provision of this chapter to the contrary, upon a written request sworn to
 3867 before an officer authorized to take acknowledgments, the Central Criminal Records Exchange, or the
 3868 criminal justice agency in cases of offenses not required to be reported to the Exchange, shall furnish a copy
 3869 of conviction data covering the person named in the request to the person making the request; however, such
 3870 person on whom the data is being obtained shall consent in writing, under oath, to the making of such
 3871 request. A person receiving a copy of his own conviction data may utilize or further disseminate that data as
 3872 he deems appropriate. In the event no conviction data is maintained on the data subject, the person making
 3873 the request shall be furnished at his cost a certification to that effect.

3874 B. Use of criminal history record information disseminated to noncriminal justice agencies under this
 3875 section shall be limited to the purposes for which it was given and may not be disseminated further, except as
 3876 otherwise provided in subdivision A 47.

3877 C. No criminal justice agency or person shall confirm the existence or nonexistence of criminal history
 3878 record information for employment or licensing inquiries except as provided by law.

3879 D. Criminal justice agencies shall establish procedures to query the Central Criminal Records Exchange
 3880 prior to dissemination of any criminal history record information on offenses required to be reported to the
 3881 Central Criminal Records Exchange to ensure that the most up-to-date disposition data is being used.
 3882 Inquiries of the Exchange shall be made prior to any dissemination except in those cases where time is of the
 3883 essence and the normal response time of the Exchange would exceed the necessary time period. A criminal
 3884 justice agency to whom a request has been made for the dissemination of criminal history record information
 3885 that is required to be reported to the Central Criminal Records Exchange may direct the inquirer to the
 3886 Central Criminal Records Exchange for such dissemination. Dissemination of information regarding offenses
 3887 not required to be reported to the Exchange shall be made by the criminal justice agency maintaining the
 3888 record as required by § 15.2-1722.

3889 E. Criminal history information provided to licensed nursing homes, hospitals and to home care
 3890 organizations pursuant to subdivision A 16 shall be limited to the convictions on file with the Exchange for
 3891 any offense specified in §§ 32.1-126.01, 32.1-126.02, and 32.1-162.9:1.

3892 F. Criminal history information provided to licensed assisted living facilities and licensed adult day
 3893 centers pursuant to subdivision A 17 shall be limited to the convictions on file with the Exchange for any
 3894 offense specified in § 63.2-1720.

3895 G. Criminal history information provided to public agencies pursuant to subdivision A 37 shall be limited
 3896 to the convictions on file with the Exchange for any offense set forth in clause (i) of the definition of barrier
 3897 crime in § 19.2-392.02.

3898 H. Upon receipt of a written request from an employer or prospective employer, the Central Criminal
 3899 Records Exchange, or the criminal justice agency in cases of offenses not required to be reported to the
 3900 Exchange, shall furnish at the employer's cost a copy of conviction data covering the person named in the
 3901 request to the employer or prospective employer making the request, provided that the person on whom the
 3902 data is being obtained has consented in writing to the making of such request and has presented a photo-

3903 identification to the employer or prospective employer. In the event no conviction data is maintained on the
 3904 person named in the request, the requesting employer or prospective employer shall be furnished at his cost a
 3905 certification to that effect. The criminal history record search shall be conducted on forms provided by the
 3906 Exchange.

3907 I. The attorney for the Commonwealth shall provide a physical or electronic copy of a person's criminal
 3908 history record information, including criminal history record information maintained in the National Crime
 3909 Information Center (NCIC) and the Interstate Identification Index System (III System) that is in his
 3910 possession, pursuant to the rules of court for obtaining discovery or for review by the court. No criminal
 3911 history record information provided under this subsection shall be disseminated further.

3912 **§ 19.2-389. (Effective July 1, 2026) Dissemination of criminal history record information.**

3913 A. Criminal history record information shall be disseminated, whether directly or through an intermediary,
 3914 only to:

3915 1. Authorized officers or employees of criminal justice agencies, as defined by § 9.1-101, for purposes of
 3916 the administration of criminal justice and the screening of an employment application or review of
 3917 employment by a criminal justice agency with respect to its own employees or applicants, and dissemination
 3918 to the Virginia Parole Board, pursuant to this subdivision, of such information on all state-responsible
 3919 inmates for the purpose of making parole determinations pursuant to subdivisions 1, 2, 3, 4, and 6 of
 3920 § 53.1-136 shall include collective dissemination by electronic means every 30 days. For purposes of this
 3921 subdivision, criminal history record information includes information sent to the Central Criminal Records
 3922 Exchange pursuant to §§ 37.2-819 and 64.2-2014 when disseminated to any full-time or part-time employee
 3923 of the State Police, a police department or sheriff's office that is a part of or administered by the
 3924 Commonwealth or any political subdivision thereof, and who is responsible for the prevention and detection
 3925 of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth for the purposes of
 3926 the administration of criminal justice;

3927 2. Such other individuals and agencies that require criminal history record information to implement a
 3928 state or federal statute or executive order of the President of the United States or Governor that expressly
 3929 refers to criminal conduct and contains requirements or exclusions expressly based upon such conduct, except
 3930 that information concerning the arrest of an individual may not be disseminated to a noncriminal justice
 3931 agency or individual if an interval of one year has elapsed from the date of the arrest and no disposition of the
 3932 charge has been recorded and no active prosecution of the charge is pending;

3933 3. Individuals and agencies pursuant to a specific agreement with a criminal justice agency to provide
 3934 services required for the administration of criminal justice pursuant to that agreement which shall specifically
 3935 authorize access to data, limit the use of data to purposes for which given, and ensure the security and
 3936 confidentiality of the data;

3937 4. Individuals and agencies for the express purpose of research, evaluative, or statistical activities pursuant
 3938 to an agreement with a criminal justice agency that shall specifically authorize access to data, limit the use of
 3939 data to research, evaluative, or statistical purposes, and ensure the confidentiality and security of the data;

3940 5. Agencies of state or federal government that are authorized by state or federal statute or executive order
 3941 of the President of the United States or Governor to conduct investigations determining employment
 3942 suitability or eligibility for security clearances allowing access to classified information;

3943 6. Individuals and agencies where authorized by court order or court rule;

3944 7. Agencies of any political subdivision of the Commonwealth, public transportation companies owned,
 3945 operated or controlled by any political subdivision, and any public service corporation that operates a public
 3946 transit system owned by a local government for the conduct of investigations of applicants for employment,
 3947 permit, or license whenever, in the interest of public welfare or safety, it is necessary to determine under a
 3948 duly enacted ordinance if the past criminal conduct of a person with a conviction record would be compatible
 3949 with the nature of the employment, permit, or license under consideration;

3950 7a. Commissions created pursuant to the Transportation District Act of 1964 (§ 33.2-1900 et seq.) of Title
 3951 ~~33.2~~ and their contractors, for the conduct of investigations of individuals who have been offered a position
 3952 of employment whenever, in the interest of public welfare or safety and as authorized in the Transportation
 3953 District Act of 1964, it is necessary to determine if the past criminal conduct of a person with a conviction
 3954 record would be compatible with the nature of the employment under consideration;

3955 8. Public or private agencies when authorized or required by federal or state law or interstate compact to
 3956 investigate (i) applicants for foster or adoptive parenthood or (ii) any individual, and the adult members of
 3957 that individual's household, with whom the agency is considering placing a child or from whom the agency is
 3958 considering removing a child due to abuse or neglect, on an emergency, temporary, or permanent basis
 3959 pursuant to §§ 63.2-901.1 and 63.2-1505, subject to the restriction that the data shall not be further
 3960 disseminated to any party other than a federal or state authority or court as may be required to comply with an
 3961 express requirement of law;

3962 9. To the extent permitted by federal law or regulation, public service companies as defined in § 56-1, for
 3963 the conduct of investigations of applicants for employment when such employment involves personal contact
 3964 with the public or when past criminal conduct of an applicant would be incompatible with the nature of the

3965 employment under consideration;

3966 10. The appropriate authority for purposes of granting citizenship and for purposes of international travel,

3967 including, but not limited to, issuing visas and passports;

3968 11. A person requesting a copy of his own criminal history record information as defined in § 9.1-101 at

3969 his cost, except that criminal history record information shall be supplied at no charge to a person who has

3970 applied to be a volunteer with (i) a Virginia affiliate of Big Brothers/Big Sisters of America; (ii) a volunteer

3971 fire company; (iii) the Volunteer Emergency Families for Children; (iv) any affiliate of Prevent Child Abuse,

3972 Virginia; (v) any Virginia affiliate of Compeer; or (vi) any board member or any individual who has been

3973 offered membership on the board of a Crime Stoppers, Crime Solvers or Crime Line program as defined in

3974 § 15.2-1713.1;

3975 12. Administrators and board presidents of and applicants for licensure or registration as a child welfare

3976 agency as defined in § 63.2-100 for dissemination to the Commissioner of Social Services' representative

3977 pursuant to § 63.2-1702 for the conduct of investigations with respect to employees of and volunteers at such

3978 facilities, caretakers, and foster and adoptive parent applicants of private child-placing agencies, pursuant to

3979 §§ 63.2-1719, 63.2-1720, and 63.2-1721, subject to the restriction that the data shall not be further

3980 disseminated by the facility or agency to any party other than the data subject, the Commissioner of Social

3981 Services' representative or a federal or state authority or court as may be required to comply with an express

3982 requirement of law for such further dissemination; however, nothing in this subdivision shall be construed to

3983 prohibit the Commissioner of Social Services' representative from issuing written certifications regarding the

3984 results of a background check that was conducted before July 1, 2021, in accordance with subsection J of

3985 § 22.1-289.035 or § 22.1-289.039;

3986 13. Administrators and board presidents of and applicants for licensure as a prescribed pediatric extended

3987 care center for dissemination to the State Health Commissioner's representative pursuant to

3988 §§ 32.1-162.15:1.5 and 32.1-162.15:1.10 for the conduct of investigations with respect to employees of and

3989 volunteers at such centers, pursuant to § 32.1-162.15:1.17, subject to the restriction that the data shall not be

3990 further disseminated by the center to any party other than the data subject, the State Health Commissioner's

3991 representative, or a federal or state authority or court as may be required to comply with an express

3992 requirement of law;

3993 14. The Department of Social Services for the purpose of screening individuals as a condition of licensure,

3994 employment, volunteering, or providing services on a regular basis in a licensed child welfare agency

3995 pursuant to §§ 63.2-1721 and 63.2-1726 or foster or adoptive home approved by a child-placing agency

3996 pursuant to § 63.2-901.1;

3997 15. The school boards of the Commonwealth for the purpose of screening individuals who are offered or

3998 who accept public school employment and those current school board employees for whom a report of arrest

3999 has been made pursuant to § 19.2-83.1;

4000 16. The Virginia Lottery for the conduct of investigations as set forth in the Virginia Lottery Law

4001 (§ 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

4002 Department of Agriculture and Consumer Services for the conduct of investigations as set forth in Article

4003 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2;

4004 17. Licensed prescribed pediatric extended care centers for the conduct of investigations of applicants for

4005 compensated employment and volunteers in licensed prescribed pediatric extended care centers pursuant to

4006 § 32.1-162.15:1.17;

4007 18. Licensed nursing homes, hospitals and home care organizations for the conduct of investigations of

4008 applicants for compensated employment in licensed nursing homes pursuant to § 32.1-126.01, hospital

4009 pharmacies pursuant to § 32.1-126.02, and home care organizations pursuant to § 32.1-162.9:1, subject to the

4010 limitations set out in subsection E;

4011 19. Licensed assisted living facilities and licensed adult day centers for the conduct of investigations of

4012 applicants for compensated employment in licensed assisted living facilities and licensed adult day centers

4013 pursuant to § 63.2-1720, subject to the limitations set out in subsection F;

4014 20. The Virginia Alcoholic Beverage Control Authority for the conduct of investigations as set forth in

4015 § 4.1-103.1 or the Virginia Cannabis Control Authority for the conduct of investigations as set forth in

4016 § 4.1-622;

4017 21. The State Board of Elections and authorized officers and employees thereof and general registrars

4018 appointed pursuant to § 24.2-110 in the course of conducting necessary investigations with respect to voter

4019 registration, limited to any record of felony convictions;

4020 22. The Commissioner of Behavioral Health and Developmental Services (the Commissioner) or his

4021 designees for individuals who are committed to the custody of or being evaluated by the Commissioner

