

26101012D

SENATE BILL NO. 826

Offered January 23, 2026

A BILL to amend and reenact §§ 1-404, 2.2-221, 2.2-509.1, 2.2-1119, 2.2-2696, 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, 59.1-200, 65.2-107, 65.2-402, and 65.2-402.1 of the Code of Virginia; to amend the Code of Virginia by adding in Chapter 6 of Title 4.1 sections numbered 4.1-629, 4.1-630, and 4.1-631, by adding in Title 4.1 chapters numbered 7 through 10, consisting of sections numbered 4.1-700 through 4.1-1008, by adding sections numbered 4.1-1102 through 4.1-1105, 4.1-1106, 4.1-1113, 4.1-1114, 4.1-1115, 4.1-1117, 4.1-1118, and 4.1-1119, by adding in Title 4.1 a chapter numbered 12, consisting of sections numbered 4.1-1200 through 4.1-1206, by adding in Chapter 13 of Title 4.1 sections numbered 4.1-1300, 4.1-1301, and 4.1-1303 through 4.1-1309, by adding in Chapter 14 of Title 4.1 sections numbered 4.1-1403 through 4.1-1406, by adding in Article 2 of Chapter 1 of Title 6.2 a section numbered 6.2-108, and by adding in Chapter 44 of Title 54.1 a section numbered 54.1-4426; and to repeal §§ 4.1-1101.1, 4.1-1105.1, 18.2-248.1, and 18.2-251.1 of the Code of Virginia, relating to taxation, revenues, and cannabis.

Patron—Lucas

Referred to Committee on Finance and Appropriations

Be it enacted by the General Assembly of Virginia:

1. That §§ 1-404, 2.2-221, 2.2-509.1, 2.2-1119, 2.2-2696, 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, 59.1-200, 65.2-107, 65.2-402, and 65.2-402.1 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 6 of Title 4.1 sections numbered 4.1-629, 4.1-630, and 4.1-631, by adding in Title 4.1 chapters numbered 7 through 10, consisting of sections numbered 4.1-700 through 4.1-1008, by adding sections numbered 4.1-1102 through 4.1-1105, 4.1-1106, 4.1-1113, 4.1-1114, 4.1-1115, 4.1-1117, 4.1-1118, and 4.1-1119, by adding in Title 4.1 a chapter numbered 12, consisting of sections numbered 4.1-1200 through 4.1-1206, by adding in Chapter 13 of Title 4.1 sections numbered 4.1-1300, 4.1-1301, and 4.1-1303 through 4.1-1309, by adding in Chapter 14 of Title 4.1 sections numbered 4.1-1403 through 4.1-1406, by adding in Article 2 of Chapter 1 of Title 6.2 a section numbered 6.2-108, and by adding in Chapter 44 of Title 54.1 a section numbered 54.1-4426 as follows:

§ 1-404. Licensing sale of mixed alcoholic beverages on lands ceded to or owned by United States.

The Virginia Alcoholic Beverage and Cannabis Control Authority may license the sale of mixed alcoholic beverages as defined in Chapter 1 (§ 4.1-100 et seq.) of Title 4.1 at places primarily engaged in the sale of meals on lands ceded by the Commonwealth to the United States or owned by the government of the United States or any agency thereof provided that such lands are used as ports of entry or egress to and from the United States, and provided that such lands lie within or partly within the boundaries of any county in this Commonwealth which permits the lawful dispensing of mixed alcoholic beverages. The Board of Directors of the Authority may adopt rules and regulations governing the sale of such spirits, and to fix the fees for such licenses, within the limits fixed by general law.

§ 2.2-221. Position established; agencies for which responsible; additional powers and duties.

A. The position of Secretary of Public Safety and Homeland Security (the Secretary) is created. The Secretary shall be responsible to the Governor for the following agencies: the Virginia Alcoholic Beverage

59 *and Cannabis* Control Authority, Department of Corrections, Department of Juvenile Justice, Department of
 60 Criminal Justice Services, Department of Forensic Science, Virginia Parole Board, Department of Emergency
 61 Management, Department of State Police, Department of Fire Programs, and Commonwealth's Attorneys'
 62 Services Council. The Governor may, by executive order, assign any other state executive agency to the
 63 Secretary, or reassign any agency listed above to another Secretary.

64 B. The Secretary shall by reason of professional background have knowledge of law enforcement, public
 65 safety, or emergency management and preparedness issues, in addition to familiarity with the structure and
 66 operations of the federal government and of the Commonwealth.

67 Unless the Governor expressly reserves such power to himself, the Secretary shall:

68 1. Work with and through others, including federal, state, and local officials as well as the private sector,
 69 to develop a seamless, coordinated security and preparedness strategy and implementation plan.

70 2. Serve as the point of contact with the federal Department of Homeland Security.

71 3. Provide oversight, coordination, and review of all disaster, emergency management, and terrorism
 72 management plans for the state and its agencies in coordination with the Virginia Department of Emergency
 73 Management and other applicable state agencies.

74 4. Work with federal officials to obtain additional federal resources and coordinate policy development
 75 and information exchange.

76 5. Work with and through appropriate members of the Governor's Cabinet to coordinate working
 77 relationships between state agencies and take all actions necessary to ensure that available federal and state
 78 resources are directed toward safeguarding Virginia and its citizens.

79 6. Designate a Commonwealth Interoperability Coordinator to ensure that all communications-related
 80 preparedness federal grant requests from state agencies and localities are used to enhance interoperability.
 81 The Secretary shall ensure that the annual review and update of the statewide interoperability strategic plan is
 82 conducted as required in § 2.2-222.2. The Commonwealth Interoperability Coordinator shall establish an
 83 advisory group consisting of representatives of state and local government and constitutional offices, broadly
 84 distributed across the Commonwealth, who are actively engaged in activities and functions related to
 85 communications interoperability.

86 7. Serve as one of the Governor's representatives on regional efforts to develop a coordinated security and
 87 preparedness strategy, including the National Capital Region Senior Policy Group organized as part of the
 88 federal Urban Areas Security Initiative.

89 8. Serve as a direct liaison between the Governor and local governments and first responders on issues of
 90 emergency prevention, preparedness, response, and recovery.

91 9. Educate the public on homeland security and overall preparedness issues in coordination with
 92 applicable state agencies.

93 10. Serve as chairman of the Secure and Resilient Commonwealth Panel.

94 11. Encourage homeland security volunteer efforts throughout the state.

95 12. Coordinate the development of an allocation formula for State Homeland Security Grant Program
 96 funds to localities and state agencies in compliance with federal grant guidance and constraints. The formula
 97 shall be, to the extent permissible under federal constraints, based on actual risk, threat, and need.

98 13. Work with the appropriate state agencies to ensure that regional working groups are meeting regularly
 99 and focusing on regional initiatives in training, equipment, and strategy to ensure ready access to response
 100 teams in times of emergency and facilitate testing and training exercises for emergencies and mass casualty
 101 preparedness.

102 14. Provide oversight and review of the Virginia Department of Emergency Management's annual
 103 statewide assessment of local and regional capabilities, including equipment, training, personnel, response
 104 times, and other factors.

105 15. Employ, as needed, consultants, attorneys, architects, engineers, accountants, financial experts,
 106 investment bankers, superintendents, managers, and such other employees and agents as may be necessary,
 107 and fix their compensation to be payable from funds made available for that purpose.

108 16. Receive and accept from any federal or private agency, foundation, corporation, association, or person
 109 grants, donations of money, real property, or personal property for the benefit of the Commonwealth, and
 110 receive and accept from the Commonwealth or any state, any municipality, county, or other political
 111 subdivision thereof, or any other source, aid or contributions of money, property, or other things of value, to
 112 be held, used, and applied for the purposes for which such grants and contributions may be made.

113 17. Receive and accept from any source aid, grants, and contributions of money, property, labor, or other
 114 things of value to be held, used, and applied to carry out these requirements subject to the conditions upon
 115 which the aid, grants, or contributions are made.

116 18. Make grants to local governments, state and federal agencies, and private entities with any funds of
 117 the Secretary available for such purpose.

118 19. Provide oversight and review of the law-enforcement operations of the Alcoholic Beverage *and*
 119 *Cannabis* Control Authority.

120 20. Take any actions necessary or convenient to the exercise of the powers granted or reasonably implied

121 to this Secretary and not otherwise inconsistent with the law of the Commonwealth.

122 **§ 2.2-509.1. Powers of investigators; enforcement of certain tobacco laws.**

123 Investigators with the Office of the Attorney General as designated by the Attorney General shall be
124 authorized to seize cigarettes as defined in § 3.2-4200 that are sold, possessed, distributed, transported,
125 imported, or otherwise held in violation of § 3.2-4207, 18.2-246.14, 58.1-1015, 58.1-1017, or 58.1-1037. In
126 addition, such investigators shall be authorized to accompany and participate with special agents of the
127 Virginia Alcoholic Beverage *and Cannabis* Control Authority or other law-enforcement officials engaging in
128 an enforcement action under § 3.2-4207, 18.2-246.14, 58.1-1015, 58.1-1017, or 58.1-1037.

129 **§ 2.2-511. Criminal cases.**

130 A. Unless specifically requested by the Governor to do so, the Attorney General shall have no authority to
131 institute or conduct criminal prosecutions in the circuit courts of the Commonwealth except in cases
132 involving (i) violations of the Alcoholic Beverage *and Cannabis* Control Act (§ 4.1-100 et seq.), (ii) violation
133 of laws relating to elections and the electoral process as provided in § 24.2-104, (iii) violation of laws relating
134 to motor vehicles and their operation, (iv) the handling of funds by a state bureau, institution, commission or
135 department, (v) the theft of state property, (vi) violation of the criminal laws involving child pornography and
136 sexually explicit visual material involving children, (vii) the practice of law without being duly authorized or
137 licensed or the illegal practice of law, (viii) violations of § 3.2-4212 or 58.1-1008.2, (ix) with the concurrence
138 of the local attorney for the Commonwealth, violations of the Virginia Computer Crimes Act (§ 18.2-152.1 et
139 seq.), (x) with the concurrence of the local attorney for the Commonwealth, violations of the Air Pollution
140 Control Law (§ 10.1-1300 et seq.), the Virginia Waste Management Act (§ 10.1-1400 et seq.), and the State
141 Water Control Law (§ 62.1-44.2 et seq.), (xi) with the concurrence of the local attorney for the
142 Commonwealth, violations of Chapters 2 (§ 18.2-18 et seq.), 3 (§ 18.2-22 et seq.), and 10 (§ 18.2-434 et seq.)
143 of Title 18.2, if such crimes relate to violations of law listed in clause (x) of this subsection, (xii) with the
144 concurrence of the local attorney for the Commonwealth, criminal violations by Medicaid providers or their
145 employees in the course of doing business, or violations of Chapter 13 (§ 18.2-512 et seq.) of Title 18.2, in
146 which cases the Attorney General may leave the prosecution to the local attorney for the Commonwealth, or
147 he may institute proceedings by information, presentment or indictment, as appropriate, and conduct the
148 same, (xiii) with the concurrence of the local attorney for the Commonwealth, violations of Article 9
149 (§ 18.2-246.1 et seq.) of Chapter 6 of Title 18.2, (xiv) with the concurrence of the local attorney for the
150 Commonwealth, assisting in the prosecution of violations of §§ 18.2-186.3 and 18.2-186.4, (xv) with the
151 concurrence of the local attorney for the Commonwealth, assisting in the prosecution of violations of
152 § 18.2-46.2, 18.2-46.3, or 18.2-46.5 when such violations are committed on the grounds of a state
153 correctional facility, and (xvi) with the concurrence of the local attorney for the Commonwealth, assisting in
154 the prosecution of violations of Article 10 (§ 18.2-246.6 et seq.) of Chapter 6 of Title 18.2.

155 In all other criminal cases in the circuit courts, except where the law provides otherwise, the authority of
156 the Attorney General to appear or participate in the proceedings shall attach when the appellate court receives
157 the record after a notice of appeal has been filed with the clerk of the circuit court noting an appeal to the
158 Court of Appeals or the Supreme Court. In all criminal cases before the Court of Appeals or the Supreme
159 Court in which the Commonwealth is a party or is directly interested, the Attorney General shall appear and
160 represent the Commonwealth upon receipt of the record in the appellate court, unless, and with the consent of
161 the Attorney General, the attorney for the Commonwealth who prosecuted the underlying criminal case files
162 a notice of appearance to represent the Commonwealth in any such appeal. However, in an appeal regarding
163 bail, bond, or recognizance pursuant to Article 1 (§ 19.2-119 et seq.) of Chapter 9 of Title 19.2 or subsection
164 B of § 19.2-398, the attorney for the Commonwealth who prosecuted the underlying criminal case shall
165 continue to represent the Commonwealth on appeal.

166 B. The Attorney General shall, upon request of a person who was the victim of a crime and subject to such
167 reasonable procedures as the Attorney General may require, ensure that such person is given notice of the
168 filing, of the date, time and place and of the disposition of any appeal or habeas corpus proceeding involving
169 the cases in which such person was a victim. For the purposes of this section, a victim is an individual who
170 has suffered physical, psychological or economic harm as a direct result of the commission of a crime; a
171 spouse, child, parent or legal guardian of a minor or incapacitated victim; or a spouse, child, parent or legal
172 guardian of a victim of a homicide. Nothing in this subsection shall confer upon any person a right to appeal
173 or modify any decision in a criminal, appellate or habeas corpus proceeding; abridge any right guaranteed by
174 law; or create any cause of action for damages against the Commonwealth or any of its political subdivisions,
175 the Attorney General or any of his employees or agents, any other officer, employee or agent of the
176 Commonwealth or any of its political subdivisions, or any officer of the court.

