

SENATE BILL NO. 106

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee for Courts of Justice

on _____)

(Patron Prior to Substitute—Senator Stanley)

A BILL to amend the Code of Virginia by adding a section numbered 18.2-251.6, relating to selling, giving, or distributing a tianeptine product; civil penalty.

Be it enacted by the General Assembly of Virginia:**1. That the Code of Virginia is amended by adding a section numbered 18.2-251.6 as follows:****§ 18.2-251.6. Selling, giving, or distributing tianeptine product; civil penalty.**

A. For purposes of this section, "tianeptine product" means a product that is marketed for human consumption containing any amount of tianeptine sodium or tianeptine sulfate.

B. A retail establishment that knowingly sells, gives, or distributes a tianeptine product, without a prescription, is subject to a civil penalty in the amount of \$2,500 for a first violation and a civil penalty in the amount of \$5,000 for a second or subsequent violation within a three-year period. For any violation of this section by an employee of a retail establishment, (i) such penalty shall be assessed against the establishment and (ii) an additional penalty of \$100 shall be assessed against the employee.

C. Any attorney for the Commonwealth of the locality in which an alleged violation occurred may bring an action to recover the civil penalty, which shall be paid into the state treasury. Any law-enforcement officer may issue a summons for a violation of subsection B.