4022 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,

4023 19.2-182.8, and 19.2-182.9 where such information may be beneficial for the purpose of placement,

4024 evaluation, treatment, or discharge planning;

4025 23. Any alcohol safety action program certified by the Commission on the Virginia Alcohol Safety Action

4026 Program for (i) interventions with first offenders under § 18.2-251 or (ii) services to offenders under

4027 § 18.2-51.4, 18.2-266, or 18.2-266.1;

4028 24. Residential facilities for juveniles regulated or operated by the Department of Social Services, the
4029 Department of Education, or the Department of Behavioral Health and Developmental Services for the
4030 purpose of determining applicants' fitness for employment or for providing volunteer or contractual services;

4031 25. The Department of Behavioral Health and Developmental Services and facilities operated by the
4032 Department for the purpose of determining an individual's fitness for employment pursuant to departmental
4033 instructions;

4034 26. Pursuant to § 22.1-296.3, the governing boards or administrators of private elementary or secondary
4035 schools which are accredited pursuant to § 22.1-19 or a private organization coordinating such records
4036 information on behalf of such governing boards or administrators pursuant to a written agreement with the
4037 Department of State Police;

4038 27. Public institutions of higher education and nonprofit private institutions of higher education for the
4039 purpose of screening individuals who are offered or accept employment;

4040 28. Members of a threat assessment team established by a local school board pursuant to § 22.1-79.4, by a
4041 public institution of higher education pursuant to § 23.1-805, or by a private nonprofit institution of higher
4042 education, for the purpose of assessing or intervening with an individual whose behavior may present a threat
4043 to safety; however, no member of a threat assessment team shall redisclose any criminal history record
4044 information obtained pursuant to this section or otherwise use any record of an individual beyond the purpose
4045 that such disclosure was made to the threat assessment team;

4046 29. Executive directors of community services boards or the personnel director serving the community
4047 services board for the purpose of determining an individual's fitness for employment, approval as a sponsored
4048 residential service provider, permission to enter into a shared living arrangement with a person receiving
4049 medical assistance services pursuant to a waiver, or permission for any person under contract with the
4050 community services board to serve in a direct care position on behalf of the community services board
4051 pursuant to §§ 37.2-506, 37.2-506.1, and 37.2-607;

4052 30. Executive directors of behavioral health authorities as defined in § 37.2-600 for the purpose of
4053 determining an individual's fitness for employment, approval as a sponsored residential service provider,
4054 permission to enter into a shared living arrangement with a person receiving medical assistance services
4055 pursuant to a waiver, or permission for any person under contract with the behavioral health authority to
4056 serve in a direct care position on behalf of the behavioral health authority pursuant to §§ 37.2-506,
4057 37.2-506.1, and 37.2-607;

4058 31. The Commissioner of Social Services for the purpose of locating persons who owe child support or
4059 who are alleged in a pending paternity proceeding to be a putative father, provided that only the name,
4060 address, demographics and social security number of the data subject shall be released;

4061 32. Authorized officers or directors of agencies licensed pursuant to Article 2 (§ 37.2-403 et seq.) of
4062 Chapter 4 of Title 37.2 by the Department of Behavioral Health and Developmental Services for the purpose
4063 of determining if any applicant who accepts employment in any direct care position or requests approval as a
4064 sponsored residential service provider, permission to enter into a shared living arrangement with a person
4065 receiving medical assistance services pursuant to a waiver, or permission for any person under contract with
4066 the provider to serve in a direct care position has been convicted of a crime that affects his fitness to have
4067 responsibility for the safety and well-being of individuals with mental illness, intellectual disability, or
4068 substance abuse pursuant to §§ 37.2-416, 37.2-416.1, 37.2-506, 37.2-506.1, and 37.2-607;

4069 33. The Commissioner of the Department of Motor Vehicles, for the purpose of evaluating applicants for
4070 and holders of a motor carrier certificate or license subject to the provisions of Chapters 20 (§ 46.2-2000 et
4071 seq.) and 21 (§ 46.2-2100 et seq.) of Title 46.2;

4072 34. The Chairman of the Senate Committee for Courts of Justice or the Chairman of the House Committee
4073 for Courts of Justice for the purpose of determining if any person being considered for election to any
4074 judgeship has been convicted of a crime;

4075 35. Heads of state agencies in which positions have been identified as sensitive for the purpose of
4076 determining an individual's fitness for employment in positions designated as sensitive under Department of
4077 Human Resource Management policies developed pursuant to § 2.2-1201.1;

4078 36. The Office of the Attorney General, for all criminal justice activities otherwise permitted under
4079 subdivision 1 and for purposes of performing duties required by the Civil Commitment of Sexually Violent
4080 Predators Act (§ 37.2-900 et seq.);

4081 37. Shipyards, to the extent permitted by federal law or regulation, engaged in the design, construction,
4082 overhaul, or repair of nuclear vessels for the United States Navy, including their subsidiary companies, for
4083 the conduct of investigations of applications for employment or for access to facilities, by contractors, leased
4084 laborers, and other visitors;

4085 38. Any employer of individuals whose employment requires that they enter the homes of others, for the
4086 purpose of screening individuals who apply for, are offered, or have accepted such employment;

4087 39. Public agencies when and as required by federal or state law to investigate (i) applicants as providers
4088 of adult foster care and home-based services or (ii) any individual with whom the agency is considering

4089 placing an adult on an emergency, temporary, or permanent basis pursuant to § 63.2-1601.1, subject to the
 4090 restriction that the data shall not be further disseminated by the agency to any party other than a federal or
 4091 state authority or court as may be required to comply with an express requirement of law for such further
 4092 dissemination, subject to limitations set out in subsection G;

4093 40. The Department of Medical Assistance Services, or its designee, for the purpose of screening
 4094 individuals who, through contracts, subcontracts, or direct employment, volunteer, apply for, are offered, or
 4095 have accepted a position related to the provision of transportation services to enrollees in the Medicaid
 4096 Program or the Family Access to Medical Insurance Security (FAMIS) Program, or any other program
 4097 administered by the Department of Medical Assistance Services;

4098 41. The State Corporation Commission for the purpose of investigating individuals who are current or
 4099 proposed members, senior officers, directors, and principals of an applicant or person licensed under Chapter
 4100 16 (§ 6.2-1600 et seq.), Chapter 19.1 (§ 6.2-1922 et seq.), or Chapter 26 (§ 6.2-2600 et seq.) of Title 6.2.
 4101 Notwithstanding any other provision of law, if an application is denied based in whole or in part on
 4102 information obtained from the Central Criminal Records Exchange pursuant to Chapter 16, 19, or 26 of Title
 4103 6.2, the Commissioner of Financial Institutions or his designee may disclose such information to the applicant
 4104 or its designee;

4105 42. The Department of Professional and Occupational Regulation for the purpose of investigating
 4106 individuals for initial licensure pursuant to § 54.1-2106.1;

4107 43. The Department for Aging and Rehabilitative Services and the Department for the Blind and Vision
 4108 Impaired for the purpose of evaluating an individual's fitness for various types of employment and for the
 4109 purpose of delivering comprehensive vocational rehabilitation services pursuant to Article 11 (§ 51.5-170 et
 4110 seq.) of Chapter 14 of Title 51.5 that will assist the individual in obtaining employment;

4111 44. Bail bondsmen, in accordance with the provisions of § 19.2-120;

4112 45. The State Treasurer for the purpose of determining whether a person receiving compensation for
 4113 wrongful incarceration meets the conditions for continued compensation under § 8.01-195.12;

4114 46. The Department of Education or its agents or designees for the purpose of screening individuals
 4115 seeking to enter into a contract with the Department of Education or its agents or designees for the provision
 4116 of child care services for which child care subsidy payments may be provided;

4117 47. The Department of Juvenile Justice to investigate any parent, guardian, or other adult members of a
 4118 juvenile's household when completing a predispositional or postdispositional report required by § 16.1-273 or
 4119 a Board of Juvenile Justice regulation promulgated pursuant to § 16.1-233;

4120 48. The State Corporation Commission, for the purpose of screening applicants for insurance licensure
 4121 under Chapter 18 (§ 38.2-1800 et seq.) of Title 38.2;

4122 49. Administrators and board presidents of and applicants for licensure or registration as a child day
 4123 program or family day system, as such terms are defined in § 22.1-289.02, for dissemination to the
 4124 Superintendent of Public Instruction's representative pursuant to § 22.1-289.013 for the conduct of
 4125 investigations with respect to employees of and volunteers at such facilities pursuant to §§ 22.1-289.034
 4126 through 22.1-289.037, subject to the restriction that the data shall not be further disseminated by the facility
 4127 or agency to any party other than the data subject, the Superintendent of Public Instruction's representative, or
 4128 a federal or state authority or court as may be required to comply with an express requirement of law for such
 4129 further dissemination; however, nothing in this subdivision shall be construed to prohibit the Superintendent
 4130 of Public Instruction's representative from issuing written certifications regarding the results of prior
 4131 background checks in accordance with subsection J of § 22.1-289.035 or § 22.1-289.039;

4132 50. The National Center for Missing and Exploited Children for the purpose of screening individuals who
 4133 are offered or accept employment or will be providing volunteer or contractual services with the National
 4134 Center for Missing and Exploited Children;

4135 51. The Executive Director or investigators of the Board of Accountancy for the purpose of the
 4136 enforcement of laws relating to the Board of Accountancy in accordance with § 54.1-4407; and

4137 52. Other entities as otherwise provided by law.

4138 Upon an ex parte motion of a defendant in a felony case and upon the showing that the records requested
 4139 may be relevant to such case, the court shall enter an order requiring the Central Criminal Records Exchange
 4140 to furnish the defendant, as soon as practicable, copies of any records of persons designated in the order on
 4141 whom a report has been made under the provisions of this chapter.

4142 Notwithstanding any other provision of this chapter to the contrary, upon a written request sworn to
 4143 before an officer authorized to take acknowledgments, the Central Criminal Records Exchange, or the
 4144 criminal justice agency in cases of offenses not required to be reported to the Exchange, shall furnish a copy
 4145 of conviction data covering the person named in the request to the person making the request; however, such
 4146 person on whom the data is being obtained shall consent in writing, under oath, to the making of such
 4147 request. A person receiving a copy of his own conviction data may utilize or further disseminate that data as
 4148 he deems appropriate. In the event no conviction data is maintained on the data subject, the person making
 4149 the request shall be furnished at his cost a certification to that effect.

4150 B. Use of criminal history record information disseminated to noncriminal justice agencies under this

4151 section shall be limited to the purposes for which it was given and may not be disseminated further, except as
4152 otherwise provided in subdivision A 49.

4153 C. No criminal justice agency or person shall confirm the existence or nonexistence of criminal history
4154 record information for employment or licensing inquiries except as provided by law.

4155 D. Criminal justice agencies shall establish procedures to query the Central Criminal Records Exchange
4156 prior to dissemination of any criminal history record information on offenses required to be reported to the
4157 Central Criminal Records Exchange to ensure that the most up-to-date disposition data is being used.
4158 Inquiries of the Exchange shall be made prior to any dissemination except in those cases where time is of the
4159 essence and the normal response time of the Exchange would exceed the necessary time period. A criminal
4160 justice agency to whom a request has been made for the dissemination of criminal history record information
4161 that is required to be reported to the Central Criminal Records Exchange may direct the inquirer to the
4162 Central Criminal Records Exchange for such dissemination. Dissemination of information regarding offenses
4163 not required to be reported to the Exchange shall be made by the criminal justice agency maintaining the
4164 record as required by § 15.2-1722.

4165 E. Criminal history information provided to licensed nursing homes, hospitals and to home care
4166 organizations pursuant to subdivision A 18 shall be limited to the convictions on file with the Exchange for
4167 any offense specified in §§ 32.1-126.01, 32.1-126.02, and 32.1-162.9:1.

4168 F. Criminal history information provided to licensed assisted living facilities and licensed adult day
4169 centers pursuant to subdivision A 19 shall be limited to the convictions on file with the Exchange for any
4170 offense specified in § 63.2-1720.

4171 G. Criminal history information provided to public agencies pursuant to subdivision A 39 shall be limited
4172 to the convictions on file with the Exchange for any offense set forth in clause (i) of the definition of barrier
4173 crime in § 19.2-392.02.