177 **§ 2.2-1119. Cases in which purchasing through Division not mandatory.**

178 A. Unless otherwise ordered by the Governor, the purchasing of materials, equipment, supplies, and
179 nonprofessional services through the Division shall not be mandatory in the following cases:

180 1. Materials, equipment and supplies incident to the performance of a contract for labor or for labor and
181 materials;

182 2. Manuscripts, maps, audiovisual materials, books, pamphlets and periodicals purchased for the use of

183 The Library of Virginia or any other library in the Commonwealth supported in whole or in part by state
184 funds;

185 3. Perishable articles, provided that no article except fresh vegetables, fish, eggs or milk shall be
186 considered perishable within the meaning of this subdivision, unless so classified by the Division;

187 4. Materials, equipment and supplies needed by the Commonwealth Transportation Board; however, this
188 exception may include, office stationery and supplies, office equipment, janitorial equipment and supplies,
189 and coal and fuel oil for heating purposes shall not be included except when authorized in writing by the
190 Division;

191 5. Materials, equipment, and supplies needed by the Virginia Alcoholic Beverage *and Cannabis* Control
192 Authority, including office stationery and supplies, office equipment, and janitorial equipment and supplies;
193 however, coal and fuel oil for heating purposes shall not be included except when authorized in writing by the
194 Division;

195 6. Binding and rebinding of the books and other literary materials of libraries operated by the
196 Commonwealth or under its authority;

197 7. Printing of the records of the Supreme Court; and

198 8. Financial services, including without limitation, underwriters, financial advisors, investment advisors
199 and banking services.

200 B. Telecommunications and information technology goods and services of every description shall be
201 procured as provided by § 2.2-2012.

202 *CANNABIS EQUITY REINVESTMENT BOARD SECTIONS*
203 § 2.2-2696. Virginia Addiction Recovery Council.

204 A. The Virginia Addiction Recovery Council (the Council) is established as an advisory council, within
205 the meaning of § 2.2-2100, in the executive branch of state government. The purpose of the Council is to
206 advise and make recommendations to the Governor, the General Assembly, and the State Board of
207 Behavioral Health and Developmental Services on broad policies and goals and on the coordination of the
208 Commonwealth's public and private efforts to control substance abuse, as defined in § 37.2-100, and problem
209 gambling, as defined in § 37.2-314.2.

210 B. The Council shall consist of 32 members. Four members of the House of Delegates shall be appointed
211 by the Speaker of the House of Delegates, in accordance with the principles of proportional representation
212 contained in the Rules of the House of Delegates, and two members of the Senate shall be appointed by the
213 Senate Committee on Rules. The Governor shall appoint one member representing the Virginia Sheriffs'
214 Association, one member representing the Virginia Drug Courts Association, one member representing the
215 Substance Abuse Certification Alliance of Virginia, two members representing the Virginia Association of
216 Community Services Boards, two members representing the problem gambling recovery community, one
217 member representing the board of directors of the Opioid Abatement Authority established pursuant to
218 § 2.2-2367, and two members representing statewide consumer and advocacy organizations. The Council
219 shall also include the Commissioner of Behavioral Health and Developmental Services; the Commissioner of
220 Health; the Commissioner of the Department of Motor Vehicles; the Superintendent of Public Instruction; the
221 Directors of the Departments of Juvenile Justice, Corrections, Criminal Justice Services, Medical Assistance
222 Services, and Social Services; the Chief Executive Officer of the Virginia Alcoholic Beverage *and Cannabis*
223 Control Authority; the Executive Director of the Virginia Foundation for Healthy Youth or his designee; the
224 Executive Director of the Commission on the Virginia Alcohol Safety Action Program or his designee; and
225 the chairs or their designees of the Virginia Association of Drug and Alcohol Programs, the Virginia
226 Association of Addiction Professionals, and the Substance Abuse Council and the Prevention Task Force of
227 the Virginia Association of Community Services Boards.

228 C. Appointments of legislative members and heads of agencies or representatives of organizations shall be
229 for terms consistent with their terms of office. Beginning July 1, 2011, the Governor's appointments of the
230 seven nonlegislative citizen members shall be staggered as follows: two members for a term of one year,
231 three members for a term of two years, and two members for a term of three years. Thereafter, appointments
232 of nonlegislative members shall be for terms of three years, except an appointment to fill a vacancy, which
233 shall be for the unexpired term. The Governor shall appoint a chairman from among the members for a two-
234 year term. No member shall be eligible to serve more than two consecutive terms as chairman.

235 No person shall be eligible to serve more than two successive terms, provided that a person appointed to
236 fill a vacancy may serve two full successive terms.

237 D. The Council shall meet at least four times annually and more often if deemed necessary or advisable by
238 the chairman.

239 E. Members of the Council shall receive no compensation for their services but shall be reimbursed for all
240 reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and
241 2.2-2825. Funding for the cost of expenses shall be provided by the Department of Behavioral Health and
242 Developmental Services.

243 F. The duties of the Council shall be:

244 1. To recommend policies and goals to the Governor, the General Assembly, and the State Board of

245 Behavioral Health and Developmental Services;

246 2. To coordinate agency programs and activities, to prevent duplication of functions, and to combine all
247 agency plans into a comprehensive interagency state plan for substance abuse and problem gambling
248 services;

249 3. To review and comment on annual state agency budget requests regarding substance abuse or problem
250 gambling and on all applications for state or federal funds or services to be used in substance abuse or
251 problem gambling programs;

252 4. To define responsibilities among state agencies for various programs for persons with substance abuse
253 or problem gambling and to encourage cooperation among agencies; and

254 5. To make investigations, issue annual reports to the Governor and the General Assembly, and make
255 recommendations relevant to substance abuse and problem gambling upon the request of the Governor.

256 G. Staff assistance shall be provided to the Council by the Office of Substance Abuse Services of the
257 Department of Behavioral Health and Developmental Services.

258 **§ 2.2-2818. Health and related insurance for state employees.**

259 A. The Department of Human Resource Management shall establish a plan, subject to the approval of the
260 Governor, for providing health insurance coverage, including chiropractic treatment, hospitalization, medical,
261 surgical, and major medical coverage, for state employees and retired state employees with the
262 Commonwealth paying the cost thereof to the extent of the coverage included in such plan. The same plan
263 shall be offered to all part-time state employees, but the total cost shall be paid by such part-time employees.
264 The Department of Human Resource Management shall administer this section. The plan chosen shall
265 provide means whereby coverage for the families or dependents of state employees may be purchased. Except
266 for part-time employees, the Commonwealth may pay all or a portion of the cost thereof, and for such portion
267 as the Commonwealth does not pay, the employee, including a part-time employee, may purchase the
268 coverage by paying the additional cost over the cost of coverage for an employee.

269 Such contribution shall be financed through appropriations provided by law.

270 B. The plan shall:

271 1. Include coverage for low-dose screening mammograms for determining the presence of occult breast
272 cancer. Such coverage shall make available one screening mammogram to persons age 35 through 39, one
273 such mammogram biennially to persons age 40 through 49, and one such mammogram annually to persons
274 age 50 and over and may be limited to a benefit of \$50 per mammogram subject to such dollar limits,
275 deductibles, and coinsurance factors as are no less favorable than for physical illness generally.

276 The term "mammogram" shall mean an X-ray examination of the breast using equipment dedicated
277 specifically for mammography, including but not limited to the X-ray tube, filter, compression device,
278 screens, film, and cassettes, with an average radiation exposure of less than one rad mid-breast, two views of
279 each breast.

280 In order to be considered a screening mammogram for which coverage shall be made available under this
281 section:

282 a. The mammogram shall be (i) ordered by a health care practitioner acting within the scope of his
283 licensure and, in the case of an enrollee of a health maintenance organization, by the health maintenance
284 organization provider; (ii) performed by a registered technologist; (iii) interpreted by a qualified radiologist;
285 and (iv) performed under the direction of a person licensed to practice medicine and surgery and certified by
286 the American Board of Radiology or an equivalent examining body. A copy of the mammogram report shall
287 be sent or delivered to the health care practitioner who ordered it;

288 b. The equipment used to perform the mammogram shall meet the standards set forth by the Virginia
289 Department of Health in its radiation protection regulations; and

290 c. The mammography film shall be retained by the radiologic facility performing the examination in
291 accordance with the American College of Radiology guidelines or state law.

292 2. Include coverage for postpartum services providing inpatient care and a home visit or visits that shall be
293 in accordance with the medical criteria, outlined in the most current version of or an official update to the
294 "Guidelines for Perinatal Care" prepared by the American Academy of Pediatrics and the American College
295 of Obstetricians and Gynecologists or the "Standards for Obstetric-Gynecologic Services" prepared by the
296 American College of Obstetricians and Gynecologists. Such coverage shall be provided incorporating any
297 changes in such Guidelines or Standards within six months of the publication of such Guidelines or Standards
298 or any official amendment thereto.

299 3. Include an appeals process for resolution of complaints that shall provide reasonable procedures for the
300 resolution of such complaints and shall be published and disseminated to all covered state employees. The
301 appeals process shall be compliant with federal rules and regulations governing nonfederal, self-insured
302 governmental health plans. The appeals process shall include a separate expedited emergency appeals
303 procedure that shall provide resolution within time frames established by federal law. For appeals involving
304 adverse decisions as defined in § 32.1-137.7, the Department shall contract with one or more independent
305 review organizations to review such decisions. Independent review organizations are entities that conduct
306 independent external review of adverse benefit determinations. The Department shall adopt regulations to

307 assure that the independent review organization conducting the reviews has adequate standards, credentials
308 and experience for such review. The independent review organization shall examine the final denial of claims
309 to determine whether the decision is objective, clinically valid, and compatible with established principles of
310 health care. The decision of the independent review organization shall (i) be in writing, (ii) contain findings
311 of fact as to the material issues in the case and the basis for those findings, and (iii) be final and binding if
312 consistent with law and policy.

313 Prior to assigning an appeal to an independent review organization, the Department shall verify that the
314 independent review organization conducting the review of a denial of claims has no relationship or
315 association with (i) the covered person or the covered person's authorized representative; (ii) the treating
316 health care provider, or any of its employees or affiliates; (iii) the medical care facility at which the covered
317 service would be provided, or any of its employees or affiliates; or (iv) the development or manufacture of
318 the drug, device, procedure, or other therapy that is the subject of the final denial of a claim. The independent
319 review organization shall not be a subsidiary of, nor owned or controlled by, a health plan, a trade association
320 of health plans, or a professional association of health care providers. There shall be no liability on the part of
321 and no cause of action shall arise against any officer or employee of an independent review organization for
322 any actions taken or not taken or statements made by such officer or employee in good faith in the
323 performance of his powers and duties.

324 4. Include coverage for early intervention services. For purposes of this section, "early intervention
325 services" means medically necessary speech and language therapy, occupational therapy, physical therapy
326 and assistive technology services and devices for dependents from birth to age three who are certified by the
327 Department of Behavioral Health and Developmental Services as eligible for services under Part H of the
328 Individuals with Disabilities Education Act (20 U.S.C. § 1471 et seq.). Medically necessary early intervention
329 services for the population certified by the Department of Behavioral Health and Developmental Services
330 shall mean those services designed to help an individual attain or retain the capability to function age-
331 appropriately within his environment, and shall include services that enhance functional ability without
332 effecting a cure.

333 For persons previously covered under the plan, there shall be no denial of coverage due to the existence of
334 a preexisting condition. The cost of early intervention services shall not be applied to any contractual
335 provision limiting the total amount of coverage paid by the insurer to or on behalf of the insured during the
336 insured's lifetime.

337 5. Include coverage for prescription drugs and devices approved by the United States Food and Drug
338 Administration for use as contraceptives.

339 6. Not deny coverage for any drug approved by the United States Food and Drug Administration for use
340 in the treatment of cancer on the basis that the drug has not been approved by the United States Food and
341 Drug Administration for the treatment of the specific type of cancer for which the drug has been prescribed, if
342 the drug has been recognized as safe and effective for treatment of that specific type of cancer in one of the
343 standard reference compendia.

344 7. Not deny coverage for any drug prescribed to treat a covered indication so long as the drug has been
345 approved by the United States Food and Drug Administration for at least one indication and the drug is
346 recognized for treatment of the covered indication in one of the standard reference compendia or in
347 substantially accepted peer-reviewed medical literature.

348 8. Include coverage for equipment, supplies, and outpatient self-management training and education,
349 including medical nutrition therapy, for the treatment of insulin-dependent diabetes, insulin-using diabetes,
350 gestational diabetes, and noninsulin-using diabetes if prescribed by a health care professional legally
351 authorized to prescribe such items under law. To qualify for coverage under this subdivision, diabetes
352 outpatient self-management training and education shall be provided by a certified, registered, or licensed
353 health care professional.

