

## 1 SENATE BILL NO. 106

## 2 AMENDMENT IN THE NATURE OF A SUBSTITUTE

3 (Proposed by the Senate Committee for Courts of Justice

4 on \_\_\_\_\_)

5 (Patron Prior to Substitute—Senator Stanley)

6 *A BILL to amend the Code of Virginia by adding a section numbered 18.2-251.6, relating to selling, giving,*  
7 *or distributing a tianeptine product; civil penalty.*8 **Be it enacted by the General Assembly of Virginia:**9 **1. That the Code of Virginia is amended by adding a section numbered 18.2-251.6 as follows:**10 *§ 18.2-251.6. Selling, giving, or distributing tianeptine product; civil penalty.*11 *A. For purposes of this section, "tianeptine product" means a product that is marketed for human*  
12 *consumption containing any amount of tianeptine sodium or tianeptine sulfate.*13 *B. A retail establishment that knowingly sells, gives, or distributes a tianeptine product, without a*  
14 *prescription, is subject to a civil penalty in the amount of \$2,500 for a first violation and a civil penalty in the*  
15 *amount of \$5,000 for a second or subsequent violation within a three-year period. For any violation of this*  
16 *section by an employee of a retail establishment, (i) such penalty shall be assessed against the establishment*  
17 *and (ii) an additional penalty of \$100 shall be assessed against the employee.*18 *C. Any attorney for the Commonwealth of the locality in which an alleged violation occurred may bring*  
19 *an action to recover the civil penalty, which shall be paid into the state treasury. Any law-enforcement officer*  
20 *may issue a summons for a violation of subsection B.*