4174 H. Upon receipt of a written request from an employer or prospective employer, the Central Criminal
4175 Records Exchange, or the criminal justice agency in cases of offenses not required to be reported to the
4176 Exchange, shall furnish at the employer's cost a copy of conviction data covering the person named in the
4177 request to the employer or prospective employer making the request, provided that the person on whom the
4178 data is being obtained has consented in writing to the making of such request and has presented a photo-
4179 identification to the employer or prospective employer. In the event no conviction data is maintained on the
4180 person named in the request, the requesting employer or prospective employer shall be furnished at his cost a
4181 certification to that effect. The criminal history record search shall be conducted on forms provided by the
4182 Exchange.

4183 I. The attorney for the Commonwealth shall provide a physical or electronic copy of a person's criminal
4184 history record information, including criminal history record information maintained in the National Crime
4185 Information Center (NCIC) and the Interstate Identification Index System (III System) that is in his
4186 possession, pursuant to the rules of court for obtaining discovery or for review by the court. No criminal
4187 history record information provided under this subsection shall be disseminated further.

4188 **§ 19.2-389.3. (Repealed effective July 1, 2026) Marijuana possession; limits on dissemination of**
4189 **criminal history record information; prohibited practices by employers, educational institutions, and**
4190 **state and local governments; penalty.**

4191 A. Records relating to the arrest, criminal charge, or conviction of a person for a misdemeanor violation of
4192 *former* § 18.2-248.1 or a violation of *former* § 18.2-250.1, including any violation charged under §§ *former* §
4193 18.2-248.1 or *former* § 18.2-250.1 that was deferred and dismissed pursuant to § 18.2-251, maintained in the
4194 Central Criminal Records Exchange shall not be open for public inspection or otherwise disclosed, provided
4195 that such records may be disseminated (i) to make the determination as provided in § 18.2-308.2:2 of
4196 eligibility to possess or purchase a firearm; (ii) to aid in the preparation of a pretrial investigation report
4197 prepared by a local pretrial services agency established pursuant to Article 5 (§ 19.2-152.2 et seq.) of Chapter
4198 9, a pre-sentence or post-sentence investigation report pursuant to § 19.2-299 or in the preparation of the
4199 discretionary sentencing guidelines worksheets pursuant to subsection C of § 19.2-298.01; (iii) to aid local
4200 community-based probation services agencies established pursuant to the Comprehensive Community
4201 Corrections Act for Local-Responsible Offenders (§ 9.1-173 et seq.) with investigating or serving adult
4202 local-responsible offenders and all court service units serving juvenile delinquent offenders; (iv) for
4203 fingerprint comparison utilizing the fingerprints maintained in the Automated Fingerprint Information System
4204 computer; (v) to attorneys for the Commonwealth to secure information incidental to sentencing and to
4205 attorneys for the Commonwealth and probation officers to prepare the discretionary sentencing guidelines
4206 worksheets pursuant to subsection C of § 19.2-298.01; (vi) to any full-time or part-time employee of the State
4207 Police, a police department, or sheriff's office that is a part of or administered by the Commonwealth or any
4208 political subdivision thereof, and who is responsible for the prevention and detection of crime and the
4209 enforcement of the penal, traffic, or highway laws of the Commonwealth, for purposes of the administration
4210 of criminal justice as defined in § 9.1-101; (vii) to the Virginia Criminal Sentencing Commission for research
4211 purposes; (viii) to any full-time or part-time employee of the State Police or a police department or sheriff's
4212 office that is a part of or administered by the Commonwealth or any political subdivision thereof for the

4213 purpose of screening any person for full-time or part-time employment with the State Police or a police
 4214 department or sheriff's office that is a part of or administered by the Commonwealth or any political
 4215 subdivision thereof; (ix) to the State Health Commissioner or his designee for the purpose of screening any
 4216 person who applies to be a volunteer with or an employee of an emergency medical services agency as
 4217 provided in § 32.1-111.5; (x) to any full-time or part-time employee of the Department of Forensic Science
 4218 for the purpose of screening any person for full-time or part-time employment with the Department of
 4219 Forensic Science; (xi) to the chief law-enforcement officer of a locality, or his designee who shall be an
 4220 individual employed as a public safety official of the locality, that has adopted an ordinance in accordance
 4221 with §§ 15.2-1503.1 and 19.2-389 for the purpose of screening any person who applies to be a volunteer with
 4222 or an employee of an emergency medical services agency as provided in § 32.1-111.5; and (xii) to any
 4223 full-time or part-time employee of the Department of Motor Vehicles, any employer as defined in
 4224 § 46.2-341.4, or any medical examiner as defined in 49 C.F.R. § 390.5 for the purpose of complying with the
 4225 regulations of the Federal Motor Carrier Safety Administration.

4226 B. An employer or educational institution shall not, in any application, interview, or otherwise, require an
 4227 applicant for employment or admission to disclose information concerning any arrest, criminal charge, or
 4228 conviction against him when the record relating to such arrest, criminal charge, or conviction is not open for
 4229 public inspection pursuant to subsection A. An applicant need not, in answer to any question concerning any
 4230 arrest, criminal charge, or conviction, include a reference to or information concerning any arrest, criminal
 4231 charge, or conviction when the record relating to such arrest, criminal charge, or conviction is not open for
 4232 public inspection pursuant to subsection A.

4233 C. Agencies, officials, and employees of the state and local governments shall not, in any application,
 4234 interview, or otherwise, require an applicant for a license, permit, registration, or governmental service to
 4235 disclose information concerning any arrest, criminal charge, or conviction against him when the record
 4236 relating to such arrest, criminal charge, or conviction is not open for public inspection pursuant to subsection

4237 A. An applicant need not, in answer to any question concerning any arrest, criminal charge, or conviction,
 4238 include a reference to or information concerning any arrest, criminal charge, or conviction when the record
 4239 relating to such arrest, criminal charge, or conviction is not open for public inspection pursuant to subsection

4240 A. Such an application may not be denied solely because of the applicant's refusal to disclose information
 4241 concerning any such arrest, criminal charge, or conviction.

4242 D. A person who willfully violates subsection B or C is guilty of a Class 1 misdemeanor for each
 4243 violation.

4244 **§ 19.2-392.02. National criminal background checks by businesses and organizations regarding**
 4245 **employees or volunteers providing care to children or the elderly or disabled.**

4246 A. For purposes of this section:

4247 "Barrier crime" means (i) a felony violation of § 16.1-253.2; any violation of § 18.2-31, 18.2-32,
 4248 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
 4249 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
 4250 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;
 4251 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,
 4252 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,
 4253 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
 4254 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,
 4255 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,
 4256 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
 4257 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
 4258 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
 4259 § 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
 4260 violation of subsection B of § 18.2-361; any violation of § 18.2-366, 18.2-369, 18.2-370, 18.2-370.1,
 4261 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,
 4262 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
 4263 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,
 4264 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,
 4265 18.2-485, 37.2-917, or 53.1-203; or any substantially similar offense under the laws of another jurisdiction;
 4266 (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
 4267 offense under the laws of another jurisdiction; (iii) any felony violation of § 4.1-1101, 4.1-1114, 18.2-248,
 4268 18.2-248.01, 18.2-248.02, 18.2-248.03, ~~18.2-248.1~~, 18.2-248.5, 18.2-251.2, 18.2-251.3, 18.2-255, 18.2-255.2,
 4269 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
 4270 another jurisdiction; (iv) any felony violation of § 18.2-250 or any substantially similar offense under the
 4271 laws of another jurisdiction; (v) any offense set forth in § 9.1-902 that results in the person's requirement to
 4272 register with the Sex Offender and Crimes Against Minors Registry pursuant to § 9.1-901, including any
 4273 finding that a person is not guilty by reason of insanity in accordance with Chapter 11.1 (§ 19.2-182.2 et seq.)
 4274 of Title 19.2 of an offense set forth in § 9.1-902 that results in the person's requirement to register with the

4275 Sex Offender and Crimes Against Minors Registry pursuant to § 9.1-901; any substantially similar offense
4276 under the laws of another jurisdiction; or any offense for which registration in a sex offender and crimes
4277 against minors registry is required under the laws of the jurisdiction where the offender was convicted; or (vi)
4278 any other felony not included in clause (i), (ii), (iii), (iv), or (v) unless five years have elapsed from the date
4279 of the conviction.

4280 "Barrier crime information" means the following facts concerning a person who has been arrested for, or
4281 has been convicted of, a barrier crime, regardless of whether the person was a juvenile or adult at the time of
4282 the arrest or conviction: full name, race, sex, date of birth, height, weight, fingerprints, a brief description of
4283 the barrier crime or offenses for which the person has been arrested or has been convicted, the disposition of
4284 the charge, and any other information that may be useful in identifying persons arrested for or convicted of a
4285 barrier crime.

4286 "Care" means the provision of care, treatment, education, training, instruction, supervision, or recreation
4287 to children or the elderly or disabled.

4288 "Department" means the Department of State Police.

4289 "Employed by" means any person who is employed by, volunteers for, seeks to be employed by, or seeks
4290 to volunteer for a qualified entity.

4291 "Identification document" means a document made or issued by or under the authority of the United
4292 States government, a state, a political subdivision of a state, a foreign government, political subdivision of a
4293 foreign government, an international governmental or an international quasi-governmental organization that,
4294 when completed with information concerning a particular individual, is of a type intended or commonly
4295 accepted for the purpose of identification of individuals.

4296 "Provider" means a person who (i) is employed by a qualified entity and has, seeks to have, or may have
4297 unsupervised access to a child or to an elderly or disabled person to whom the qualified entity provides care;
4298 (ii) is a volunteer of a qualified entity and has, seeks to have, or may have unsupervised access to a child to
4299 whom the qualified entity provides care; or (iii) owns, operates, or seeks to own or operate a qualified entity.

4300 "Qualified entity" means a business or organization that provides care to children or the elderly or
4301 disabled, whether governmental, private, for profit, nonprofit, or voluntary, except organizations exempt
4302 pursuant to subdivision A 7 of § 22.1-289.030.

4303 B. A qualified entity may request the Department of State Police to conduct a national criminal
4304 background check on any provider who is employed by such entity. No qualified entity may request a
4305 national criminal background check on a provider until such provider has:

4306 1. Been fingerprinted; and

4307 2. Completed and signed a statement, furnished by the entity, that includes (i) his name, address, and date
4308 of birth as it appears on a valid identification document; (ii) a disclosure of whether or not the provider has
4309 ever been convicted of or is the subject of pending charges for a criminal offense within or outside the
4310 Commonwealth, and if the provider has been convicted of a crime, a description of the crime and the
4311 particulars of the conviction; (iii) a notice to the provider that the entity may request a background check; (iv)
4312 a notice to the provider that he is entitled to obtain a copy of any background check report, to challenge the
4313 accuracy and completeness of any information contained in any such report, and to obtain a prompt
4314 determination as to the validity of such challenge before a final determination is made by the Department;
4315 and (v) a notice to the provider that prior to the completion of the background check the qualified entity may
4316 choose to deny the provider unsupervised access to children or the elderly or disabled for whom the qualified
4317 entity provides care.

4318 C. Upon receipt of (i) a qualified entity's written request to conduct a background check on a provider, (ii)
4319 the provider's fingerprints, and (iii) a completed, signed statement as described in subsection B, the
4320 Department shall make a determination whether the provider has been convicted of or is the subject of
4321 charges of a barrier crime. To conduct its determination regarding the provider's barrier crime information,
4322 the Department shall access the national criminal history background check system, which is maintained by
4323 the Federal Bureau of Investigation and is based on fingerprints and other methods of identification, and shall
4324 access the Central Criminal Records Exchange maintained by the Department. If the Department receives a
4325 background report lacking disposition data, the Department shall conduct research in whatever state and local
4326 recordkeeping systems are available in order to obtain complete data. The Department shall make reasonable
4327 efforts to respond to a qualified entity's inquiry within 15 business days.

4328 D. Any background check conducted pursuant to this section for a provider employed by a private entity
4329 shall be screened by the Department of State Police. If the provider has been convicted of or is under
4330 indictment for a barrier crime, the qualified entity shall be notified that the provider is not qualified to work
4331 or volunteer in a position that involves unsupervised access to children or the elderly or disabled.

4332 E. Any background check conducted pursuant to this section for a provider employed by a governmental
4333 entity shall be provided to that entity.

4334 F. In the case of a provider who desires to volunteer at a qualified entity and who is subject to a national
4335 criminal background check, the Department and the Federal Bureau of Investigation may each charge the
4336 provider the lesser of \$18 or the actual cost to the entity of the background check conducted with the

4337 fingerprints.