354 9. Include coverage for reconstructive breast surgery. For purposes of this section, "reconstructive breast
355 surgery" means surgery performed on and after July 1, 1998, (i) coincident with a mastectomy performed for
356 breast cancer or (ii) following a mastectomy performed for breast cancer to reestablish symmetry between the
357 two breasts. For persons previously covered under the plan, there shall be no denial of coverage due to
358 preexisting conditions.

359 10. Include coverage for annual pap smears, including coverage, on and after July 1, 1999, for annual
360 testing performed by any FDA-approved gynecologic cytology screening technologies.

361 11. Include coverage providing a minimum stay in the hospital of not less than 48 hours for a patient
362 following a radical or modified radical mastectomy and 24 hours of inpatient care following a total
363 mastectomy or a partial mastectomy with lymph node dissection for treatment of breast cancer. Nothing in
364 this subdivision shall be construed as requiring the provision of inpatient coverage where the attending
365 physician in consultation with the patient determines that a shorter period of hospital stay is appropriate.

366 12. Include coverage (i) to persons age 50 and over and (ii) to persons age 40 and over who are at high
367 risk for prostate cancer, according to the most recent published guidelines of the American Cancer Society,

368 for one prostate-specific antigen test in a 12-month period and digital rectal examinations.

369 13. Permit any individual covered under the plan direct access to the health care services of a participating
 370 specialist (i) authorized to provide services under the plan and (ii) selected by the covered individual. The
 371 plan shall have a procedure by which an individual who has an ongoing special condition may, after
 372 consultation with the primary care physician, receive a referral to a specialist for such condition who shall be
 373 responsible for and capable of providing and coordinating the individual's primary and specialty care related
 374 to the initial specialty care referral. If such an individual's care would most appropriately be coordinated by
 375 to a specialist, the plan shall refer the individual to a specialist. For the purposes of this subdivision,
 376 "special condition" means a condition or disease that is (i) life-threatening, degenerative, or disabling and (ii)
 377 requires specialized medical care over a prolonged period of time. Within the treatment period authorized by
 378 the referral, such specialist shall be permitted to treat the individual without a further referral from the
 379 individual's primary care provider and may authorize such referrals, procedures, tests, and other medical
 380 services related to the initial referral as the individual's primary care provider would otherwise be permitted
 381 to provide or authorize. The plan shall have a procedure by which an individual who has an ongoing special
 382 condition that requires ongoing care from a specialist may receive a standing referral to such specialist for the
 383 treatment of the special condition. If the primary care provider, in consultation with the plan and the
 384 specialist, if any, determines that such a standing referral is appropriate, the plan or issuer shall make such a
 385 referral to a specialist. Nothing contained herein shall prohibit the plan from requiring a participating
 386 specialist to provide written notification to the covered individual's primary care physician of any visit to
 387 such specialist. Such notification may include a description of the health care services rendered at the time of
 388 the visit.

389 14. Include provisions allowing employees to continue receiving health care services for a period of up to
 390 90 days from the date of the primary care physician's notice of termination from any of the plan's provider
 391 panels. The plan shall notify any provider at least 90 days prior to the date of termination of the provider,
 392 except when the provider is terminated for cause.

393 For a period of at least 90 days from the date of the notice of a provider's termination from any of the
 394 plan's provider panels, except when a provider is terminated for cause, a provider shall be permitted by the
 395 plan to render health care services to any of the covered employees who (i) were in an active course of
 396 treatment from the provider prior to the notice of termination and (ii) request to continue receiving health care
 397 services from the provider.

398 Notwithstanding the provisions of this subdivision, any provider shall be permitted by the plan to continue
 399 rendering health services to any covered employee who has entered the second trimester of pregnancy at the
 400 time of the provider's termination of participation, except when a provider is terminated for cause. Such
 401 treatment shall, at the covered employee's option, continue through the provision of postpartum care directly
 402 related to the delivery.

403 Notwithstanding the provisions of this subdivision, any provider shall be permitted to continue rendering
 404 health services to any covered employee who is determined to be terminally ill (as defined under §
 405 1861(dd)(3)(A) of the Social Security Act) at the time of a provider's termination of participation, except
 406 when a provider is terminated for cause. Such treatment shall, at the covered employee's option, continue for
 407 the remainder of the employee's life for care directly related to the treatment of the terminal illness.

408 A provider who continues to render health care services pursuant to this subdivision shall be reimbursed
 409 in accordance with the carrier's agreement with such provider existing immediately before the provider's
 410 termination of participation.

411 15. Include coverage for patient costs incurred during participation in clinical trials for treatment studies
 412 on cancer, including ovarian cancer trials.

413 The reimbursement for patient costs incurred during participation in clinical trials for treatment studies on
 414 cancer shall be determined in the same manner as reimbursement is determined for other medical and surgical
 415 procedures. Such coverage shall have durational limits, dollar limits, deductibles, copayments, and
 416 coinsurance factors that are no less favorable than for physical illness generally.

417 For purposes of this subdivision:

418 "Cooperative group" means a formal network of facilities that collaborate on research projects and have
 419 an established NIH-approved peer review program operating within the group. "Cooperative group" includes
 420 (i) the National Cancer Institute Clinical Cooperative Group and (ii) the National Cancer Institute
 421 Community Clinical Oncology Program.

422 "FDA" means the Federal Food and Drug Administration.

423 "Multiple project assurance contract" means a contract between an institution and the federal Department
 424 of Health and Human Services that defines the relationship of the institution to the federal Department of
 425 Health and Human Services and sets out the responsibilities of the institution and the procedures that will be
 426 used by the institution to protect human subjects.

427 "NCI" means the National Cancer Institute.

428 "NIH" means the National Institutes of Health.

429 "Patient" means a person covered under the plan established pursuant to this section.

430 "Patient cost" means the cost of a medically necessary health care service that is incurred as a result of the
431 treatment being provided to a patient for purposes of a clinical trial. "Patient cost" does not include (i) the
432 cost of nonhealth care services that a patient may be required to receive as a result of the treatment being
433 provided for purposes of a clinical trial, (ii) costs associated with managing the research associated with the
434 clinical trial, or (iii) the cost of the investigational drug or device.

435 Coverage for patient costs incurred during clinical trials for treatment studies on cancer shall be provided
436 if the treatment is being conducted in a Phase II, Phase III, or Phase IV clinical trial. Such treatment may,
437 however, be provided on a case-by-case basis if the treatment is being provided in a Phase I clinical trial.

438 The treatment described in the previous paragraph shall be provided by a clinical trial approved by:

439 a. The National Cancer Institute;

440 b. An NCI cooperative group or an NCI center;

441 c. The FDA in the form of an investigational new drug application;

442 d. The federal Department of Veterans Affairs; or

443 e. An institutional review board of an institution in the Commonwealth that has a multiple project
444 assurance contract approved by the Office of Protection from Research Risks of the NCI.

445 The facility and personnel providing the treatment shall be capable of doing so by virtue of their
446 experience, training, and expertise.

447 Coverage under this subdivision shall apply only if:

448 (1) There is no clearly superior, noninvestigational treatment alternative;

449 (2) The available clinical or preclinical data provide a reasonable expectation that the treatment will be at
450 least as effective as the noninvestigational alternative; and

451 (3) The patient and the physician or health care provider who provides services to the patient under the
452 plan conclude that the patient's participation in the clinical trial would be appropriate, pursuant to procedures
453 established by the plan.

454 16. Include coverage providing a minimum stay in the hospital of not less than 23 hours for a covered
455 employee following a laparoscopy-assisted vaginal hysterectomy and 48 hours for a covered employee
456 following a vaginal hysterectomy, as outlined in Milliman & Robertson's nationally recognized guidelines.
457 Nothing in this subdivision shall be construed as requiring the provision of the total hours referenced when
458 the attending physician, in consultation with the covered employee, determines that a shorter hospital stay is
459 appropriate.

460 17. Include coverage for biologically based mental illness.

461 For purposes of this subdivision, a "biologically based mental illness" is any mental or nervous condition
462 caused by a biological disorder of the brain that results in a clinically significant syndrome that substantially
463 limits the person's functioning; specifically, the following diagnoses are defined as biologically based mental
464 illness as they apply to adults and children: schizophrenia, schizoaffective disorder, bipolar disorder, major
465 depressive disorder, panic disorder, obsessive-compulsive disorder, attention deficit hyperactivity disorder,
466 autism, and drug and alcoholism addiction.

467 Coverage for biologically based mental illnesses shall neither be different nor separate from coverage for
468 any other illness, condition, or disorder for purposes of determining deductibles, benefit year or lifetime
469 durational limits, benefit year or lifetime dollar limits, lifetime episodes or treatment limits, copayment and
470 coinsurance factors, and benefit year maximum for deductibles and copayment and coinsurance factors.

471 Nothing shall preclude the undertaking of usual and customary procedures to determine the
472 appropriateness of, and medical necessity for, treatment of biologically based mental illnesses under this
473 option, provided that all such appropriateness and medical necessity determinations are made in the same
474 manner as those determinations made for the treatment of any other illness, condition, or disorder covered by
475 such policy or contract.

476 18. Offer and make available coverage for the treatment of morbid obesity through gastric bypass surgery
477 or such other methods as may be recognized by the National Institutes of Health as effective for the long-term
478 reversal of morbid obesity. Such coverage shall have durational limits, dollar limits, deductibles, copayments,
479 and coinsurance factors that are no less favorable than for physical illness generally. Access to surgery for
480 morbid obesity shall not be restricted based upon dietary or any other criteria not approved by the National
481 Institutes of Health. For purposes of this subdivision, "morbid obesity" means (i) a weight that is at least 100
482 pounds over or twice the ideal weight for frame, age, height, and gender as specified in the 1983 Metropolitan
483 Life Insurance tables, (ii) a body mass index (BMI) equal to or greater than 35 kilograms per meter squared
484 with comorbidity or coexisting medical conditions such as hypertension, cardiopulmonary conditions, sleep
485 apnea, or diabetes, or (iii) a BMI of 40 kilograms per meter squared without such comorbidity. As used
486 herein, "BMI" equals weight in kilograms divided by height in meters squared.

487 19. Include coverage for colorectal cancer screening, specifically screening with an annual fecal occult
488 blood test, flexible sigmoidoscopy or colonoscopy, or in appropriate circumstances radiologic imaging, in
489 accordance with the most recently published recommendations established by the American College of
490 Gastroenterology, in consultation with the American Cancer Society, for the ages, family histories, and

491 frequencies referenced in such recommendations. The coverage for colorectal cancer screening shall not be
492 more restrictive than or separate from coverage provided for any other illness, condition, or disorder for
493 purposes of determining deductibles, benefit year or lifetime durational limits, benefit year or lifetime dollar
494 limits, lifetime episodes or treatment limits, copayment and coinsurance factors, and benefit year maximum
495 for deductibles and copayments and coinsurance factors.

496 20. On and after July 1, 2002, require that a prescription benefit card, health insurance benefit card, or
497 other technology that complies with the requirements set forth in § 38.2-3407.4:2 be issued to each employee
498 provided coverage pursuant to this section, and shall upon any changes in the required data elements set forth
499 in subsection A of § 38.2-3407.4:2, either reissue the card or provide employees covered under the plan such
500 corrective information as may be required to electronically process a prescription claim.

501 21. Include coverage for infant hearing screenings and all necessary audiological examinations provided
502 pursuant to § 32.1-64.1 using any technology approved by the United States Food and Drug Administration,
503 and as recommended by the national Joint Committee on Infant Hearing in its most current position statement
504 addressing early hearing detection and intervention programs. Such coverage shall include follow-up
505 audiological examinations as recommended by a physician, a physician assistant, an advanced practice
506 registered nurse, or an audiologist and performed by a licensed audiologist to confirm the existence or
507 absence of hearing loss.

508 22. Notwithstanding any provision of this section to the contrary, every plan established in accordance
509 with this section shall comply with the provisions of § 2.2-2818.2.

510 C. Claims incurred during a fiscal year but not reported during that fiscal year shall be paid from such
511 funds as shall be appropriated by law. Appropriations, premiums, and other payments shall be deposited in
512 the employee health insurance fund, from which payments for claims, premiums, cost containment programs,
513 and administrative expenses shall be withdrawn from time to time. The funds of the health insurance fund
514 shall be deemed separate and independent trust funds, shall be segregated from all other funds of the
515 Commonwealth, and shall be invested and administered solely in the interests of the employees and their
516 beneficiaries. Neither the General Assembly nor any public officer, employee, or agency shall use or
517 authorize the use of such trust funds for any purpose other than as provided in law for benefits, refunds, and
518 administrative expenses, including but not limited to legislative oversight of the health insurance fund.

519 D. For the purposes of this section:

520 "Peer-reviewed medical literature" means a scientific study published only after having been critically
521 reviewed for scientific accuracy, validity, and reliability by unbiased independent experts in a journal that has
522 been determined by the International Committee of Medical Journal Editors to have met the Uniform
523 Requirements for Manuscripts submitted to biomedical journals. "Peer-reviewed medical literature" does not
524 include publications or supplements to publications that are sponsored to a significant extent by a
525 pharmaceutical manufacturing company or health carrier.

526 "Standard reference compendia" means:

- 527 1. American Hospital Formulary Service Drug Information;
- 528 2. National Comprehensive Cancer Network's Drugs & Biologics Compendium; or
- 529 3. Elsevier Gold Standard's Clinical Pharmacology.