4338 G. The failure to request a criminal background check pursuant to subsection B shall not be considered
4339 negligence per se in any civil action.

4340 **§ 19.2-392.6. (Effective July 1, 2026) Automatic sealing of offenses resulting in conviction.**

4341 A. If a person was convicted of a violation of any of the following sections with an offense date on or
4342 after January 1, 1986, such conviction, including any records relating to such conviction, shall be ordered to
4343 be automatically sealed in the manner set forth in § 19.2-392.7, subject to the provisions of subsections B and
4344 C: a misdemeanor violation of § 18.2-96 or 18.2-103; § 18.2-119, 18.2-120, or 18.2-134; a misdemeanor
4345 violation of *former* § 18.2-248.1; or § 18.2-415.

4346 B. Subject to the provisions of subsection C, any conviction listed under subsection A shall be ordered to
4347 be automatically sealed if seven years have passed since the date of the conviction and the person convicted
4348 of such offense has not been convicted of violating any law of the Commonwealth that requires a report to the
4349 Central Criminal Records Exchange under subsection A of § 19.2-390 or any other state, the District of
4350 Columbia, or the United States or any territory thereof, excluding traffic infractions under Title 46.2, during
4351 that time period.

4352 C. No conviction listed under subsection A shall be automatically sealed if, on the date of the conviction,
4353 the person was convicted of another offense that is not eligible for automatic sealing under subsection A.

4354 D. This section shall not be construed as prohibiting a person from seeking sealing in the circuit court
4355 pursuant to the provisions of § 19.2-392.12 or 19.2-392.12:1.

4356 **§ 19.2-392.12:1. (Effective July 1, 2026) Sealing of charges and convictions related to automatic
4357 sealing; petition.**

4358 A. A person who has been convicted of or had a charge deferred and dismissed for a violation of
4359 § 4.1-305; a misdemeanor violation of § 18.2-96 or 18.2-103; a violation of § 18.2-119, 18.2-120, or
4360 18.2-134; a misdemeanor violation of *former* § 18.2-248.1; a violation of subsection A of § 18.2-265.3; or a
4361 violation of § 18.2-415, where the offense date for any such offense was on or after January 1, 1986, may file
4362 a petition setting forth the relevant facts and requesting the sealing of the criminal history record information
4363 and court records relating to the charge or conviction. In addition to requesting the sealing of a charge or
4364 conviction, such petition may also request the sealing of any specifically identified ancillary matter related to
4365 such charge or conviction.

4366 B. A person who had a conviction or offense automatically sealed pursuant to § 19.2-392.7 or 19.2-392.11
4367 where the offense date for such conviction or offense was on or after January 1, 1986, or who had an offense
4368 sealed pursuant to § 19.2-392.6:1 regardless of the date of the offense, may file a petition setting forth the
4369 relevant facts and requesting sealing of the criminal history record information and court records of any
4370 specifically identified ancillary matter related to that charge or conviction.

4371 C. A person shall not be required to pay any court fees or costs for filing a petition pursuant to this
4372 section.

4373 D. The petition under subsection A or B, with a copy of the warrant, summons, or indictment, if
4374 reasonably available, shall be filed in the circuit court of the county or city in which the case was disposed of
4375 and shall contain, except when not reasonably available, (i) the date of arrest; (ii) the name of the arresting
4376 agency; (iii) the date of conviction, deferred dismissal, or final disposition of any ancillary matter; and (iv)
4377 the case number associated with each court record that is the subject of the petition. When this information is
4378 not reasonably available, the petition shall state the reason for such unavailability. The petition shall further
4379 state (a) the charge, conviction, or ancillary matter to be sealed; (b) the date of final disposition of the charge,
4380 conviction, or ancillary matter as set forth in the petition; (c) the petitioner's date of birth, sex, race, and social
4381 security number, if available; and (d) the full name used by the petitioner at the time of arrest or summons. A
4382 petition may request the sealing of the criminal history record information and court records for multiple
4383 charges, convictions, or ancillary matters as set forth in subsections A and B, provided that all such charges,
4384 convictions, and ancillary matters are eligible for sealing under this section. A petition may not request the
4385 sealing of the criminal history record information and court records where the charge, conviction, or ancillary
4386 matter was finalized on the same date as a conviction or deferred dismissal that is not eligible for sealing
4387 under this section.

4388 E. A petitioner is not limited in the number of petitions that may be granted pursuant to this section within
4389 his lifetime. Any petition granted pursuant to this section shall not be counted toward the lifetime maximum
4390 of two petitions set forth in § 19.2-392.12.

4391 F. The Commonwealth shall be made party to the proceeding. The petitioner shall provide a copy of the
4392 petition under subsection A or B by delivery or by first-class mail, postage prepaid, to the attorney for the
4393 Commonwealth of the county or city in which the petition is filed. The attorney for the Commonwealth may
4394 file an objection or answer to the petition or may give written notice to the court that he does not object to the
4395 petition within 30 days after it is delivered to him or received in the mail.

4396 G. In addition to the filing of the petition under subsection D, the petitioner shall request that the Central
4397 Criminal Records Exchange (CCRE) electronically forward a copy of the petitioner's Virginia and national
4398 criminal history record to the circuit court in which the petition was filed. Upon receiving such request, the

4399 CCRE shall electronically forward such record to the circuit court; however, if the circuit court is unable to
4400 receive an electronic transmission, the CCRE shall forward a copy of such record to the circuit court which
4401 shall be maintained under seal by the clerk unless otherwise ordered by the court. Upon completion of the
4402 hearing, the court shall cause the criminal history record to be destroyed unless, within 30 days of the date of
4403 the entry of the final order in the matter, the petitioner or the attorney for the Commonwealth notes an appeal
4404 as provided by law in civil cases.

4405 H. After receiving the criminal history record of the petitioner, the court may conduct a hearing on the
4406 petition.

4407 I. For a petition filed pursuant to subsection A, the court shall enter an order requiring the sealing of the
4408 records related to the charge, conviction, or ancillary matter if the court finds that seven years have passed
4409 since the date of conviction or of dismissal of the deferred charge listed in subsection A and the petitioner has
4410 not been convicted of violating any law of the Commonwealth that requires a report to the Central Criminal
4411 Records Exchange under subsection A of § 19.2-390 or any other state, the District of Columbia, or the
4412 United States or any territory thereof, excluding traffic infractions under Title 46.2, during that time period.

4413 J. For a petition filed pursuant to subsection B, the court shall enter an order to seal the ancillary matter if
4414 the charge or conviction identified in the petition has been sealed pursuant to § 19.2-392.6:1, 19.2-392.7, or
4415 19.2-392.11.

4416 K. If the attorney for the Commonwealth of the county or city in which the petition is filed (i) gives
4417 written notice to the court pursuant to subsection F that he does not object to the petition and (ii) stipulates in
4418 such written notice that the petitioner is eligible to have such charge, conviction, or ancillary matter sealed,
4419 the court may enter an order of sealing without conducting a hearing.

4420 L. Any party aggrieved by the decision of the court may appeal, as provided by law in civil cases.

4421 M. Upon the entry of an order of sealing, the clerk of the court shall maintain a copy of such order under
4422 seal and shall cause an electronic notification of such order to be forwarded to the Department of State Police.
4423 Such electronic notification shall contain (i) the petitioner's full name, date of birth, sex, race, and social
4424 security number, if available; (ii) the full name used by the petitioner at the time of arrest or summons; (iii)
4425 the petitioner's state identification number from the criminal history record; (iv) the court case number of the
4426 charge, conviction, or ancillary matter to be sealed, if available; and (v) the document control number, if
4427 available. The Department of State Police shall validate the accuracy of any criminal history record ordered
4428 to be sealed pursuant to this section but shall not validate whether such record is eligible for sealing. Upon
4429 receipt of such electronic notification, the Department of State Police shall seal such records in accordance
4430 with § 19.2-392.13. The Department of State Police shall also electronically notify the Office of the
4431 Executive Secretary of the Supreme Court and any other agencies and individuals known to maintain or to
4432 have obtained such a record that such record has been ordered to be sealed and may only be disseminated in
4433 accordance with § 19.2-392.13.

4434 N. Any order entered where (i) the court or parties failed to strictly comply with the procedures set forth
4435 in this section or (ii) the court entered an order for the sealing of records contrary to law shall be voidable
4436 upon motion and notice made within two years of the entry of such order.

4437 O. A petition filed under this section and any responsive pleadings filed by the attorney for the
4438 Commonwealth shall be maintained under seal by the clerk unless otherwise ordered by the court. Any order
4439 to seal issued pursuant to this section shall be sealed and may only be disseminated for the purposes set forth
4440 in § 19.2-392.13.

4441 P. Nothing in this chapter shall prohibit the circuit court from entering an order to seal a charge,
4442 conviction, or ancillary matter under this section when such charge, conviction, or ancillary matter is eligible
4443 for sealing under some other section of this chapter.

4444 **§ 22.1-206. Instruction concerning drugs, alcohol, substance abuse, retail tobacco products, hemp**
4445 **products intended for smoking, and gambling.**

4446 A. Instruction concerning drugs and drug abuse shall be provided by the public schools as prescribed by
4447 the Board of Education.

4448 B. Instruction concerning the public safety hazards and dangers of alcohol abuse, underage drinking,
4449 *underage marijuana use*, and drunk driving shall be provided in the public schools. The Virginia Alcoholic
4450 Beverage Control Authority *and the Virginia Cannabis Control Authority* shall provide educational materials
4451 to the Department of Education. The Department of Education shall review and shall distribute such materials
4452 as are approved to the public schools.

4453 The Virginia Foundation for Healthy Youth shall develop and the Department of Education shall
4454 distribute to each local school division educational materials concerning the health and safety risks of using
4455 retail tobacco products and hemp products intended for smoking, as such terms are defined in § 18.2-371.2.
4456 Instruction concerning the health and safety risks of using *retail* tobacco products and hemp products
4457 intended for smoking, as such terms are defined in § 18.2-371.2, shall be provided in each public elementary
4458 and secondary school in the Commonwealth, consistent with such educational materials.

4459 C. Instruction concerning gambling and the addictive potential thereof shall be provided by the public
4460 schools as prescribed by the Board.

4461 **§ 22.1-277.08. Expulsion of students for certain drug offenses.**

4462 A. School boards shall expel from school attendance any student whom such school board has
 4463 determined, in accordance with the procedures set forth in this article, to have brought a controlled substance,
 4464 or imitation controlled substance, or marijuana as those terms are defined in § 18.2-247 onto school property
 4465 or to a school-sponsored activity. A school administrator, pursuant to school board policy, or a school board
 4466 may, however, determine, based on the facts of a particular situation, that special circumstances exist and no
 4467 disciplinary action or another disciplinary action or another term of expulsion is appropriate. A school board
 4468 may, by regulation, authorize the division superintendent or his designee to conduct a preliminary review of
 4469 such cases to determine whether a disciplinary action other than expulsion is appropriate. Such regulations
 4470 shall ensure that, if a determination is made that another disciplinary action is appropriate, any such
 4471 subsequent disciplinary action is to be taken in accordance with the procedures set forth in this article.
 4472 Nothing in this section shall be construed to require a student's expulsion regardless of the facts of the
 4473 particular situation.

4474 B. Each school board shall revise its standards of student conduct to incorporate the requirements of this
 4475 section no later than three months after the date on which this act becomes effective.

4476 **§ 23.1-1301. Governing boards; powers.**

4477 A. The board of visitors of each baccalaureate public institution of higher education or its designee may:

- 4478 1. Make regulations and policies concerning the institution;
- 4479 2. Manage the funds of the institution and approve an annual budget;
- 4480 3. Appoint the chief executive officer of the institution;
- 4481 4. Appoint professors and fix their salaries; and
- 4482 5. Fix the rates charged to students for tuition, mandatory fees, and other necessary charges.