530 "State employee" means state employee as defined in § 51.1-124.3; employee as defined in § 51.1-201;
531 the Governor, Lieutenant Governor and Attorney General; judge as defined in § 51.1-301 and judges, clerks,
532 and deputy clerks of regional juvenile and domestic relations, county juvenile and domestic relations, and
533 district courts of the Commonwealth; interns and residents employed by the School of Medicine and Hospital
534 of the University of Virginia, and interns, residents, and employees of the Virginia Commonwealth
535 University Health System Authority as provided in § 23.1-2415; and employees of the Virginia Alcoholic
536 Beverage and Cannabis Control Authority as provided in § 4.1-101.05.

537 E. Provisions shall be made for retired employees to obtain coverage under the above plan, including, as
538 an option, coverage for vision and dental care. The Commonwealth may, but shall not be obligated to, pay all
539 or any portion of the cost thereof.

540 F. Any self-insured group health insurance plan established by the Department of Human Resource
541 Management that utilizes a network of preferred providers shall not exclude any physician solely on the basis
542 of a reprimand or censure from the Board of Medicine, so long as the physician otherwise meets the plan
543 criteria established by the Department.

544 G. The plan shall include, in each planning district, at least two health coverage options, each sponsored
545 by unrelated entities. No later than July 1, 2006, one of the health coverage options to be available in each
546 planning district shall be a high deductible health plan that would qualify for a health savings account
547 pursuant to § 223 of the Internal Revenue Code of 1986, as amended.

548 In each planning district that does not have an available health coverage alternative, the Department shall
549 voluntarily enter into negotiations at any time with any health coverage provider who seeks to provide
550 coverage under the plan.

551 This subsection shall not apply to any state agency authorized by the Department to establish and
552 administer its own health insurance coverage plan separate from the plan established by the Department.

553 H. Any self-insured group health insurance plan established by the Department of Human Resource
554 Management that includes coverage for prescription drugs on an outpatient basis may apply a formulary to
555 the prescription drug benefits provided by the plan if the formulary is developed, reviewed at least annually,
556 and updated as necessary in consultation with and with the approval of a pharmacy and therapeutics
557 committee, a majority of whose members are actively practicing licensed (i) pharmacists, (ii) physicians, and
558 (iii) other health care providers.

559 If the plan maintains one or more drug formularies, the plan shall establish a process to allow a person to
560 obtain, without additional cost-sharing beyond that provided for formulary prescription drugs in the plan, a
561 specific, medically necessary nonformulary prescription drug if, after reasonable investigation and
562 consultation with the prescriber, the formulary drug is determined to be an inappropriate therapy for the
563 medical condition of the person. The plan shall act on such requests within one business day of receipt of the
564 request.

565 Any plan established in accordance with this section shall be authorized to provide for the selection of a
566 single mail order pharmacy provider as the exclusive provider of pharmacy services that are delivered to the
567 covered person's address by mail, common carrier, or delivery service. As used in this subsection, "mail order
568 pharmacy provider" means a pharmacy permitted to conduct business in the Commonwealth whose primary
569 business is to dispense a prescription drug or device under a prescriptive drug order and to deliver the drug or
570 device to a patient primarily by mail, common carrier, or delivery service.

571 I. Any plan established in accordance with this section requiring preauthorization prior to rendering
572 medical treatment shall have personnel available to provide authorization at all times when such
573 preauthorization is required.

574 J. Any plan established in accordance with this section shall provide to all covered employees written
575 notice of any benefit reductions during the contract period at least 30 days before such reductions become
576 effective.

577 K. No contract between a provider and any plan established in accordance with this section shall include
578 provisions that require a health care provider or health care provider group to deny covered services that such
579 provider or group knows to be medically necessary and appropriate that are provided with respect to a
580 covered employee with similar medical conditions.

581 L. The Department of Human Resource Management shall appoint an Ombudsman to promote and protect
582 the interests of covered employees under any state employee's health plan.

583 The Ombudsman shall:

584 1. Assist covered employees in understanding their rights and the processes available to them according to
585 their state health plan.

586 2. Answer inquiries from covered employees by telephone and electronic mail.

587 3. Provide to covered employees information concerning the state health plans.

588 4. Develop information on the types of health plans available, including benefits and complaint
589 procedures and appeals.

590 5. Make available, either separately or through an existing Internet web site utilized by the Department of
591 Human Resource Management, information as set forth in subdivision 4 and such additional information as
592 he deems appropriate.

593 6. Maintain data on inquiries received, the types of assistance requested, any actions taken and the
594 disposition of each such matter.

595 7. Upon request, assist covered employees in using the procedures and processes available to them from
596 their health plan, including all appeal procedures. Such assistance may require the review of health care
597 records of a covered employee, which shall be done only in accordance with the federal Health Insurance
598 Portability and Accountability Act privacy rules. The confidentiality of any such medical records shall be
599 maintained in accordance with the confidentiality and disclosure laws of the Commonwealth.

600 8. Ensure that covered employees have access to the services provided by the Ombudsman and that the
601 covered employees receive timely responses from the Ombudsman or his representatives to the inquiries.

602 9. Report annually on his activities to the standing committees of the General Assembly having
603 jurisdiction over insurance and over health and the Joint Commission on Health Care by December 1 of each
604 year.

605 M. The plan established in accordance with this section shall not refuse to accept or make reimbursement
606 pursuant to an assignment of benefits made to a dentist or oral surgeon by a covered employee.

607 For purposes of this subsection, "assignment of benefits" means the transfer of dental care coverage
608 reimbursement benefits or other rights under the plan. The assignment of benefits shall not be effective until
609 the covered employee notifies the plan in writing of the assignment.

610 N. Beginning July 1, 2006, any plan established pursuant to this section shall provide for an identification
611 number, which shall be assigned to the covered employee and shall not be the same as the employee's social
612 security number.

613 O. Any group health insurance plan established by the Department of Human Resource Management that

614 contains a coordination of benefits provision shall provide written notification to any eligible employee as a
 615 prominent part of its enrollment materials that if such eligible employee is covered under another group
 616 accident and sickness insurance policy, group accident and sickness subscription contract, or group health
 617 care plan for health care services, that insurance policy, subscription contract, or health care plan may have
 618 primary responsibility for the covered expenses of other family members enrolled with the eligible employee.
 619 Such written notification shall describe generally the conditions upon which the other coverage would be
 620 primary for dependent children enrolled under the eligible employee's coverage and the method by which the
 621 eligible enrollee may verify from the plan that coverage would have primary responsibility for the covered
 622 expenses of each family member.

623 P. Any plan established by the Department of Human Resource Management pursuant to this section shall
 624 provide that coverage under such plan for family members enrolled under a participating state employee's
 625 coverage shall continue for a period of at least 30 days following the death of such state employee.

626 Q. The plan established in accordance with this section that follows a policy of sending its payment to the
 627 covered employee or covered family member for a claim for services received from a nonparticipating
 628 physician or osteopath shall (i) include language in the member handbook that notifies the covered employee
 629 of the responsibility to apply the plan payment to the claim from such nonparticipating provider, (ii) include
 630 this language with any such payment sent to the covered employee or covered family member, and (iii)
 631 include the name and any last known address of the nonparticipating provider on the explanation of benefits
 632 statement.

633 R. The plan established by the Department of Human Resource Management pursuant to this section shall
 634 provide that coverage under such plan for an incapacitated child enrolled under a participating state
 635 employee's coverage shall be valid without regard to whether such child lives with the covered employee as a
 636 member of the employee's household so long as the child is dependent upon the employee for more than half
 637 of the child's financial support and the child is receiving residential support services.

638 For purposes of this subsection, "incapacitated child" means an adult child who is incapacitated due to a
 639 physical or mental health condition that existed prior to the termination of coverage due to such child
 640 attaining the limiting age under the plan for eligible children dependents.

641 S. The Department of Human Resource Management shall report annually, by November 30 of each year,
 642 on cost and utilization information for each of the mandated benefits set forth in subsection B, including any
 643 mandated benefit made applicable, pursuant to subdivision B 22, to any plan established pursuant to this
 644 section. The report shall be in the same detail and form as required of reports submitted pursuant to
 645 § 38.2-3419.1, with such additional information as is required to determine the financial impact, including the
 646 costs and benefits, of the particular mandated benefit.

647 **§ 2.2-2905. Certain officers and employees exempt from chapter.**

648 The provisions of this chapter shall not apply to:

- 649 1. Officers and employees for whom the Constitution specifically directs the manner of selection;
- 650 2. Officers and employees of the Supreme Court and the Court of Appeals;
- 651 3. Officers appointed by the Governor, whether confirmation by the General Assembly or by either house
 652 thereof is required or not;
- 653 4. Officers elected by popular vote or by the General Assembly or either house thereof;
- 654 5. Members of boards and commissions however selected;
- 655 6. Judges, referees, receivers, arbiters, masters and commissioners in chancery, commissioners of
 656 accounts, and any other persons appointed by any court to exercise judicial functions, and jurors and notaries
 657 public;
- 658 7. Officers and employees of the General Assembly and persons employed to conduct temporary or
 659 special inquiries, investigations, or examinations on its behalf;
- 660 8. The presidents and teaching and research staffs of state educational institutions;
- 661 9. Commissioned officers and enlisted personnel of the National Guard;
- 662 10. Student employees at institutions of higher education and patient or inmate help in other state
 663 institutions;
- 664 11. Upon general or special authorization of the Governor, laborers, temporary employees, and employees
 665 compensated on an hourly or daily basis;
- 666 12. County, city, town, and district officers, deputies, assistants, and employees;
- 667 13. The employees of the Virginia Workers' Compensation Commission;
- 668 14. The officers and employees of the Virginia Retirement System;
- 669 15. Employees whose positions are identified by the State Council of Higher Education and the boards of
 670 the Virginia Museum of Fine Arts, The Science Museum of Virginia, the Jamestown-Yorktown Foundation,
 671 the Frontier Culture Museum of Virginia, the Virginia Museum of Natural History, the New College Institute,
 672 the Southern Virginia Higher Education Center, and The Library of Virginia, and approved by the Director of
 673 the Department of Human Resource Management as requiring specialized and professional training;
- 674 16. Employees of the Virginia Lottery;
- 675 17. Employees of the Department for the Blind and Vision Impaired's rehabilitative manufacturing and

- 676 service industries who have a human resources classification of industry worker;
- 677 18. Employees of the Virginia Commonwealth University Health System Authority;
- 678 19. Employees of the University of Virginia Medical Center. Any changes in compensation plans for such
- 679 employees shall be subject to the review and approval of the Board of Visitors of the University of Virginia.
- 680 The University of Virginia shall ensure that its procedures for hiring University of Virginia Medical Center
- 681 personnel are based on merit and fitness. Such employees shall remain subject to the provisions of the State
- 682 Grievance Procedure (§ 2.2-3000 et seq.);
- 683 20. In executive branch agencies the employee who has accepted serving in the capacity of chief deputy,
- 684 or equivalent, and the employee who has accepted serving in the capacity of a confidential assistant for policy
- 685 or administration. An employee serving in either one of these two positions shall be deemed to serve on an
- 686 employment-at-will basis. An agency may not exceed two employees who serve in this exempt capacity;
- 687 21. Employees of Virginia Correctional Enterprises. Such employees shall remain subject to the
- 688 provisions of the State Grievance Procedure (§ 2.2-3000 et seq.);
- 689 22. Officers and employees of the Virginia Port Authority;
- 690 23. Employees of the Commonwealth Savers Plan;
- 691 24. Directors of state facilities operated by the Department of Behavioral Health and Developmental
- 692 Services employed or reemployed by the Commissioner after July 1, 1999, under a contract pursuant to
- 693 § 37.2-707. Such employees shall remain subject to the provisions of the State Grievance Procedure
- 694 (§ 2.2-3000 et seq.);
- 695 25. Employees of the Virginia Foundation for Healthy Youth. Such employees shall be treated as state
- 696 employees for purposes of participation in the Virginia Retirement System, health insurance, and all other
- 697 employee benefits offered by the Commonwealth to its classified employees;
- 698 26. Employees of the Virginia Indigent Defense Commission;
- 699 27. Any chief of a campus police department that has been designated by the governing body of a public
- 700 institution of higher education as exempt, pursuant to § 23.1-809;
- 701 28. The Chief Executive Officer, agents, officers, and employees of the Virginia Alcoholic Beverage *and*
- 702 *Cannabis* Control Authority; and
- 703 29. Officers and employees of the Fort Monroe Authority.
- 704 **§ 2.2-3114. Disclosure by state officers and employees.**
- 705 A. In accordance with the requirements set forth in § 2.2-3118.2, the Governor, Lieutenant Governor,
- 706 Attorney General, Justices of the Supreme Court, judges of the Court of Appeals, judges of any circuit court,
- 707 judges and substitute judges of any district court, members of the State Corporation Commission, members of
- 708 the Virginia Workers' Compensation Commission, members of the Commonwealth Transportation Board,
- 709 members of the Board of Trustees of the Virginia Retirement System, members of the Board of Directors of
- 710 the Virginia Alcoholic Beverage *and Cannabis* Control Authority, members of the board of directors of the
- 711 Commonwealth of Virginia Innovation Partnership Authority, members of the Board of the Commonwealth
- 712 Savers Plan, and members of the Virginia Lottery Board and other persons occupying such offices or
- 713 positions of trust or employment in state government, including members of the governing bodies of
- 714 authorities, as may be designated by the Governor, or officers or employees of the legislative branch, as may
- 715 be designated by the Joint Rules Committee of the General Assembly, shall file with the Council, as a
- 716 condition to assuming office or employment, a disclosure statement of their personal interests and such other
- 717 information as is required on the form prescribed by the Council pursuant to § 2.2-3117 and thereafter shall
- 718 file such a statement annually on or before February 1.
- 719 B. In accordance with the requirements set forth in § 2.2-3118.2, nonsalaried citizen members of all policy
- 720 and supervisory boards, commissions, and councils in the executive branch of state government, other than
- 721 the members of the Commonwealth Transportation Board, members of the Board of Trustees of the Virginia
- 722 Retirement System, members of the board of directors of the Commonwealth of Virginia Innovation
- 723 Partnership Authority, members of the Board of the Commonwealth Savers Plan, and members of the
- 724 Virginia Lottery Board, shall file with the Council, as a condition to assuming office, a disclosure form of
- 725 their personal interests and such other information as is required on the form prescribed by the Council
- 726 pursuant to § 2.2-3118 and thereafter shall file such form annually on or before February 1. Nonsalaried
- 727 citizen members of other boards, commissions, and councils, including advisory boards and authorities, may
- 728 be required to file a disclosure form if so designated by the Governor, in which case the form shall be that
- 729 prescribed by the Council pursuant to § 2.2-3118.
- 730 C. The disclosure forms required by subsections A and B shall be made available by the Council at least
- 731 30 days prior to the filing deadline. Disclosure forms shall be filed electronically with the Council in
- 732 accordance with the standards approved by it pursuant to § 30-356. All forms shall be maintained as public
- 733 records for five years in the office of the Council. Such forms shall be made public no later than six weeks
- 734 after the filing deadline.
- 735 D. Candidates for the offices of Governor, Lieutenant Governor, or Attorney General shall file a
- 736 disclosure statement of their personal interests as required by § 24.2-502.
- 737 E. Any officer or employee of state government who has a personal interest in any transaction before the

738 governmental or advisory agency of which he is an officer or employee and who is disqualified from
 739 participating in that transaction pursuant to subsection A of § 2.2-3112, or otherwise elects to disqualify
 740 himself, shall forthwith make disclosure of the existence of his interest, including the full name and address
 741 of the business and the address or parcel number for the real estate if the interest involves a business or real
 742 estate, and his disclosure shall also be reflected in the public records of the agency for five years in the office
 743 of the administrative head of the officer's or employee's governmental agency or advisory agency or, if the
 744 agency has a clerk, in the clerk's office.

745 F. An officer or employee of state government who is required to declare his interest pursuant to
 746 subdivision B 1 of § 2.2-3112, shall declare his interest by stating (i) the transaction involved, (ii) the nature
 747 of the officer's or employee's personal interest affected by the transaction, (iii) that he is a member of a
 748 business, profession, occupation, or group the members of which are affected by the transaction, and (iv) that
 749 he is able to participate in the transaction fairly, objectively, and in the public interest. The officer or
 750 employee shall either make his declaration orally to be recorded in written minutes for his agency or file a
 751 signed written declaration with the clerk or administrative head of his governmental or advisory agency, as
 752 appropriate, who shall, in either case, retain and make available for public inspection such declaration for a
 753 period of five years from the date of recording or receipt. If reasonable time is not available to comply with
 754 the provisions of this subsection prior to participation in the transaction, the officer or employee shall prepare
 755 and file the required declaration by the end of the next business day.

756 G. An officer or employee of state government who is required to declare his interest pursuant to
 757 subdivision B 2 of § 2.2-3112, shall declare his interest by stating (i) the transaction involved, (ii) that a party
 758 to the transaction is a client of his firm, (iii) that he does not personally represent or provide services to the
 759 client, and (iv) that he is able to participate in the transaction fairly, objectively, and in the public interest.
 760 The officer or employee shall either make his declaration orally to be recorded in written minutes for his
 761 agency or file a signed written declaration with the clerk or administrative head of his governmental or
 762 advisory agency, as appropriate, who shall, in either case, retain and make available for public inspection
 763 such declaration for a period of five years from the date of recording or receipt. If reasonable time is not
 764 available to comply with the provisions of this subsection prior to participation in the transaction, the officer
 765 or employee shall prepare and file the required declaration by the end of the next business day.

766 H. Notwithstanding any other provision of law, chairs of departments at a public institution of higher
 767 education in the Commonwealth shall not be required to file the disclosure form prescribed by the Council
 768 pursuant to § 2.2-3117 or 2.2-3118.

769 **§ 2.2-3705.3. (Effective until July 1, 2026) Exclusions to application of chapter; records relating to**
 770 **administrative investigations.**

771 The following information contained in a public record is excluded from the mandatory disclosure
 772 provisions of this chapter but may be disclosed by the custodian in his discretion, except where such
 773 disclosure is prohibited by law. Redaction of information excluded under this section from a public record
 774 shall be conducted in accordance with § 2.2-3704.01.

775 1. Information relating to investigations of applicants for licenses and permits, and of all licensees and
 776 permittees, made by or submitted to the Virginia Alcoholic Beverage *and Cannabis* Control Authority, the
 777 Virginia Cannabis Control Authority, the Virginia Lottery pursuant to Chapter 40 (§ 58.1-4000 et seq.) and
 778 Chapter 41 (§ 58.1-4100 et seq.) of Title 58.1, the Virginia Racing Commission, the Department of
 779 Agriculture and Consumer Services relating to investigations and applications pursuant to Article 1.1:1
 780 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2, or the Private Security Services Unit of the Department of
 781 Criminal Justice Services.

782 2. Records of active investigations being conducted by the Virginia Cannabis Control Authority or by the
 783 Department of Health Professions or any health regulatory board in the Commonwealth pursuant to
 784 § 54.1-108.

785 3. Investigator notes, and other correspondence and information, furnished in confidence with respect to
 786 an active investigation of individual employment discrimination complaints made to the Department of
 787 Human Resource Management, to such personnel of any local public body, including local school boards, as
 788 are responsible for conducting such investigations in confidence, or to any public institution of higher
 789 education. However, nothing in this subdivision shall prevent the disclosure of information taken from
 790 inactive reports in a form that does not reveal the identity of charging parties, persons supplying the
 791 information, or other individuals involved in the investigation.

792 4. Records of active investigations being conducted by the Department of Medical Assistance Services
 793 pursuant to Chapter 10 (§ 32.1-323 et seq.) of Title 32.1.

794 5. Investigative notes and other correspondence and information furnished in confidence with respect to
 795 an investigation or conciliation process involving an alleged unlawful discriminatory practice under the
 796 Virginia Human Rights Act (§ 2.2-3900 et seq.) or under any local ordinance adopted in accordance with the
 797 authority specified in § 2.2-524, or adopted pursuant to § 15.2-965, or adopted prior to July 1, 1987, in
 798 accordance with applicable law, relating to local human rights or human relations commissions. However,
 799 nothing in this subdivision shall prevent the distribution of information taken from inactive reports in a form

800 that does not reveal the identity of the parties involved or other persons supplying information.

801 6. Information relating to studies and investigations by the Virginia Lottery of (i) lottery agents, (ii) lottery
802 vendors, (iii) lottery crimes under §§ 58.1-4014 through 58.1-4018, (iv) defects in the law or regulations that
803 cause abuses in the administration and operation of the lottery and any evasions of such provisions, or (v) the
804 use of the lottery as a subterfuge for organized crime and illegal gambling where such information has not
805 been publicly released, published or copyrighted. All studies and investigations referred to under clauses (iii),
806 (iv), and (v) shall be open to inspection and copying upon completion of the study or investigation.

807 7. Investigative notes, correspondence and information furnished in confidence, and records otherwise
808 exempted by this chapter or any Virginia statute, provided to or produced by or for (i) the Auditor of Public
809 Accounts; (ii) the Joint Legislative Audit and Review Commission; (iii) an appropriate authority as defined in
810 § 2.2-3010 with respect to an allegation of wrongdoing or abuse under the Fraud and Abuse Whistle Blower
811 Protection Act (§ 2.2-3009 et seq.); (iv) the Office of the State Inspector General with respect to an
812 investigation initiated through the Fraud, Waste and Abuse Hotline or an investigation initiated pursuant to
813 Chapter 3.2 (§ 2.2-307 et seq.); (v) internal auditors appointed by the head of a state agency or by any public
814 institution of higher education; (vi) the committee or the auditor with respect to an investigation or audit
815 conducted pursuant to § 15.2-825; (vii) the auditors, appointed by the local governing body of any county,
816 city, or town or a school board, who by charter, ordinance, or statute have responsibility for conducting an
817 investigation of any officer, department, or program of such body; or (viii) the Behavioral Health
818 Commission. Information contained in completed investigations shall be disclosed in a form that does not
819 reveal the identity of the complainants or persons supplying information to investigators. Unless disclosure is
820 excluded by this subdivision, the information disclosed shall include the agency involved, the identity of the
821 person who is the subject of the complaint, the nature of the complaint, and the actions taken to resolve the
822 complaint. If an investigation does not lead to corrective action, the identity of the person who is the subject
823 of the complaint may be released only with the consent of the subject person. Local governing bodies shall
824 adopt guidelines to govern the disclosure required by this subdivision.

825 8. The names and personal contact information of complainants furnished in confidence with respect to an
826 investigation of individual zoning enforcement complaints or complaints relating to the Uniform Statewide
827 Building Code (§ 36-97 et seq.) or the Statewide Fire Prevention Code (§ 27-94 et seq.) made to a local
828 governing body. As used in this subdivision, "personal contact information" includes the complainant's home
829 or business (i) address, (ii) email address, or (iii) telephone number or comparable number assigned to any
830 other electronic communication device.

831 9. Records of active investigations being conducted by the Department of Criminal Justice Services
832 pursuant to Article 4 (§ 9.1-138 et seq.), Article 4.1 (§ 9.1-150.1 et seq.), Article 11 (§ 9.1-185 et seq.), and
833 Article 12 (§ 9.1-186 et seq.) of Chapter 1 of Title 9.1.

834 10. Information furnished to or prepared by the Board of Education pursuant to subsection D of
835 § 22.1-253.13:3 in connection with the review or investigation of any alleged breach in security, unauthorized
836 alteration, or improper administration of tests by local school board employees responsible for the
837 distribution or administration of the tests. However, this section shall not prohibit the disclosure of such
838 information to (i) a local school board or division superintendent for the purpose of permitting such board or
839 superintendent to consider or to take personnel action with regard to an employee or (ii) any requester, after
840 the conclusion of a review or investigation, in a form that (a) does not reveal the identity of any person
841 making a complaint or supplying information to the Board on a confidential basis and (b) does not
842 compromise the security of any test mandated by the Board.

843 11. Information contained in (i) an application for licensure or renewal of a license for teachers and other
844 school personnel, including transcripts or other documents submitted in support of an application, and (ii) an
845 active investigation conducted by or for the Board of Education related to the denial, suspension,
846 cancellation, revocation, or reinstatement of teacher and other school personnel licenses including
847 investigator notes and other correspondence and information, furnished in confidence with respect to such
848 investigation. However, this subdivision shall not prohibit the disclosure of such (a) application information
849 to the applicant at his own expense or (b) investigation information to a local school board or division
850 superintendent for the purpose of permitting such board or superintendent to consider or to take personnel
851 action with regard to an employee. Information contained in completed investigations shall be disclosed in a
852 form that does not reveal the identity of any complainant or person supplying information to investigators.
853 The completed investigation information disclosed shall include information regarding the school or facility
854 involved, the identity of the person who was the subject of the complaint, the nature of the complaint, and the
855 actions taken to resolve the complaint. If an investigation fails to support a complaint or does not lead to
856 corrective action, the identity of the person who was the subject of the complaint may be released only with
857 the consent of the subject person. No personally identifiable information regarding a current or former
858 student shall be released except as permitted by state or federal law.

859 12. Information provided in confidence and related to an investigation by the Attorney General under
860 Article 1 (§ 3.2-4200 et seq.) or Article 3 (§ 3.2-4204 et seq.) of Chapter 42 of Title 3.2, Article 10
861 (§ 18.2-246.6 et seq.) of Chapter 6 or Chapter 13 (§ 18.2-512 et seq.) of Title 18.2, or Article 1 (§ 58.1-1000)

862 of Chapter 10 of Title 58.1. However, information related to an investigation that has been inactive for more
 863 than six months shall, upon request, be disclosed provided such disclosure is not otherwise prohibited by law
 864 and does not reveal the identity of charging parties, complainants, persons supplying information, witnesses,
 865 or other individuals involved in the investigation.

866 13. Records of active investigations being conducted by the Department of Behavioral Health and
 867 Developmental Services pursuant to Chapter 4 (§ 37.2-400 et seq.) of Title 37.2.