4483 B. The governing board of each public institution of higher education or its designee may:

4484 1. In addition to the powers set forth in Restructured Higher Education Financial and Administrative
 4485 Operations Act (§ 23.1-1000 et seq.), lease or sell and convey its interest in any real property that it has
 4486 acquired by purchase, will, or deed of gift, subject to the prior approval of the Governor and any terms and
 4487 conditions of the will or deed of gift, if applicable. The proceeds shall be held, used, and administered in the
 4488 same manner as all other gifts and bequests;

4489 2. Grant easements for roads, streets, sewers, waterlines, electric and other utility lines, or other purposes
 4490 on any property owned by the institution;

4491 3. Adopt regulations or institution policies for parking and traffic on property owned, leased, maintained,
 4492 or controlled by the institution;

4493 4. Adopt regulations or institution policies for the employment and dismissal of professors, teachers,
 4494 instructors, and other employees;

4495 5. Adopt regulations or institution policies for the acceptance and assistance of students in addition to the
 4496 regulations or institution policies required pursuant to § 23.1-1303;

4497 6. Adopt regulations or institution policies for the conduct of students in attendance and for the rescission
 4498 or restriction of financial aid, suspension, and dismissal of students who fail or refuse to abide by such
 4499 regulations or policies;

4500 7. Establish programs, in cooperation with the Council and the Office of the Attorney General, to promote
 4501 (i) student compliance with state laws on the use of alcoholic beverages and marijuana and (ii) the awareness
 4502 and prevention of sexual crimes committed upon students;

4503 8. Establish guidelines for the initiation or induction of students into any social fraternity or sorority in
 4504 accordance with the prohibition against hazing as defined in § 18.2-56;

4505 9. Assign any interest it possesses in intellectual property or in materials in which the institution claims an
 4506 interest, provided such assignment is in accordance with the terms of the institution's intellectual property
 4507 policies adopted pursuant to § 23.1-1303. The Governor's prior written approval is required for transfers of
 4508 such property (i) developed wholly or predominantly through the use of state general funds, exclusive of
 4509 capital assets and (ii)(a) developed by an employee of the institution acting within the scope of his assigned
 4510 duties or (b) for which such transfer is made to an entity other than (1) the Innovation and Entrepreneurship
 4511 Investment Authority, (2) an entity whose purpose is to manage intellectual properties on behalf of nonprofit
 4512 organizations, colleges, and universities, or (3) an entity whose purpose is to benefit the respective
 4513 institutions. The Governor may attach conditions to these transfers as he deems necessary. In the event the
 4514 Governor does not approve such transfer, the materials shall remain the property of the respective institutions
 4515 and may be used and developed in any manner permitted by law;

4516 10. Conduct closed meetings pursuant to §§ 2.2-3711 and 2.2-3712 and conduct business through
 4517 electronic communication means pursuant to § 2.2-3708.3; and

4518 11. Adopt a resolution to require the governing body of a locality that is contiguous to the institution to
 4519 enforce state statutes and local ordinances with respect to offenses occurring on the property of the
 4520 institution. Upon receipt of such resolution, the governing body of such locality shall enforce statutes and
 4521 local ordinances with respect to offenses occurring on the property of the institution.

4522 **§ 46.2-105.2. Obtaining documents from the Department when not entitled thereto; penalty.**

4523 A. It shall be unlawful for any person to obtain a Virginia driver's license, special identification card,
 4524 vehicle registration, certificate of title, or other document issued by the Department if such person has not
 4525 satisfied all legal and procedural requirements for the issuance thereof, or is otherwise not legally entitled
 4526 thereto, including obtaining any document issued by the Department through the use of counterfeit, forged, or
 4527 altered documents.

4528 B. It shall be unlawful to aid any person to obtain any driver's license, special identification card, vehicle
 4529 registration, certificate of title, or other document in violation of the provisions of subsection A.

4530 C. It shall be unlawful to knowingly possess or use for any purpose any driver's license, special
 4531 identification card, vehicle registration, certificate of title, or other document obtained in violation of the
 4532 provisions of subsection A.

4533 D. A violation of any provision of this section shall constitute a Class 2 misdemeanor if a person is
 4534 charged and convicted of a violation of this section that involved the unlawful obtaining or possession of any
 4535 document issued by the Department for the purpose of engaging in any age-limited activity, including but not
 4536 limited to obtaining, possessing, or consuming alcoholic beverages *or marijuana*. However, if a person is
 4537 charged and convicted of any other violation of this section, such offense shall constitute a Class 6 felony.

4538 E. Whenever it appears to the satisfaction of the Commissioner that any driver's license, special
 4539 identification card, vehicle registration, certificate of title, or other document issued by the Department has
 4540 been obtained in violation of this section, it may be cancelled by the Commissioner, who shall mail notice of
 4541 the cancellation to the address of record maintained by the Department.

4542 F. A violation of this section may be prosecuted in the jurisdiction (i) from which any person obtained any
 4543 document issued by the Department, (ii) where any person received or created any counterfeit, forged, or
 4544 altered document used to obtain any document issued by the Department, or (iii) where any counterfeit,
 4545 forged, or altered document has been filed with the Department.

4546 **§ 46.2-347. Fraudulent use of driver's license or Department of Motor Vehicles identification card**
 4547 **to obtain alcoholic beverages or marijuana; penalties.**

4548 Any underage person as specified in § 4.1-304 who knowingly uses or attempts to use a forged, deceptive
 4549 or otherwise nongenuine driver's license issued by any state, territory or possession of the United States, the
 4550 District of Columbia, the Commonwealth of Puerto Rico or any foreign country or government; United States
 4551 Armed Forces identification card; United States passport or foreign government visa; Virginia Department of
 4552 Motor Vehicles special identification card; official identification issued by any other federal, state or foreign
 4553 government agency; or official student identification card of an institution of higher education to obtain
 4554 alcoholic beverages ~~shall be~~ *or marijuana* is guilty of a Class 3 misdemeanor, and upon conviction of a
 4555 violation of this section, the court shall revoke such convicted person's driver's license or privilege to drive a
 4556 motor vehicle for a period of not less than 30 days nor more than one year.

4557 **§ 48-17.1. Temporary injunctions against alcoholic beverage sales or marijuana sales.**

4558 A. Any locality by or through its mayor, chief executive, or attorney may petition a circuit court to
 4559 temporarily enjoin the sale of alcohol *or marijuana* at any establishment licensed by the Virginia Alcoholic
 4560 Beverage Control Authority *or the Virginia Cannabis Control Authority*. The basis for such petition shall be
 4561 the operator of the establishment has allowed it to become a meeting place for persons committing serious
 4562 criminal violations of the law on or immediately adjacent to the premises so frequent and serious as to be
 4563 deemed a continuing threat to public safety, as represented in an affidavit by the chief law-enforcement
 4564 officer of the locality, supported by records of such criminal acts. The court shall, upon the presentation of
 4565 evidence at a hearing on the matter, grant a temporary injunction, without bond, enjoining the sale of alcohol
 4566 *or marijuana* at the establishment, if it appears to the satisfaction of the court that the threat to public safety
 4567 complained of exists and is likely to continue if such injunction is not granted. The court hearing on the
 4568 petition shall be held within 10 days of service upon the respondent. The respondent shall be served with
 4569 notice of the time and place of the hearing and copies of all documentary evidence to be relied upon by the
 4570 complainant at such hearing. Any injunction issued by the court shall be dissolved in the event the court later
 4571 finds that the threat to public safety that is the basis of the injunction has been abated by reason of a change
 4572 of ownership, management, or business operations at the establishment, or other change in circumstance.

4573 B. The Virginia Alcoholic Beverage Control Authority *or the Virginia Cannabis Control Authority* shall
 4574 be given notice of any hearing under this section. In the event an injunction is granted, the Virginia Alcoholic
 4575 Beverage Control Authority *or the Virginia Cannabis Control Authority* shall initiate an investigation into the
 4576 activities at the establishment complained of and conduct an administrative hearing. After the Virginia
 4577 Alcoholic Beverage Control Authority *or the Virginia Cannabis Control Authority* hearing and when a final
 4578 determination has been issued by the Virginia Alcoholic Beverage Control Authority *or the Virginia*
 4579 *Cannabis Control Authority*, regardless of disposition, any injunction issued hereunder shall be null, without
 4580 further action by the complainant, respondent, or the court.

4581 **§ 53.1-231.2. Restoration of the civil right to be eligible to register to vote to certain persons.**

4582 This section shall apply to any person who is not a qualified voter because of a felony conviction, who
 4583 seeks to have his right to register to vote restored and become eligible to register to vote, and who meets the
 4584 conditions and requirements set out in this section.

4585 Any person, other than a person (i) convicted of a violent felony as defined in § 19.2-297.1 or in
 4586 subsection C of § 17.1-805 and any crime ancillary thereto; (ii) convicted of a felony pursuant to § 4.1-1101,
 4587 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
 4588 felony pursuant to § 24.2-1016, may petition the circuit court of the county or city in which he was convicted
 4589 of a felony, or the circuit court of the county or city in which he presently resides, for restoration of his civil
 4590 right to be eligible to register to vote through the process set out in this section. On such petition, the court
 4591 may approve the petition for restoration to the person of his right if the court is satisfied from the evidence
 4592 presented that the petitioner has completed, five or more years previously, service of any sentence and any
 4593 modification of sentence including probation, parole, and suspension of sentence; that the petitioner has
 4594 demonstrated civic responsibility through community or comparable service; and that the petitioner has been
 4595 free from criminal convictions, excluding traffic infractions, for the same period.

4596 If the court approves the petition, it shall so state in an order, provide a copy of the order to the petitioner,
 4597 and transmit its order to the Secretary of the Commonwealth. The order shall state that the petitioner's right to
 4598 be eligible to register to vote may be restored by the date that is 90 days after the date of the order, subject to
 4599 the approval or denial of restoration of that right by the Governor. The Secretary of the Commonwealth shall
 4600 transmit the order to the Governor who may grant or deny the petition for restoration of the right to be
 4601 eligible to register to vote approved by the court order. The Secretary of the Commonwealth shall send,
 4602 within 90 days of the date of the order, to the petitioner at the address stated on the court's order, a certificate
 4603 of restoration of that right or notice that the Governor has denied the restoration of that right. The Governor's
 4604 denial of a petition for the restoration of voting rights shall be a final decision and the petitioner shall have no
 4605 right of appeal. The Secretary shall notify the court and the State Board of Elections in each case of the
 4606 restoration of the right or denial of restoration by the Governor.

4607 On receipt of the certificate of restoration of the right to register to vote from the Secretary of the
 4608 Commonwealth, the petitioner, who is otherwise a qualified voter, shall become eligible to register to vote.

4609 **§ 54.1-2903. What constitutes practice; advertising in connection with medical practice.**

4610 A. Any person shall be regarded as practicing the healing arts who actually engages in such practice as
 4611 defined in this chapter, or who opens an office for such purpose, or who advertises or announces to the public
 4612 in any manner a readiness to practice or who uses in connection with his name the words or letters "Doctor,"
 4613 "Dr.," "M.D.," "D.O.," "D.P.M.," "D.C.," "Healer," "N.P.," or any other title, word, letter or designation
 4614 intending to designate or imply that he is a practitioner of the healing arts or that he is able to heal, cure or
 4615 relieve those suffering from any injury, deformity or disease.

4616 Signing a birth or death certificate, or signing any statement certifying that the person so signing has
 4617 rendered professional service to the sick or injured, or signing or issuing a prescription for drugs or other
 4618 remedial agents, shall be prima facie evidence that the person signing or issuing such writing is practicing the
 4619 healing arts within the meaning of this chapter except where persons other than physicians are required to
 4620 sign birth certificates.

4621 B. No person regulated under this chapter shall use the title "Doctor" or the abbreviation "Dr." in writing
 4622 or in advertising in connection with his practice unless he simultaneously uses words, initials, an abbreviation
 4623 or designation, or other language that identifies the type of practice for which he is licensed. No person
 4624 regulated under this chapter shall include in any advertisement a reference to marijuana, as defined in §
 4625 ~~18.2-247~~ 54.1-3401, unless such advertisement is for the treatment of addiction or substance abuse. However,
 4626 nothing in this subsection shall prevent a person from including in any advertisement that such person is
 4627 registered with the Board of Directors of the Virginia Cannabis Control Authority to issue written
 4628 certifications for the use of cannabis products, as defined in § 4.1-1600.

4629 **§ 54.1-3443. Board to administer article.**

4630 A. The Board shall administer this article and may add substances to or deschedule or reschedule all
 4631 substances enumerated in the schedules in this article pursuant to the procedures of the Administrative
 4632 Process Act (§ 2.2-4000 et seq.). In making a determination regarding a substance, the Board shall consider
 4633 the following:

- 4634 1. The actual or relative potential for abuse;
- 4635 2. The scientific evidence of its pharmacological effect, if known;
- 4636 3. The state of current scientific knowledge regarding the substance;
- 4637 4. The history and current pattern of abuse;
- 4638 5. The scope, duration, and significance of abuse;
- 4639 6. The risk to the public health;
- 4640 7. The potential of the substance to produce psychic or physical dependence; and
- 4641 8. Whether the substance is an immediate precursor of a substance already controlled under this article.