868 **§ 2.2-3705.3. (Effective July 1, 2026) Exclusions to application of chapter; records relating to**
 869 **administrative investigations.**

870 The following information contained in a public record is excluded from the mandatory disclosure
 871 provisions of this chapter but may be disclosed by the custodian in his discretion, except where such
 872 disclosure is prohibited by law. Redaction of information excluded under this section from a public record
 873 shall be conducted in accordance with § 2.2-3704.01.

874 1. Information relating to investigations of applicants for licenses and permits, and of all licensees and
 875 permittees, made by or submitted to the Virginia Alcoholic Beverage Control Authority, the Virginia
 876 Cannabis Control Authority, the Virginia Lottery pursuant to Chapter 40 (§ 58.1-4000 et seq.) and Chapter 41
 877 (§ 58.1-4100 et seq.) of Title 58.1, the Virginia Racing Commission, the Department of Agriculture and
 878 Consumer Services relating to investigations and applications pursuant to Article 1.1:1 (§ 18.2-340.15 et seq.)
 879 of Chapter 8 of Title 18.2, or the Private Security Services Unit of the Department of Criminal Justice
 880 Services.

881 2. Records of active investigations being conducted by the Virginia Cannabis Control Authority or by the
 882 Department of Health Professions or any health regulatory board in the Commonwealth pursuant to
 883 § 54.1-108.

884 3. Investigator notes, and other correspondence and information, furnished in confidence with respect to
 885 an active investigation of individual employment discrimination complaints made to the Department of
 886 Human Resource Management, to such personnel of any local public body, including local school boards, as
 887 are responsible for conducting such investigations in confidence, or to any public institution of higher
 888 education. However, nothing in this subdivision shall prevent the disclosure of information taken from
 889 inactive reports in a form that does not reveal the identity of charging parties, persons supplying the
 890 information, or other individuals involved in the investigation.

891 4. Records of active investigations being conducted by the Department of Medical Assistance Services
 892 pursuant to Chapter 10 (§ 32.1-323 et seq.) of Title 32.1.

893 5. Investigative notes and other correspondence and information furnished in confidence with respect to
 894 an investigation or conciliation process involving an alleged unlawful discriminatory practice under the
 895 Virginia Human Rights Act (§ 2.2-3900 et seq.) or under any local ordinance adopted in accordance with the
 896 authority specified in § 2.2-524, or adopted pursuant to § 15.2-965, or adopted prior to July 1, 1987, in
 897 accordance with applicable law, relating to local human rights or human relations commissions. However,
 898 nothing in this subdivision shall prevent the distribution of information taken from inactive reports in a form
 899 that does not reveal the identity of the parties involved or other persons supplying information.

900 6. Information relating to studies and investigations by the Virginia Lottery of (i) lottery agents, (ii) lottery
 901 vendors, (iii) lottery crimes under §§ 58.1-4014 through 58.1-4018, (iv) defects in the law or regulations that
 902 cause abuses in the administration and operation of the lottery and any evasions of such provisions, or (v) the
 903 use of the lottery as a subterfuge for organized crime and illegal gambling where such information has not
 904 been publicly released, published or copyrighted. All studies and investigations referred to under clauses (iii),
 905 (iv), and (v) shall be open to inspection and copying upon completion of the study or investigation.

906 7. Investigative notes, correspondence and information furnished in confidence, and records otherwise
 907 exempted by this chapter or any Virginia statute, provided to or produced by or for (i) the Auditor of Public
 908 Accounts; (ii) the Joint Legislative Audit and Review Commission; (iii) an appropriate authority as defined in
 909 § 2.2-3010 with respect to an allegation of wrongdoing or abuse under the Fraud and Abuse Whistle Blower
 910 Protection Act (§ 2.2-3009 et seq.); (iv) the Office of the State Inspector General with respect to an
 911 investigation initiated through the Fraud, Waste and Abuse Hotline or an investigation initiated pursuant to
 912 Chapter 3.2 (§ 2.2-307 et seq.); (v) internal auditors appointed by the head of a state agency or by any public
 913 institution of higher education; (vi) the committee or the auditor with respect to an investigation or audit
 914 conducted pursuant to § 15.2-825; (vii) the auditors, appointed by the local governing body of any county,
 915 city, or town or a school board, who by charter, ordinance, or statute have responsibility for conducting an
 916 investigation of any officer, department, or program of such body; or (viii) the Behavioral Health
 917 Commission. Information contained in completed investigations shall be disclosed in a form that does not
 918 reveal the identity of the complainants or persons supplying information to investigators. Unless disclosure is
 919 excluded by this subdivision, the information disclosed shall include the agency involved, the identity of the
 920 person who is the subject of the complaint, the nature of the complaint, and the actions taken to resolve the
 921 complaint. If an investigation does not lead to corrective action, the identity of the person who is the subject
 922 of the complaint may be released only with the consent of the subject person. Local governing bodies shall
 923 adopt guidelines to govern the disclosure required by this subdivision.

924 8. The names and personal contact information of complainants furnished in confidence with respect to an
925 investigation of individual zoning enforcement complaints or complaints relating to the Uniform Statewide
926 Building Code (§ 36-97 et seq.) or the Statewide Fire Prevention Code (§ 27-94 et seq.) made to a local
927 governing body. As used in this subdivision, "personal contact information" includes the complainant's home
928 or business (i) address, (ii) email address, or (iii) telephone number or comparable number assigned to any
929 other electronic communication device.

930 9. Records of active investigations being conducted by the Department of Criminal Justice Services
931 pursuant to Article 4 (§ 9.1-138 et seq.), Article 4.1 (§ 9.1-150.1 et seq.), Article 11 (§ 9.1-185 et seq.), and
932 Article 12 (§ 9.1-186 et seq.) of Chapter 1 of Title 9.1.

933 10. Information furnished to or prepared by the Board of Education pursuant to subsection F of
934 § 22.1-253.13:3 in connection with the review or investigation of any alleged breach in security, unauthorized
935 alteration, or improper administration of tests by local school board employees responsible for the
936 distribution or administration of the tests. However, this section shall not prohibit the disclosure of such
937 information to (i) a local school board or division superintendent for the purpose of permitting such board or
938 superintendent to consider or to take personnel action with regard to an employee or (ii) any requester, after
939 the conclusion of a review or investigation, in a form that (a) does not reveal the identity of any person
940 making a complaint or supplying information to the Board on a confidential basis and (b) does not
941 compromise the security of any test mandated by the Board.

942 11. Information contained in (i) an application for licensure or renewal of a license for teachers and other
943 school personnel, including transcripts or other documents submitted in support of an application, and (ii) an
944 active investigation conducted by or for the Board of Education related to the denial, suspension,
945 cancellation, revocation, or reinstatement of teacher and other school personnel licenses including
946 investigator notes and other correspondence and information, furnished in confidence with respect to such
947 investigation. However, this subdivision shall not prohibit the disclosure of such (a) application information
948 to the applicant at his own expense or (b) investigation information to a local school board or division
949 superintendent for the purpose of permitting such board or superintendent to consider or to take personnel
950 action with regard to an employee. Information contained in completed investigations shall be disclosed in a
951 form that does not reveal the identity of any complainant or person supplying information to investigators.
952 The completed investigation information disclosed shall include information regarding the school or facility
953 involved, the identity of the person who was the subject of the complaint, the nature of the complaint, and the
954 actions taken to resolve the complaint. If an investigation fails to support a complaint or does not lead to
955 corrective action, the identity of the person who was the subject of the complaint may be released only with
956 the consent of the subject person. No personally identifiable information regarding a current or former
957 student shall be released except as permitted by state or federal law.

958 12. Information provided in confidence and related to an investigation by the Attorney General under
959 Article 1 (§ 3.2-4200 et seq.) or Article 3 (§ 3.2-4204 et seq.) of Chapter 42 of Title 3.2, Article 10
960 (§ 18.2-246.6 et seq.) of Chapter 6 or Chapter 13 (§ 18.2-512 et seq.) of Title 18.2, or Article 1 (§ 58.1-1000)
961 of Chapter 10 of Title 58.1. However, information related to an investigation that has been inactive for more
962 than six months shall, upon request, be disclosed provided such disclosure is not otherwise prohibited by law
963 and does not reveal the identity of charging parties, complainants, persons supplying information, witnesses,
964 or other individuals involved in the investigation.

965 13. Records of active investigations being conducted by the Department of Behavioral Health and
966 Developmental Services pursuant to Chapter 4 (§ 37.2-400 et seq.) of Title 37.2.

967 **§ 2.2-3711. (Effective until July 1, 2026) Closed meetings authorized for certain limited purposes.**

968 A. Public bodies may hold closed meetings only for the following purposes:

969 1. Discussion, consideration, or interviews of prospective candidates for employment; assignment,
970 appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public
971 officers, appointees, or employees of any public body; and evaluation of performance of departments or
972 schools of public institutions of higher education where such evaluation will necessarily involve discussion of
973 the performance of specific individuals. Any teacher shall be permitted to be present during a closed meeting
974 in which there is a discussion or consideration of a disciplinary matter that involves the teacher and some
975 student and the student involved in the matter is present, provided that the teacher makes a written request to
976 be present to the presiding officer of the appropriate board. Nothing in this subdivision, however, shall be
977 construed to authorize a closed meeting by a local governing body or an elected school board to discuss
978 compensation matters that affect the membership of such body or board collectively.

979 2. Discussion or consideration of admission or disciplinary matters or any other matters that would
980 involve the disclosure of information contained in a scholastic record concerning any student of any public
981 institution of higher education in the Commonwealth or any state school system. However, any such student,
982 legal counsel and, if the student is a minor, the student's parents or legal guardians shall be permitted to be
983 present during the taking of testimony or presentation of evidence at a closed meeting, if such student,
984 parents, or guardians so request in writing and such request is submitted to the presiding officer of the
985 appropriate board.

- 986 3. Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition
 987 of publicly held real property, where discussion in an open meeting would adversely affect the bargaining
 988 position or negotiating strategy of the public body.
- 989 4. The protection of the privacy of individuals in personal matters not related to public business.
- 990 5. Discussion concerning a prospective business or industry or the expansion of an existing business or
 991 industry where no previous announcement has been made of the business' *business's* or industry's interest in
 992 locating or expanding its facilities in the community.
- 993 6. Discussion or consideration of the investment of public funds where competition or bargaining is
 994 involved, where, if made public initially, the financial interest of the governmental unit would be adversely
 995 affected.
- 996 7. Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or
 997 probable litigation, where such consultation or briefing in open meeting would adversely affect the
 998 negotiating or litigating posture of the public body. For the purposes of this subdivision, "probable litigation"
 999 means litigation that has been specifically threatened or on which the public body or its legal counsel has a
 1000 reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall
 1001 be construed to permit the closure of a meeting merely because an attorney representing the public body is in
 1002 attendance or is consulted on a matter.
- 1003 8. Consultation with legal counsel employed or retained by a public body regarding specific legal matters
 1004 requiring the provision of legal advice by such counsel. Nothing in this subdivision shall be construed to
 1005 permit the closure of a meeting merely because an attorney representing the public body is in attendance or is
 1006 consulted on a matter.
- 1007 9. Discussion or consideration by governing boards of public institutions of higher education of matters
 1008 relating to gifts, bequests and fund-raising activities, and of grants and contracts for services or work to be
 1009 performed by such institution. However, the terms and conditions of any such gifts, bequests, grants, and
 1010 contracts made by a foreign government, a foreign legal entity, or a foreign person and accepted by a public
 1011 institution of higher education in the Commonwealth shall be subject to public disclosure upon written
 1012 request to the appropriate board of visitors. For the purpose of this subdivision, (i) "foreign government"
 1013 means any government other than the United States government or the government of a state or a political
 1014 subdivision thereof, (ii) "foreign legal entity" means any legal entity (a) created under the laws of the United
 1015 States or of any state thereof if a majority of the ownership of the stock of such legal entity is owned by
 1016 foreign governments or foreign persons or if a majority of the membership of any such entity is composed of
 1017 foreign persons or foreign legal entities or (b) created under the laws of a foreign government, and (iii)
 1018 "foreign person" means any individual who is not a citizen or national of the United States or a trust territory
 1019 or protectorate thereof.
- 1020 10. Discussion or consideration by the boards of trustees of the Virginia Museum of Fine Arts, the
 1021 Virginia Museum of Natural History, the Jamestown-Yorktown Foundation, the Fort Monroe Authority, and
 1022 The Science Museum of Virginia of matters relating to specific gifts, bequests, and grants from private
 1023 sources.
- 1024 11. Discussion or consideration of honorary degrees or special awards.
- 1025 12. Discussion or consideration of tests, examinations, or other information used, administered, or
 1026 prepared by a public body and subject to the exclusion in subdivision 4 of § 2.2-3705.1.
- 1027 13. Discussion, consideration, or review by the appropriate House or Senate committees of possible
 1028 disciplinary action against a member arising out of the possible inadequacy of the disclosure statement filed
 1029 by the member, provided that the member may request in writing that the committee meeting not be
 1030 conducted in a closed meeting.
- 1031 14. Discussion of strategy with respect to the negotiation of a hazardous waste siting agreement or to
 1032 consider the terms, conditions, and provisions of a hazardous waste siting agreement if the governing body in
 1033 open meeting finds that an open meeting will have an adverse effect upon the negotiating position of the
 1034 governing body or the establishment of the terms, conditions and provisions of the siting agreement, or both.
 1035 All discussions with the applicant or its representatives may be conducted in a closed meeting.
- 1036 15. Discussion by the Governor and any economic advisory board reviewing forecasts of economic
 1037 activity and estimating general and nongeneral fund revenues.
- 1038 16. Discussion or consideration of medical and mental health records subject to the exclusion in
 1039 subdivision 1 of § 2.2-3705.5.
- 1040 17. Deliberations of the Virginia Lottery Board in a licensing appeal action conducted pursuant to
 1041 subsection D of § 58.1-4007 regarding the denial or revocation of a license of a lottery sales agent; and
 1042 discussion, consideration or review of Virginia Lottery matters related to proprietary lottery game
 1043 information and studies or investigations excluded from disclosure under subdivision 6 of § 2.2-3705.3 and
 1044 subdivision 11 of § 2.2-3705.7.
- 1045 18. Those portions of meetings in which the State Board of Local and Regional Jails discusses or discloses
 1046 the identity of, or information tending to identify, any prisoner who (i) provides information about crimes or
 1047 criminal activities, (ii) renders assistance in preventing the escape of another prisoner or in the apprehension

1048 of an escaped prisoner, or (iii) voluntarily or at the instance of a prison official renders other extraordinary
1049 services, the disclosure of which is likely to jeopardize the prisoner's life or safety.

1050 19. Discussion of plans to protect public safety as it relates to terrorist activity or specific cybersecurity
1051 threats or vulnerabilities and briefings by staff members, legal counsel, or law-enforcement or emergency
1052 service officials concerning actions taken to respond to such matters or a related threat to public safety;
1053 discussion of information subject to the exclusion in subdivision 2 or 14 of § 2.2-3705.2, where discussion in
1054 an open meeting would jeopardize the safety of any person or the security of any facility, building, structure,
1055 information technology system, or software program; or discussion of reports or plans related to the security
1056 of any governmental facility, building or structure, or the safety of persons using such facility, building or
1057 structure.

1058 20. Discussion by the Board of the Virginia Retirement System, acting pursuant to § 51.1-124.30, or of
1059 any local retirement system, acting pursuant to § 51.1-803, or by a local finance board or board of trustees of
1060 a trust established by one or more local public bodies to invest funds for postemployment benefits other than
1061 pensions, acting pursuant to Article 8 (§ 15.2-1544 et seq.) of Chapter 15 of Title 15.2, or by the board of
1062 visitors of the University of Virginia, acting pursuant to § 23.1-2210, or by the Board of the Commonwealth
1063 Savers Plan, acting pursuant to § 23.1-706, regarding the acquisition, holding or disposition of a security or
1064 other ownership interest in an entity, where such security or ownership interest is not traded on a
1065 governmentally regulated securities exchange, to the extent that such discussion (i) concerns confidential
1066 analyses prepared for the board of visitors of the University of Virginia, prepared by the retirement system, or
1067 a local finance board or board of trustees, or the Commonwealth Savers Plan or provided to the retirement
1068 system, a local finance board or board of trustees, or the Commonwealth Savers Plan under a promise of
1069 confidentiality, of the future value of such ownership interest or the future financial performance of the
1070 entity, and (ii) would have an adverse effect on the value of the investment to be acquired, held, or disposed
1071 of by the retirement system, a local finance board or board of trustees, the board of visitors of the University
1072 of Virginia, or the Commonwealth Savers Plan. Nothing in this subdivision shall be construed to prevent the
1073 disclosure of information relating to the identity of any investment held, the amount invested or the present
1074 value of such investment.

1075 21. Those portions of meetings in which individual child death cases are discussed by the State Child
1076 Fatality Review Team established pursuant to § 32.1-283.1, those portions of meetings in which individual
1077 child death cases are discussed by a regional or local child fatality review team established pursuant to
1078 § 32.1-283.2, those portions of meetings in which individual death cases are discussed by family violence
1079 fatality review teams established pursuant to § 32.1-283.3, those portions of meetings in which individual
1080 adult death cases are discussed by the state Adult Fatality Review Team established pursuant to § 32.1-283.5,
1081 those portions of meetings in which individual adult death cases are discussed by a local or regional adult
1082 fatality review team established pursuant to § 32.1-283.6, those portions of meetings in which individual
1083 death cases are discussed by overdose fatality review teams established pursuant to § 32.1-283.7, those
1084 portions of meetings in which individual maternal death cases are discussed by the Maternal Mortality
1085 Review Team pursuant to § 32.1-283.8, and those portions of meetings in which individual death cases of
1086 persons with developmental disabilities are discussed by the Developmental Disabilities Mortality Review
1087 Committee established pursuant to § 37.2-314.1.

1088 22. Those portions of meetings of the board of visitors of the University of Virginia or Old Dominion
1089 University, as the case may be, and those portions of meetings of any persons to whom management
1090 responsibilities for the University of Virginia Medical Center or the Eastern Virginia Health Sciences Center
1091 at Old Dominion University, as the case may be, have been delegated, in which there is discussed proprietary,
1092 business-related information pertaining to the operations of the University of Virginia Medical Center or the
1093 Eastern Virginia Health Sciences Center at Old Dominion University, as the case may be, including business
1094 development or marketing strategies and activities with existing or future joint venturers, partners, or other
1095 parties with whom the University of Virginia Medical Center or the Eastern Virginia Health Sciences Center
1096 at Old Dominion University, as the case may be, has formed, or forms, any arrangement for the delivery of
1097 health care, if disclosure of such information would adversely affect the competitive position of the
1098 University of Virginia Medical Center or the Eastern Virginia Health Sciences Center at Old Dominion
1099 University, as the case may be.

1100 23. Discussion or consideration by the Virginia Commonwealth University Health System Authority or
1101 the board of visitors of Virginia Commonwealth University of any of the following: the acquisition or
1102 disposition by the Authority of real property, equipment, or technology software or hardware and related
1103 goods or services, where disclosure would adversely affect the bargaining position or negotiating strategy of
1104 the Authority; matters relating to gifts or bequests to, and fund-raising activities of, the Authority; grants and
1105 contracts for services or work to be performed by the Authority; marketing or operational strategies plans of
1106 the Authority where disclosure of such strategies or plans would adversely affect the competitive position of
1107 the Authority; and members of the Authority's medical and teaching staffs and qualifications for
1108 appointments thereto.

1109 24. Those portions of the meetings of the Health Practitioners' Monitoring Program Committee within the

- 1110 Department of Health Professions to the extent such discussions identify any practitioner who may be, or who
 1111 actually is, impaired pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1.
- 1112 25. Meetings or portions of meetings of the Board of the Commonwealth Savers Plan wherein personal
 1113 information, as defined in § 2.2-3801, which has been provided to the Board or its employees by or on behalf
 1114 of individuals who have requested information about, applied for, or entered into prepaid tuition contracts or
 1115 savings trust account agreements pursuant to Chapter 7 (§ 23.1-700 et seq.) of Title 23.1 is discussed.
- 1116 26. Discussion or consideration, by the former Wireless Carrier E-911 Cost Recovery Subcommittee
 1117 created pursuant to former § 56-484.15, of trade secrets submitted by CMRS providers, as defined in
 1118 § 56-484.12, related to the provision of wireless E-911 service.
- 1119 27. Those portions of disciplinary proceedings by any regulatory board within the Department of
 1120 Professional and Occupational Regulation, Department of Health Professions, or the Board of Accountancy
 1121 conducted pursuant to § 2.2-4019 or 2.2-4020 during which the board deliberates to reach a decision or
 1122 meetings of health regulatory boards or conference committees of such boards to consider settlement
 1123 proposals in pending disciplinary actions or modifications to previously issued board orders as requested by
 1124 either of the parties.
- 1125 28. Discussion or consideration of information subject to the exclusion in subdivision 11 of § 2.2-3705.6
 1126 by a responsible public entity or an affected locality or public entity, as those terms are defined in
 1127 § 33.2-1800, or any independent review panel appointed to review information and advise the responsible
 1128 public entity concerning such records.
- 1129 29. Discussion of the award of a public contract involving the expenditure of public funds, including
 1130 interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in
 1131 an open session would adversely affect the bargaining position or negotiating strategy of the public body.
- 1132 30. Discussion or consideration of grant or loan application information subject to the exclusion in
 1133 subdivision 17 of § 2.2-3705.6 by the Commonwealth Health Research Board.
- 1134 31. Discussion or consideration by the Commitment Review Committee of information subject to the
 1135 exclusion in subdivision 5 of § 2.2-3705.2 relating to individuals subject to commitment as sexually violent
 1136 predators under Chapter 9 (§ 37.2-900 et seq.) of Title 37.2.
- 1137 32. Discussion or consideration of confidential proprietary information and trade secrets developed and
 1138 held by a local public body providing certain telecommunication services or cable television services and
 1139 subject to the exclusion in subdivision 18 of § 2.2-3705.6. However, the exemption provided by this
 1140 subdivision shall not apply to any authority created pursuant to the BVU Authority Act (§ 15.2-7200 et seq.).
- 1141 33. Discussion or consideration by a local authority created in accordance with the Virginia Wireless
 1142 Service Authorities Act (§ 15.2-5431.1 et seq.) of confidential proprietary information and trade secrets
 1143 subject to the exclusion in subdivision 19 of § 2.2-3705.6.
- 1144 34. Discussion or consideration by the State Board of Elections or local electoral boards of voting security
 1145 matters made confidential pursuant to § 24.2-410.2 or 24.2-625.1.
- 1146 35. Discussion or consideration by the Forensic Science Board or the Scientific Advisory Committee
 1147 created pursuant to Article 2 (§ 9.1-1109 et seq.) of Chapter 11 of Title 9.1 of criminal investigative files.
- 1148 36. Discussion or consideration by the Brown v. Board of Education Scholarship Committee of
 1149 information or confidential matters subject to the exclusion in subdivision A 3 of § 2.2-3705.4, and meetings
 1150 of the Committee to deliberate concerning the annual maximum scholarship award, review and consider
 1151 scholarship applications and requests for scholarship award renewal, and cancel, rescind, or recover
 1152 scholarship awards.
- 1153 37. Discussion or consideration by the Virginia Port Authority of information subject to the exclusion in
 1154 subdivision 1 of § 2.2-3705.6 related to certain proprietary information gathered by or for the Virginia Port
 1155 Authority.
- 1156 38. Discussion or consideration by the Board of Trustees of the Virginia Retirement System acting
 1157 pursuant to § 51.1-124.30, by the Investment Advisory Committee appointed pursuant to § 51.1-124.26, by
 1158 any local retirement system, acting pursuant to § 51.1-803, by the Board of the Commonwealth Savers Plan
 1159 acting pursuant to § 23.1-706, or by the Commonwealth Savers Plan's Investment Advisory Committee
 1160 appointed pursuant to § 23.1-702 of information subject to the exclusion in subdivision 24 of § 2.2-3705.7.
- 1161 39. Discussion or consideration of information subject to the exclusion in subdivision 3 of § 2.2-3705.6
 1162 related to economic development.
- 1163 40. Discussion or consideration by the Board of Education of information relating to the denial,
 1164 suspension, or revocation of teacher licenses subject to the exclusion in subdivision 11 of § 2.2-3705.3.
- 1165 41. Those portions of meetings of the Virginia Military Advisory Council or any commission created by
 1166 executive order for the purpose of studying and making recommendations regarding preventing closure or
 1167 realignment of federal military and national security installations and facilities located in Virginia and
 1168 relocation of such facilities to Virginia, or a local or regional military affairs organization appointed by a
 1169 local governing body, during which there is discussion of information subject to the exclusion in subdivision
 1170 8 of § 2.2-3705.2.
- 1171 42. Discussion or consideration by the Board of Trustees of the Veterans Services Foundation of

1172 information subject to the exclusion in subdivision 28 of § 2.2-3705.7 related to personally identifiable
1173 information of donors.

1174 43. Discussion or consideration by the Virginia Tobacco Region Revitalization Commission of
1175 information subject to the exclusion in subdivision 23 of § 2.2-3705.6 related to certain information contained
1176 in grant applications.

1177 44. Discussion or consideration by the board of directors of the Commercial Space Flight Authority of
1178 information subject to the exclusion in subdivision 24 of § 2.2-3705.6 related to rate structures or charges for
1179 the use of projects of, the sale of products of, or services rendered by the Authority and certain proprietary
1180 information of a private entity provided to the Authority.

1181 45. Discussion or consideration of personal and proprietary information related to the resource
1182 management plan program and subject to the exclusion in (i) subdivision 25 of § 2.2-3705.6 or (ii) subsection
1183 E of § 10.1-104.7. This exclusion shall not apply to the discussion or consideration of records that contain
1184 information that has been certified for release by the person who is the subject of the information or
1185 transformed into a statistical or aggregate form that does not allow identification of the person who supplied,
1186 or is the subject of, the information.

1187 46. Discussion or consideration by the Board of Directors of the Virginia Alcoholic Beverage *and*
1188 *Cannabis* Control Authority of information subject to the exclusion in subdivision 1 of § 2.2-3705.3 related
1189 to investigations of applicants for licenses and permits and of licensees and permittees.

1190 47. Discussion or consideration of grant, loan, or investment application records subject to the exclusion
1191 in subdivision 28 of § 2.2-3705.6 for a grant, loan, or investment pursuant to Article 11 (§ 2.2-2351 et seq.)
1192 of Chapter 22.