4642 B. After considering the factors enumerated in subsection A, the Board shall make findings and issue a
 4643 regulation controlling the substance if it finds the substance has a potential for abuse.

4644 C. If the Board designates a substance as an immediate precursor, substances which are precursors of the
 4645 controlled precursor shall not be subject to control solely because they are precursors of the controlled
 4646 precursor.

4647 D. If the Board, in consultation with the Department of Forensic Science, determines the substance shall
 4648 be placed into Schedule I or II pursuant to § 54.1-3445 or 54.1-3447, the Board may amend its regulations
 4649 pursuant to Article 2 (§ 2.2-4006 et seq.) of the Administrative Process Act. Prior to making such
 4650 amendments, the Board shall conduct a public hearing. At least 30 days prior to conducting such hearing, it
 4651 shall post notice of the hearing on the Virginia Regulatory Town Hall and shall send notice of the hearing to
 4652 any persons requesting to be notified of a regulatory action. In the notice, the Board shall include a list of all
 4653 substances it intends to schedule by regulation. The Board shall notify the House and Senate Committees for
 4654 Courts of Justice of any new substance added to Schedule I or II pursuant to this subsection. Any substance
 4655 added to Schedule I or II pursuant to this subsection shall remain on Schedule I or II for a period of 18
 4656 months. Upon expiration of such 18-month period, such substance shall be descheduled unless a general law
 4657 is enacted adding such substance to Schedule I or II. Nothing in this subsection shall preclude the Board from
 4658 adding substances to or descheduling or rescheduling all substances enumerated in the schedules pursuant to
 4659 the provisions of subsections A, B, and E.

4660 E. If any substance is designated, rescheduled, or descheduled as a controlled substance under federal law
 4661 and notice of such action is given to the Board, the Board may similarly control the substance under this
 4662 chapter after the expiration of 30 days from publication in the Federal Register of a final or interim final order
 4663 or rule designating a substance as a controlled substance or rescheduling or descheduling a substance by
 4664 amending its regulations in accordance with the requirements of Article 2 (§ 2.2-4006 et seq.) of the
 4665 Administrative Process Act. Prior to making such amendments, the Board shall post notice of the hearing on
 4666 the Virginia Regulatory Town Hall and shall send notice of the hearing to any persons requesting to be
 4667 notified of a regulatory action. The Board shall include a list of all substances it intends to schedule by
 4668 regulation in such notice.

4669 F. Authority to control under this section does not extend to distilled spirits, wine, malt beverages, or
 4670 tobacco as those terms are defined or used in Title 4.1.

4671 G. The Board shall exempt any nonnarcotic substance from a schedule if such substance may, under the
 4672 provisions of the federal Food, Drug, and Cosmetic Act (21 U.S.C. § 301 et seq.) or state law, be lawfully
 4673 sold over the counter without a prescription.

4674 H. Any tetrahydrocannabinol isomer, ester, ether, salt, or salts of such isomer, ester, or ether scheduled
 4675 pursuant to this section shall not be included in the definition of marijuana set forth in § 4.1-600; ~~48.2-247~~; or
 4676 54.1-3401.

4677 **§ 54.1-4426. Accounting services for licensed marijuana establishments.**

4678 A. *As used in this section, "licensed" and "marijuana establishment" have the same meanings as provided*
 4679 *in § 4.1-600.*

4680 B. *A CPA, CPA firm, or officer, director, or employee of a CPA or CPA firm that provides accounting*
 4681 *services to a licensed marijuana establishment shall not be held liable pursuant to any state law or regulation*
 4682 *solely for providing such accounting services.*

4683 C. *Nothing in this section shall require a CPA or CPA firm to provide accounting services to a licensed*
 4684 *marijuana establishment.*

4685 **§ 58.1-301. Conformity to Internal Revenue Code.**

4686 A. Any term used in this chapter shall have the same meaning as when used in a comparable context in
 4687 the laws of the United States relating to federal income taxes, unless a different meaning is clearly required.

4688 B. Any reference in this chapter to the laws of the United States relating to federal income taxes shall
 4689 mean the provisions of the Internal Revenue Code of 1954, and amendments thereto, and other provisions of
 4690 the laws of the United States relating to federal income taxes, except for:

4691 1. The special depreciation allowance for certain property provided for under §§ 168(k), 168(l), 168(m),
 4692 1400L, and 1400N of the Internal Revenue Code;

4693 2. The carry-back of certain net operating losses for five years under § 172(b)(1)(H) of the Internal
 4694 Revenue Code;

4695 3. The original issue discount on applicable high yield discount obligations under § 163(e)(5)(F) of the
 4696 Internal Revenue Code;

4697 4. The deferral of certain income under § 108(i) of the Internal Revenue Code. For Virginia income tax
 4698 purposes, income from the discharge of indebtedness in connection with the reacquisition of an "applicable
 4699 debt instrument" (as defined under § 108(i) of the Internal Revenue Code) reacquired in the taxable year shall
 4700 be fully included in the taxpayer's Virginia taxable income for the taxable year, unless the taxpayer elects to
 4701 include such income in the taxpayer's Virginia taxable income ratably over a three-taxable-year period
 4702 beginning with taxable year 2009 for transactions completed in taxable year 2009, or over a three-taxable-
 4703 year period beginning with taxable year 2010 for transactions completed in taxable year 2010 or before
 4704 April 21, 2010. For purposes of such election, all other provisions of § 108(i) of the Internal Revenue Code
 4705 shall apply mutatis mutandis. No other deferral shall be allowed for income from the discharge of
 4706 indebtedness in connection with the reacquisition of an "applicable debt instrument";

4707 5. For taxable years beginning on and after January 1, 2019, the suspension of the overall limitation on
 4708 itemized deductions under § 68(f) of the Internal Revenue Code;

4709 6. For taxable years beginning on and after January 1, 2017, but before January 1, 2018, and for taxable
 4710 years beginning on and after January 1, 2019, the 7.5 percent of federal adjusted gross income threshold set
 4711 forth in § 213(a) of the Internal Revenue Code that is used for purposes of computing the deduction allowed
 4712 for expenses for medical care pursuant to § 213 of the Internal Revenue Code. For such taxable years, the
 4713 threshold utilized for Virginia income tax purposes to compute the deduction allowed for expenses for
 4714 medical care pursuant to § 213 of the Internal Revenue Code shall be 10 percent of federal adjusted gross
 4715 income;

4716 7. The provisions of §§ 2303(a) and 2303(b) of the federal Coronavirus Aid, Relief, and Economic
 4717 Security Act, P.L. 116-136 (2020), related to the net operating loss limitation and carryback;

4718 8. The provisions of § 2304(a) of the federal Coronavirus Aid, Relief, and Economic Security Act, P.L.
 4719 116-136 (2020), related to a loss limitation applicable to taxpayers other than corporations;

4720 9. The provisions of § 2306 of the federal Coronavirus Aid, Relief, and Economic Security Act, P.L.
 4721 116-136 (2020), related to the limitation on business interest;

4722 10. For taxable years beginning before January 1, 2021, the provisions of §§ 276(a), 276(b)(2), 276(b)(3),
 4723 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
 4724 Consolidated Appropriations Act, P.L. 116-260 (2020), and §§ 9672(2), 9672(3), 9673(2), and 9673(3) of the
 4725 federal American Rescue Plan Act, P.L. 117-2 (2021) related to deductions, tax attributes, and basis increases
 4726 for certain loan forgiveness and other business financial assistance; ~~and~~

4727 11. a. (1) Any amendment enacted on or after January 1, 2023, with a projected impact that would
 4728 increase or decrease general fund revenues by greater than \$15 million in the fiscal year in which the
 4729 amendment was enacted or any of the succeeding four fiscal years. The provisions of this subdivision shall
 4730 not apply to any amendment to federal income tax law that is either subsequently adopted by the General
 4731 Assembly or a federal tax extender as defined in subdivision b.

4732 (2) All amendments enacted on or after January 1, 2023, and occurring between adjournment sine die of
 4733 the previous regular session of the General Assembly and the first day of the subsequent regular session of
 4734 the General Assembly if the cumulative projected impact of such amendments would increase or decrease
 4735 general fund revenues by greater than \$75 million in the fiscal year in which the amendments were enacted or
 4736 any of the succeeding four fiscal years. The provisions of this subdivision shall not apply to any amendment
 4737 to federal income tax law that is (i) subsequently adopted by the General Assembly, (ii) a federal tax extender
 4738 as defined in subdivision b, or (iii) enacted before the date on which the cumulative projected impact is met.
 4739 However, any amendment conformed to pursuant to clause (iii) shall be included in the calculation of the \$75
 4740 million threshold for purposes of determining whether such threshold has been met.

4741 (3) Beginning January 1, 2024, the threshold provided by subdivision (1) shall be adjusted annually based
 4742 on the preceding change in the Chained Consumer Price Index for All Urban Consumers (C-CPI-U), as
 4743 published by the Bureau of Labor Statistics for the U.S. Department of Labor or any successor index for the
 4744 previous year.

4745 b. For purposes of this subdivision 11, "amendment" means a single amendment to federal income tax law
 4746 or a group of such amendments enacted in the same act of Congress that collectively surpass the threshold
 4747 impact, and "federal tax extender" means an amendment to federal tax law that extends the expiration date of
 4748 a federal tax provision to which Virginia conforms or has previously conformed.

4749 c. The Secretary of Finance, in consultation with the Chairmen of the Senate Committee on Finance and
 4750 Appropriations and the House Committees on Appropriations and Finance, shall be responsible for
 4751 determining whether the criteria of subdivision a are met.

4752 d. The Secretary of Finance shall annually provide a report on or before November 15 of each year on the
 4753 fiscal impact of amendments to federal income tax law occurring since the adjournment sine die of the
 4754 preceding regular session of the General Assembly to the Chairmen of the Senate Committee on Finance and
 4755 Appropriations and the House Committees on Appropriations and Finance. The Secretary of Finance shall
 4756 also provide updates to the same Chairmen on any further amendments to federal income tax law occurring
 4757 between submission of the required report and the first day of the subsequent regular session of the General
 4758 Assembly; and

4759 12. *For taxable years beginning on and after January 1, 2026, the prohibition on utilizing tax deductions*
 4760 *for ordinary and necessary expenditures made in connection with carrying on a trade or business licensed in*
 4761 *Virginia pursuant to the Cannabis Control Act (§ 4.1-600 et seq.) under § 280E of the Internal Revenue*
 4762 *Code.*

4763 C. The Department of Taxation is hereby authorized to develop procedures or guidelines for
 4764 implementation of the provisions of this section, which procedures or guidelines shall be exempt from the
 4765 provisions of the Administrative Process Act (§ 2.2-4000 et seq.).

4766 **§ 59.1-200. Prohibited practices.**

4767 A. The following fraudulent acts or practices committed by a supplier in connection with a consumer
 4768 transaction are hereby declared unlawful:

4769 1. Misrepresenting goods or services as those of another;

4770 2. Misrepresenting the source, sponsorship, approval, or certification of goods or services;

4771 3. Misrepresenting the affiliation, connection, or association of the supplier, or of the goods or services,
4772 with another;

4773 4. Misrepresenting geographic origin in connection with goods or services;

4774 5. Misrepresenting that goods or services have certain quantities, characteristics, ingredients, uses, or
4775 benefits;

4776 6. Misrepresenting that goods or services are of a particular standard, quality, grade, style, or model;

4777 7. Advertising or offering for sale goods that are used, secondhand, repossessed, defective, blemished,
4778 deteriorated, or reconditioned, or that are "seconds," irregulars, imperfects, or "not first class," without clearly
4779 and unequivocally indicating in the advertisement or offer for sale that the goods are used, secondhand,
4780 repossessed, defective, blemished, deteriorated, reconditioned, or are "seconds," irregulars, imperfects, or
4781 "not first class";

4782 8. Advertising goods or services with intent not to sell them as advertised, or with intent not to sell at the
4783 price or upon the terms advertised.

4784 In any action brought under this subdivision, the refusal by any person, or any employee, agent, or servant
4785 thereof, to sell any goods or services advertised or offered for sale at the price or upon the terms advertised or
4786 offered, shall be prima facie evidence of a violation of this subdivision. This paragraph shall not apply when
4787 it is clearly and conspicuously stated in the advertisement or offer by which such goods or services are
4788 advertised or offered for sale, that the supplier or offeror has a limited quantity or amount of such goods or
4789 services for sale, and the supplier or offeror at the time of such advertisement or offer did in fact have or
4790 reasonably expected to have at least such quantity or amount for sale;

4791 9. Making false or misleading statements of fact concerning the reasons for, existence of, or amounts of
4792 price reductions;

4793 10. Misrepresenting that repairs, alterations, modifications, or services have been performed or parts
4794 installed;

4795 11. Misrepresenting by the use of any written or documentary material that appears to be an invoice or bill
4796 for merchandise or services previously ordered;

4797 12. Notwithstanding any other provision of law, using in any manner the words "wholesale,"
4798 "wholesaler," "factory," or "manufacturer" in the supplier's name, or to describe the nature of the supplier's
4799 business, unless the supplier is actually engaged primarily in selling at wholesale or in manufacturing the
4800 goods or services advertised or offered for sale;

4801 13. Using in any contract or lease any liquidated damage clause, penalty clause, or waiver of defense, or
4802 attempting to collect any liquidated damages or penalties under any clause, waiver, damages, or penalties that
4803 are void or unenforceable under any otherwise applicable laws of the Commonwealth, or under federal
4804 statutes or regulations;

4805 13a. Failing to provide to a consumer, or failing to use or include in any written document or material
4806 provided to or executed by a consumer, in connection with a consumer transaction any statement, disclosure,
4807 notice, or other information however characterized when the supplier is required by 16 C.F.R. Part 433 to so
4808 provide, use, or include the statement, disclosure, notice, or other information in connection with the
4809 consumer transaction;

4810 14. Using any other deception, fraud, false pretense, false promise, or misrepresentation in connection
4811 with a consumer transaction;

4812 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,
4813 or 3.2-6519 is a violation of this chapter;

4814 16. Failing to disclose all conditions, charges, or fees relating to:

4815 a. The return of goods for refund, exchange, or credit. Such disclosure shall be by means of a sign
4816 attached to the goods, or placed in a conspicuous public area of the premises of the supplier, so as to be
4817 readily noticeable and readable by the person obtaining the goods from the supplier. If the supplier does not
4818 permit a refund, exchange, or credit for return, he shall so state on a similar sign. The provisions of this
4819 subdivision shall not apply to any retail merchant who has a policy of providing, for a period of not less than
4820 20 days after date of purchase, a cash refund or credit to the purchaser's credit card account for the return of
4821 defective, unused, or undamaged merchandise upon presentation of proof of purchase. In the case of
4822 merchandise paid for by check, the purchase shall be treated as a cash purchase and any refund may be
4823 delayed for a period of 10 banking days to allow for the check to clear. This subdivision does not apply to
4824 sale merchandise that is obviously distressed, out of date, post season, or otherwise reduced for clearance; nor
4825 does this subdivision apply to special order purchases where the purchaser has requested the supplier to order
4826 merchandise of a specific or unusual size, color, or brand not ordinarily carried in the store or the store's
4827 catalog; nor shall this subdivision apply in connection with a transaction for the sale or lease of motor
4828 vehicles, farm tractors, or motorcycles as defined in § 46.2-100;

4829 b. A layaway agreement. Such disclosure shall be furnished to the consumer (i) in writing at the time of
4830 the layaway agreement, or (ii) by means of a sign placed in a conspicuous public area of the premises of the
4831 supplier, so as to be readily noticeable and readable by the consumer, or (iii) on the bill of sale. Disclosure
4832 shall include the conditions, charges, or fees in the event that a consumer breaches the agreement;

- 4833 16a. Failing to provide written notice to a consumer of an existing open-end credit balance in excess of \$5
4834 (i) on an account maintained by the supplier and (ii) resulting from such consumer's overpayment on such
4835 account. Suppliers shall give consumers written notice of such credit balances within 60 days of receiving
4836 overpayments. If the credit balance information is incorporated into statements of account furnished
4837 consumers by suppliers within such 60-day period, no separate or additional notice is required;
- 4838 17. If a supplier enters into a written agreement with a consumer to resolve a dispute that arises in
4839 connection with a consumer transaction, failing to adhere to the terms and conditions of such an agreement;
- 4840 18. Violating any provision of the Virginia Health Club Act, Chapter 24 (§ 59.1-294 et seq.);
- 4841 19. Violating any provision of the Virginia Home Solicitation Sales Act, Chapter 2.1 (§ 59.1-21.1 et seq.);
- 4842 20. Violating any provision of the Automobile Repair Facilities Act, Chapter 17.1 (§ 59.1-207.1 et seq.);
- 4843 21. Violating any provision of the Virginia Lease-Purchase Agreement Act, Chapter 17.4 (§ 59.1-207.17
4844 et seq.);
- 4845 22. Violating any provision of the Prizes and Gifts Act, Chapter 31 (§ 59.1-415 et seq.);
- 4846 23. Violating any provision of the Virginia Public Telephone Information Act, Chapter 32 (§ 59.1-424 et
4847 seq.);
- 4848 24. Violating any provision of § 54.1-1505;
- 4849 25. Violating any provision of the Motor Vehicle Manufacturers' Warranty Adjustment Act, Chapter 17.6
4850 (§ 59.1-207.34 et seq.);
- 4851 26. Violating any provision of § 3.2-5627, relating to the pricing of merchandise;
- 4852 27. Violating any provision of the Pay-Per-Call Services Act, Chapter 33 (§ 59.1-429 et seq.);
- 4853 28. Violating any provision of the Extended Service Contract Act, Chapter 34 (§ 59.1-435 et seq.);
- 4854 29. Violating any provision of the Virginia Membership Camping Act, Chapter 25 (§ 59.1-311 et seq.);
- 4855 30. Violating any provision of the Comparison Price Advertising Act, Chapter 17.7 (§ 59.1-207.40 et
4856 seq.);
- 4857 31. Violating any provision of the Virginia Travel Club Act, Chapter 36 (§ 59.1-445 et seq.);
- 4858 32. Violating any provision of §§ 46.2-1231 and 46.2-1233.1;
- 4859 33. Violating any provision of Chapter 40 (§ 54.1-4000 et seq.) of Title 54.1;
- 4860 34. Violating any provision of Chapter 10.1 (§ 58.1-1031 et seq.) of Title 58.1;
- 4861 35. Using the consumer's social security number as the consumer's account number with the supplier, if
4862 the consumer has requested in writing that the supplier use an alternate number not associated with the
4863 consumer's social security number;
- 4864 36. Violating any provision of Chapter 18 (§ 6.2-1800 et seq.) of Title 6.2;
- 4865 37. Violating any provision of § 8.01-40.2;
- 4866 38. Violating any provision of Article 7 (§ 32.1-212 et seq.) of Chapter 6 of Title 32.1;
- 4867 39. Violating any provision of Chapter 34.1 (§ 59.1-441.1 et seq.);
- 4868 40. Violating any provision of Chapter 20 (§ 6.2-2000 et seq.) of Title 6.2;
- 4869 41. Violating any provision of the Virginia Post-Disaster Anti-Price Gouging Act, Chapter 46 (§ 59.1-525
4870 et seq.). For the purposes of this subdivision, "consumer transaction" has the same meaning as provided in
4871 § 59.1-526;
- 4872 42. Violating any provision of Chapter 47 (§ 59.1-530 et seq.);
- 4873 43. Violating any provision of § 59.1-443.2;
- 4874 44. Violating any provision of Chapter 48 (§ 59.1-533 et seq.);
- 4875 45. Violating any provision of Chapter 25 (§ 6.2-2500 et seq.) of Title 6.2;
- 4876 46. Violating the provisions of clause (i) of subsection B of § 54.1-1115;
- 4877 47. Violating any provision of § 18.2-239;
- 4878 48. Violating any provision of Chapter 26 (§ 59.1-336 et seq.);
- 4879 49. Selling, offering for sale, or manufacturing for sale a children's product the supplier knows or has
4880 reason to know was recalled by the U.S. Consumer Product Safety Commission. There is a rebuttable
4881 presumption that a supplier has reason to know a children's product was recalled if notice of the recall has
4882 been posted continuously at least 30 days before the sale, offer for sale, or manufacturing for sale on the
4883 website of the U.S. Consumer Product Safety Commission. This prohibition does not apply to children's
4884 products that are used, secondhand or "seconds";
- 4885 50. Violating any provision of Chapter 44.1 (§ 59.1-518.1 et seq.);
- 4886 51. Violating any provision of Chapter 22 (§ 6.2-2200 et seq.) of Title 6.2;
- 4887 52. Violating any provision of § 8.2-317.1;
- 4888 53. Violating subsection A of § 9.1-149.1;
- 4889 54. Selling, offering for sale, or using in the construction, remodeling, or repair of any residential dwelling
4890 in the Commonwealth, any drywall that the supplier knows or has reason to know is defective drywall. This
4891 subdivision shall not apply to the sale or offering for sale of any building or structure in which defective
4892 drywall has been permanently installed or affixed;
- 4893 55. Engaging in fraudulent or improper or dishonest conduct as defined in § 54.1-1118 while engaged in a
4894 transaction that was initiated (i) during a declared state of emergency as defined in § 44-146.16 or (ii) to

4895 repair damage resulting from the event that prompted the declaration of a state of emergency, regardless of
 4896 whether the supplier is licensed as a contractor in the Commonwealth pursuant to Chapter 11 (§ 54.1-1100 et
 4897 seq.) of Title 54.1;

4898 56. Violating any provision of Chapter 33.1 (§ 59.1-434.1 et seq.);

4899 57. Violating any provision of § 18.2-178, 18.2-178.1, or 18.2-200.1;

4900 58. Violating any provision of Chapter 17.8 (§ 59.1-207.45 et seq.). For the purposes of this subdivision,
 4901 "consumer transaction" also includes transactions involving an automatic renewal or continuous service offer
 4902 by a supplier to a small business, as those terms are defined in § 59.1-207.45;

4903 59. Violating any provision of subsection E of § 32.1-126;

4904 60. Violating any provision of § 54.1-111 relating to the unlicensed practice of a profession licensed under
 4905 Chapter 11 (§ 54.1-1100 et seq.) or Chapter 21 (§ 54.1-2100 et seq.) of Title 54.1;

4906 61. Violating any provision of § 2.2-2001.5;

4907 62. Violating any provision of Chapter 5.2 (§ 54.1-526 et seq.) of Title 54.1;

4908 63. Violating any provision of § 6.2-312;

4909 64. Violating any provision of Chapter 20.1 (§ 6.2-2026 et seq.) of Title 6.2;

4910 65. Violating any provision of Chapter 26 (§ 6.2-2600 et seq.) of Title 6.2;

4911 66. Violating any provision of Chapter 54 (§ 59.1-586 et seq.);

4912 67. Knowingly violating any provision of § 8.01-27.5;

4913 68. Failing to, in accordance with § 59.1-207.46, (i) make available a conspicuous online option to cancel
 4914 a recurring purchase of a good or service or (ii) with respect to a free trial lasting more than 30 days, notify a
 4915 consumer of his option to cancel such free trial within 30 days of the end of the trial period to avoid an
 4916 obligation to pay for the goods or services;

4917 69. Selling or offering for sale any substance intended for human consumption, orally or by inhalation,
 4918 that contains a synthetic derivative of tetrahydrocannabinol. As used in this subdivision, "synthetic
 4919 derivative" means a chemical compound produced by man through a chemical transformation to turn a
 4920 compound into a different compound by adding or subtracting molecules to or from the original compound.
 4921 This subdivision shall not (i) apply to products that are approved for marketing by the U.S. Food and Drug
 4922 Administration and scheduled in the Drug Control Act (§ 54.1-3400 et seq.) or (ii) be construed to prohibit
 4923 any conduct permitted under ~~Chapter 16 (§ 4.1-1600 et seq.) of Title 4.1~~ *the Cannabis Control Act (§ 4.1-600*
 4924 *et seq.)*;

4925 70. Selling or offering for sale to a person younger than 21 years of age any substance intended for human
 4926 consumption, orally or by inhalation, that contains tetrahydrocannabinol. This subdivision shall not (i) apply
 4927 to products that are approved for marketing by the U.S. Food and Drug Administration and scheduled in the
 4928 Drug Control Act (§ 54.1-3400 et seq.) or (ii) be construed to prohibit any conduct permitted under ~~Chapter~~
 4929 ~~16 (§ 4.1-1600 et seq.) of Title 4.1~~ *the Cannabis Control Act (§ 4.1-600 et seq.)*;

4930 71. Selling or offering for sale any substance intended for human consumption, orally or by inhalation,
 4931 that contains tetrahydrocannabinol, unless such substance is (i) contained in child-resistant packaging, as
 4932 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
 4933 inch, (a) that the substance contains tetrahydrocannabinol and may not be sold to persons younger than 21
 4934 years of age, (b) all ingredients contained in the substance, (c) the amount of such substance that constitutes a
 4935 single serving, and (d) the total percentage and milligrams of tetrahydrocannabinol included in the substance
 4936 and the number of milligrams of tetrahydrocannabinol that are contained in each serving; and (iii)
 4937 accompanied by a certificate of analysis, produced by ~~an independent laboratory that is accredited pursuant to~~
 4938 ~~standard ISO/IEC 17025 of the International Organization of Standardization by a third-party accrediting~~
 4939 ~~body~~ *a licensed marijuana testing facility*, that states the tetrahydrocannabinol concentration of the substance
 4940 or the tetrahydrocannabinol concentration of the batch from which the substance originates. This subdivision
 4941 shall not (i) apply to products that are approved for marketing by the U.S. Food and Drug Administration and
 4942 scheduled in the Drug Control Act (§ 54.1-3400 et seq.) or (ii) be construed to prohibit any conduct permitted
 4943 under ~~Chapter 16 (§ 4.1-1600 et seq.) of Title 4.1~~ *the Cannabis Control Act (§ 4.1-600 et seq.)*;

4944 72. Manufacturing, offering for sale at retail, or selling at retail an industrial hemp extract, as defined in
 4945 § 3.2-5145.1, a food containing an industrial hemp extract, or a substance containing tetrahydrocannabinol
 4946 that depicts or is in the shape of a human, animal, vehicle, or fruit;

4947 73. Selling or offering for sale any substance intended for human consumption, orally or by inhalation,
 4948 that contains tetrahydrocannabinol and, without authorization, bears, is packaged in a container or wrapper
 4949 that bears, or is otherwise labeled to bear the trademark, trade name, famous mark as defined in 15 U.S.C. §
 4950 1125, or other identifying mark, imprint, or device, or any likeness thereof, of a manufacturer, processor,
 4951 packer, or distributor of a product intended for human consumption other than the manufacturer, processor,
 4952 packer, or distributor that did in fact so manufacture, process, pack, or distribute such substance;

4953 74. Selling or offering for sale a topical hemp product, as defined in § 3.2-4112, that does not include a
 4954 label stating that the product is not intended for human consumption. This subdivision shall not (i) apply to
 4955 products that are approved for marketing by the U.S. Food and Drug Administration and scheduled in the
 4956 Drug Control Act (§ 54.1-3400 et seq.), (ii) be construed to prohibit any conduct permitted under Chapter 16

4957 (§ 4.1-1600 et seq.) of Title 4.1, or (iii) apply to topical hemp products that were manufactured prior to July
4958 1, 2023, provided that the person provides documentation of the date of manufacture if requested;
4959 75. Violating any provision of § 59.1-466.8;
4960 76. Violating subsection F of § 36-96.3:1;
4961 77. Selling or offering for sale (i) any kratom product to a person younger than 21 years of age or (ii) any
4962 kratom product that does not include a label listing all ingredients and with the following guidance: "This
4963 product may be harmful to your health, has not been evaluated by the FDA, and is not intended to diagnose,
4964 treat, cure, or prevent any disease." As used in this subdivision, "kratom" means any part of the leaf of the
4965 plant *Mitragyna speciosa* or any extract thereof;
4966 78. Advertising of any ignition interlock system in Virginia by an ignition interlock vendor not approved
4967 by the Commission on the Virginia Alcohol Safety Action Program to operate in Virginia; targeted
4968 advertising of any ignition interlock system to a person before determination of guilt; and any advertising,
4969 whether before or after determination of guilt, without a conspicuous statement that such advertisement is not
4970 affiliated with any government agency. For purposes of this subdivision, "ignition interlock system" has the
4971 same meaning as ascribed to that term in § 18.2-270.1 and "targeted advertising" has the same meaning
4972 ascribed to that term in § 59.1-575 and includes direct mailings to an individual. This provision shall not
4973 apply to ignition interlock service vendor ads, pamphlets, or kiosk advertisements approved by the
4974 Commission on the Virginia Alcohol Safety Action Program and provided at a Commission-approved
4975 location;
4976 79. Failing to disclose the total cost of a good or continuous service, as defined in § 59.1-207.45, to a
4977 consumer, including any mandatory fees or charges, prior to entering into an agreement for the sale of any
4978 such good or provision of any such continuous service;
4979 80. Violating any provision of the Unfair Real Estate Service Agreement Act (§ 55.1-3200 et seq.);
4980 81. Selling or offering for sale services as a professional mold remediator to be performed upon any
4981 residential dwelling without holding a mold remediation certification from a nationally or internationally
4982 recognized certifying body for mold remediation, and failing to comply with (i) the U.S. Environmental
4983 Protection Agency's publication on Mold Remediation in Schools and Commercial Buildings, as revised; (ii)
4984 the ANSI/IICRC S520 Standard for Professional Mold Remediation, as revised; or (iii) any other equivalent
4985 ANSI-accredited mold remediation standard, when conducting or offering to conduct mold remediation in the
4986 Commonwealth;
4987 82. Willfully violating any provision of § 59.1-444.4;
4988 83. Violating any provision of Chapter 23.2 (§ 59.1-293.10 et seq.);
4989 84. Selling any food that is required by the FDA to have a nutrition label that does not meet the
4990 requirements of 21 C.F.R. Part 101;
4991 85. Obtaining, disclosing, selling, or disseminating any personally identifiable reproductive or sexual
4992 health information without the consent of the consumer;
4993 86. Violating any provision of Chapter 58 (§ 59.1-607 et seq.); and
4994 87. (Effective July 1, 2026) Violating any provision of the Medical Debt Protection Act (§ 59.1-611 et
4995 seq.).
4996 B. Nothing in this section shall be construed to invalidate or make unenforceable any contract or lease
4997 solely by reason of the failure of such contract or lease to comply with any other law of the Commonwealth
4998 or any federal statute or regulation, to the extent such other law, statute, or regulation provides that a violation
4999 of such law, statute, or regulation shall not invalidate or make unenforceable such contract or lease.
5000 **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.**
5001 **3. That the following provisions shall become effective on May 1, 2027: (i) §§ 2.2-2499.8, 3.2-4113,**
5002 **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,**
5003 **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,**
5004 **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,**
5005 **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,**
5006 **19.2-392.02, 19.2-392.6, 19.2-392.12:1, 22.1-277.08, 46.2-105.2, 46.2-347, 53.1-231.2, 54.1-2903,**
5007 **54.1-3443, and 59.1-200 of the Code of Virginia, as amended by this act; (ii) §§ 4.1-1102 through**
5008 **4.1-1105, 4.1-1106, 4.1-1113, 4.1-1114, 4.1-1115, 4.1-1117, 4.1-1118, 4.1-1119, 4.1-1300, 4.1-1301, and**
5009 **4.1-1303 through 4.1-1309 of the Code of Virginia, as created by this act; and (iii) §§ 4.1-1101.1,**
5010 **4.1-1105.1, 18.2-248.1, and 18.2-251.1 of the Code of Virginia, as repealed by this act.**
5011 **4. That the Virginia Cannabis Control Authority (the Authority) may, on and after September 1, 2026,**
5012 **begin accepting license applications from all applicants, including pharmaceutical processors and**
5013 **cannabis dispensing facilities that hold a permit pursuant to Chapter 16 (§ 4.1-1600 et seq.) of Title 4.1**
5014 **of the Code of Virginia and industrial hemp processors or growers that are registered with the**
5015 **Commissioner of Agriculture and Consumer Services pursuant to Chapter 41.1 (§ 3.2-4112 et seq.) of**
5016 **Title 3.2 of the Code of Virginia, and issuing licenses pursuant to the provisions of § 4.1-1000 of the**
5017 **Code of Virginia, as created by this act. Notwithstanding the third enactment of this act, any applicant**
5018 **issued a license by the Authority may operate in accordance with the provisions of this act prior to**

5019 May 1, 2027; however, prior to May 1, 2027, no licensee may engage in the retail sale of marijuana,
5020 marijuana products, immature marijuana plants, or marijuana seeds. Notwithstanding any other
5021 provision of law, on or after September 1, 2026, and prior to May 1, 2027, no marijuana cultivation
5022 facility licensee, marijuana processing facility licensee, marijuana transporter licensee, retail
5023 marijuana store licensee, or marijuana testing facility licensee or agent or employee thereof shall be
5024 subject to arrest or prosecution for a violation of Chapter 11 (§ 4.1-1100 et seq.) of Title 4.1 of the Code
5025 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,
5026 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
5027 repealed by this act, involving marijuana if such violation is related to acts committed within the scope
5028 of the licensure or employment and in accordance with the provisions of the Cannabis Control Act
5029 (§ 4.1-600 et seq. of the Code of Virginia) and this enactment. From September 1, 2026, to September 1,
5030 2031, the Authority shall reserve license slots for all pharmaceutical processors and cannabis
5031 dispensing facilities that have been issued a permit by the Board of Directors (the Board) of the
5032 Authority pursuant to Chapter 16 (§ 4.1-1600 et seq.) of Title 4.1 of the Code of Virginia and issue
5033 applicable licenses for any location for which such a permit has been issued, provided the applicable
5034 licensing requirements are met. The Board shall not permit any marijuana cultivation facility licensee
5035 to engage in the outdoor growth of marijuana plants until the Board has promulgated regulations
5036 governing outdoor growth pursuant to § 4.1-606 of the Code of Virginia, as amended by this act.
5037 Priority for tier IV and tier V marijuana cultivation facility licenses shall be given to pharmaceutical
5038 processors that have been issued a permit by the Board pursuant to Chapter 16 (§ 4.1-1600 et seq.) of
5039 Title 4.1 of the Code of Virginia and no less than five industrial hemp processors or growers that are
5040 registered with the Commissioner of Agriculture and Consumer Services pursuant to Chapter 41.1
5041 (§ 3.2-4112 et seq.) of Title 3.2 of the Code of Virginia and completed such registration prior to
5042 January 1, 2021.

5043 5. That the Board of Directors of the Virginia Cannabis Control Authority shall establish a seed-to-sale
5044 tracking system pursuant to § 4.1-611 of the Code of Virginia by December 31, 2026.

5045 6. That the Virginia Cannabis Control Authority (the Authority) shall (i) analyze whether any limits
5046 should be placed on the number of licenses issued to operate a marijuana establishment, (ii) analyze
5047 and identify any necessary adjustments regarding canopy limits for marijuana cultivation facility
5048 licensees, and (iii) report its finding to the General Assembly by November 1, 2027. The Authority shall
5049 continue such analysis and submit updated findings to the General Assembly for two years after such
5050 initial report and shall submit such updated findings by November 1 during the two subsequent years.

5051 7. That the Board of Directors (the Board) of the Virginia Cannabis Control Authority shall
5052 promulgate regulations to implement the provisions of this act by December 31, 2026. With the
5053 exception of § 2.2-4031 of the Code of Virginia, neither the provisions of the Administrative Process
5054 Act (§ 2.2-4000 et seq. of the Code of Virginia) nor public participation guidelines adopted pursuant
5055 thereto shall apply to the Board's initial adoption of such regulations.

5056 8. That, from July 1, 2026, to July 1, 2027, the Virginia Cannabis Control Authority (the Authority)
5057 shall deposit 75 percent of all funds collected through marijuana establishment annual license fees into
5058 the Cannabis Equity Business Loan Fund established pursuant to § 4.1-1501 of the Code of Virginia, as
5059 amended by this act. Such deposits shall occur within 60 days of the Authority's receipt of such license
5060 fees.

5061 9. That the provisions of the first enactment of this act amending subsection B of § 4.1-614 of the Code
5062 of Virginia, as amended by this act, shall become effective July 1, 2028.

5063 10. That the provisions of this act may result in a net increase in periods of imprisonment or
5064 commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary
5065 appropriation cannot be determined for periods of imprisonment in state adult correctional facilities;
5066 therefore, Chapter 725 of the Acts of Assembly of 2025 requires the Virginia Criminal Sentencing
5067 Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4 of the Code of
5068 Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of
5069 commitment to the custody of the Department of Juvenile Justice.