1193 48. Discussion or development of grant proposals by a regional council established pursuant to Article 26
1194 (§ 2.2-2484 et seq.) of Chapter 24 to be submitted for consideration to the Virginia Growth and Opportunity
1195 Board.

1196 49. Discussion or consideration of (i) individual sexual assault cases by a sexual assault response team
1197 established pursuant to § 15.2-1627.4, (ii) individual child abuse or neglect cases or sex offenses involving a
1198 child by a child sexual abuse response team established pursuant to § 15.2-1627.5, (iii) individual cases
1199 involving abuse, neglect, or exploitation of adults as defined in § 63.2-1603 pursuant to §§ 15.2-1627.5 and
1200 63.2-1605, or (iv) individual human trafficking cases by any human trafficking response team established
1201 pursuant to § 15.2-1627.6.

1202 50. Discussion or consideration by the Board of the Virginia Economic Development Partnership
1203 Authority, the Joint Legislative Audit and Review Commission, or any subcommittees thereof, of the portions
1204 of the strategic plan, marketing plan, or operational plan exempt from disclosure pursuant to subdivision 33
1205 of § 2.2-3705.7.

1206 51. Those portions of meetings of the subcommittee of the Board of the Virginia Economic Development
1207 Partnership Authority established pursuant to subsection F of § 2.2-2237.3 to review and discuss information
1208 received from the Virginia Employment Commission pursuant to subdivision C 2 of § 60.2-114 and the
1209 Department of Workforce Development and Advancement pursuant to subsection B of § 2.2-2040.

1210 52. Discussion or consideration by the Commonwealth of Virginia Innovation Partnership Authority (the
1211 Authority), an advisory committee of the Authority, or any other entity designated by the Authority, of
1212 information subject to the exclusion in subdivision 35 of § 2.2-3705.7.

1213 53. Deliberations of the Virginia Lottery Board conducted pursuant to § 58.1-4105 regarding the denial or
1214 revocation of a license of a casino gaming operator, or the refusal to issue, suspension of, or revocation of
1215 any license or permit related to casino gaming, and discussion, consideration, or review of matters related to
1216 investigations excluded from mandatory disclosure under subdivision 1 of § 2.2-3705.3.

1217 54. Deliberations of the Virginia Lottery Board in an appeal conducted pursuant to § 58.1-4007 regarding
1218 the denial of, revocation of, suspension of, or refusal to renew any license or permit related to sports betting
1219 and any discussion, consideration, or review of matters related to investigations excluded from mandatory
1220 disclosure under subdivision 1 of § 2.2-3705.3.

1221 55. Meetings or portions of meetings of the Board of Criminal Justice Services or the Department of
1222 Criminal Justice Services concerning the decertification of an identifiable law-enforcement or jail officer.

1223 B. No resolution, ordinance, rule, contract, regulation or motion adopted, passed or agreed to in a closed
1224 meeting shall become effective unless the public body, following the meeting, reconvenes in open meeting
1225 and takes a vote of the membership on such resolution, ordinance, rule, contract, regulation, or motion that
1226 shall have its substance reasonably identified in the open meeting.

1227 C. Public officers improperly selected due to the failure of the public body to comply with the other
1228 provisions of this section shall be de facto officers and, as such, their official actions are valid until they
1229 obtain notice of the legal defect in their election.

1230 D. Nothing in this section shall be construed to prevent the holding of conferences between two or more
1231 public bodies, or their representatives, but these conferences shall be subject to the same procedures for
1232 holding closed meetings as are applicable to any other public body.

1233 E. This section shall not be construed to (i) require the disclosure of any contract between the Department

1234 of Health Professions and an impaired practitioner entered into pursuant to Chapter 25.1 (§ 54.1-2515 et seq.)
 1235 of Title 54.1 or (ii) require the board of directors of any authority created pursuant to the Industrial
 1236 Development and Revenue Bond Act (§ 15.2-4900 et seq.), or any public body empowered to issue industrial
 1237 revenue bonds by general or special law, to identify a business or industry to which subdivision A 5 applies.
 1238 However, such business or industry shall be identified as a matter of public record at least 30 days prior to the
 1239 actual date of the board's authorization of the sale or issuance of such bonds.

1240 **§ 2.2-3711. (Effective July 1, 2026) Closed meetings authorized for certain limited purposes.**

1241 A. Public bodies may hold closed meetings only for the following purposes:

1242 1. Discussion, consideration, or interviews of prospective candidates for employment; assignment,
 1243 appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public
 1244 officers, appointees, or employees of any public body; and evaluation of performance of departments or
 1245 schools of public institutions of higher education where such evaluation will necessarily involve discussion of
 1246 the performance of specific individuals. Any teacher shall be permitted to be present during a closed meeting
 1247 in which there is a discussion or consideration of a disciplinary matter that involves the teacher and some
 1248 student and the student involved in the matter is present, provided that the teacher makes a written request to
 1249 be present to the presiding officer of the appropriate board. Nothing in this subdivision, however, shall be
 1250 construed to authorize a closed meeting by a local governing body or an elected school board to discuss
 1251 compensation matters that affect the membership of such body or board collectively.

1252 2. Discussion or consideration of admission or disciplinary matters or any other matters that would
 1253 involve the disclosure of information contained in a scholastic record concerning any student of any public
 1254 institution of higher education in the Commonwealth or any state school system. However, any such student,
 1255 legal counsel and, if the student is a minor, the student's parents or legal guardians shall be permitted to be
 1256 present during the taking of testimony or presentation of evidence at a closed meeting, if such student,
 1257 parents, or guardians so request in writing and such request is submitted to the presiding officer of the
 1258 appropriate board.

1259 3. Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition
 1260 of publicly held real property, where discussion in an open meeting would adversely affect the bargaining
 1261 position or negotiating strategy of the public body.

1262 4. The protection of the privacy of individuals in personal matters not related to public business.

1263 5. Discussion concerning a prospective business or industry or the expansion of an existing business or
 1264 industry where no previous announcement has been made of the business' or industry's interest in locating or
 1265 expanding its facilities in the community.

1266 6. Discussion or consideration of the investment of public funds where competition or bargaining is
 1267 involved, where, if made public initially, the financial interest of the governmental unit would be adversely
 1268 affected.

1269 7. Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or
 1270 probable litigation, where such consultation or briefing in open meeting would adversely affect the
 1271 negotiating or litigating posture of the public body. For the purposes of this subdivision, "probable litigation"
 1272 means litigation that has been specifically threatened or on which the public body or its legal counsel has a
 1273 reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall
 1274 be construed to permit the closure of a meeting merely because an attorney representing the public body is in
 1275 attendance or is consulted on a matter.

1276 8. Consultation with legal counsel employed or retained by a public body regarding specific legal matters
 1277 requiring the provision of legal advice by such counsel. Nothing in this subdivision shall be construed to
 1278 permit the closure of a meeting merely because an attorney representing the public body is in attendance or is
 1279 consulted on a matter.

1280 9. Discussion or consideration by governing boards of public institutions of higher education of matters
 1281 relating to gifts, bequests and fund-raising activities, and of grants and contracts for services or work to be
 1282 performed by such institution. However, the terms and conditions of any such gifts, bequests, grants, and
 1283 contracts made by a foreign government, a foreign legal entity, or a foreign person and accepted by a public
 1284 institution of higher education in the Commonwealth shall be subject to public disclosure upon written
 1285 request to the appropriate board of visitors. For the purpose of this subdivision, (i) "foreign government"
 1286 means any government other than the United States government or the government of a state or a political
 1287 subdivision thereof, (ii) "foreign legal entity" means any legal entity (a) created under the laws of the United
 1288 States or of any state thereof if a majority of the ownership of the stock of such legal entity is owned by
 1289 foreign governments or foreign persons or if a majority of the membership of any such entity is composed of
 1290 foreign persons or foreign legal entities or (b) created under the laws of a foreign government, and (iii)
 1291 "foreign person" means any individual who is not a citizen or national of the United States or a trust territory
 1292 or protectorate thereof.

1293 10. Discussion or consideration by the boards of trustees of the Virginia Museum of Fine Arts, the
 1294 Virginia Museum of Natural History, the Jamestown-Yorktown Foundation, the Fort Monroe Authority, and

- 1295 The Science Museum of Virginia of matters relating to specific gifts, bequests, and grants from private
1296 sources.
- 1297 11. Discussion or consideration of honorary degrees or special awards.
- 1298 12. Discussion or consideration of tests, examinations, or other information used, administered, or
1299 prepared by a public body and subject to the exclusion in subdivision 4 of § 2.2-3705.1.
- 1300 13. Discussion, consideration, or review by the appropriate House or Senate committees of possible
1301 disciplinary action against a member arising out of the possible inadequacy of the disclosure statement filed
1302 by the member, provided that the member may request in writing that the committee meeting not be
1303 conducted in a closed meeting.
- 1304 14. Discussion of strategy with respect to the negotiation of a hazardous waste siting agreement or to
1305 consider the terms, conditions, and provisions of a hazardous waste siting agreement if the governing body in
1306 open meeting finds that an open meeting will have an adverse effect upon the negotiating position of the
1307 governing body or the establishment of the terms, conditions and provisions of the siting agreement, or both.
1308 All discussions with the applicant or its representatives may be conducted in a closed meeting.
- 1309 15. Discussion by the Governor and any economic advisory board reviewing forecasts of economic
1310 activity and estimating general and nongeneral fund revenues.
- 1311 16. Discussion or consideration of medical and mental health records subject to the exclusion in
1312 subdivision 1 of § 2.2-3705.5.
- 1313 17. Deliberations of the Virginia Lottery Board in a licensing appeal action conducted pursuant to
1314 subsection D of § 58.1-4007 regarding the denial or revocation of a license of a lottery sales agent; and
1315 discussion, consideration or review of Virginia Lottery matters related to proprietary lottery game
1316 information and studies or investigations excluded from disclosure under subdivision 6 of § 2.2-3705.3 and
1317 subdivision 11 of § 2.2-3705.7.
- 1318 18. Those portions of meetings in which the State Board of Local and Regional Jails discusses or discloses
1319 the identity of, or information tending to identify, any prisoner who (i) provides information about crimes or
1320 criminal activities, (ii) renders assistance in preventing the escape of another prisoner or in the apprehension
1321 of an escaped prisoner, or (iii) voluntarily or at the instance of a prison official renders other extraordinary
1322 services, the disclosure of which is likely to jeopardize the prisoner's life or safety.
- 1323 19. Discussion of plans to protect public safety as it relates to terrorist activity or specific cybersecurity
1324 threats or vulnerabilities and briefings by staff members, legal counsel, or law-enforcement or emergency
1325 service officials concerning actions taken to respond to such matters or a related threat to public safety;
1326 discussion of information subject to the exclusion in subdivision 2 or 14 of § 2.2-3705.2, where discussion in
1327 an open meeting would jeopardize the safety of any person or the security of any facility, building, structure,
1328 information technology system, or software program; or discussion of reports or plans related to the security
1329 of any governmental facility, building or structure, or the safety of persons using such facility, building or
1330 structure.
- 1331 20. Discussion by the Board of the Virginia Retirement System, acting pursuant to § 51.1-124.30, or of
1332 any local retirement system, acting pursuant to § 51.1-803, or by a local finance board or board of trustees of
1333 a trust established by one or more local public bodies to invest funds for postemployment benefits other than
1334 pensions, acting pursuant to Article 8 (§ 15.2-1544 et seq.) of Chapter 15 of Title 15.2, or by the board of
1335 visitors of the University of Virginia, acting pursuant to § 23.1-2210, or by the Board of the Commonwealth
1336 Savers Plan, acting pursuant to § 23.1-706, regarding the acquisition, holding or disposition of a security or
1337 other ownership interest in an entity, where such security or ownership interest is not traded on a
1338 governmentally regulated securities exchange, to the extent that such discussion (i) concerns confidential
1339 analyses prepared for the board of visitors of the University of Virginia, prepared by the retirement system, or
1340 a local finance board or board of trustees, or the Commonwealth Savers Plan or provided to the retirement
1341 system, a local finance board or board of trustees, or the Commonwealth Savers Plan under a promise of
1342 confidentiality, of the future value of such ownership interest or the future financial performance of the
1343 entity, and (ii) would have an adverse effect on the value of the investment to be acquired, held, or disposed
1344 of by the retirement system, a local finance board or board of trustees, the board of visitors of the University
1345 of Virginia, or the Commonwealth Savers Plan. Nothing in this subdivision shall be construed to prevent the
1346 disclosure of information relating to the identity of any investment held, the amount invested or the present
1347 value of such investment.
- 1348 21. Those portions of meetings in which individual child death cases are discussed by the State Child
1349 Fatality Review Team established pursuant to § 32.1-283.1, those portions of meetings in which individual
1350 child death cases are discussed by a regional or local child fatality review team established pursuant to
1351 § 32.1-283.2, those portions of meetings in which individual death cases are discussed by family violence
1352 fatality review teams established pursuant to § 32.1-283.3, those portions of meetings in which individual
1353 adult death cases are discussed by the state Adult Fatality Review Team established pursuant to § 32.1-283.5,
1354 those portions of meetings in which individual adult death cases are discussed by a local or regional adult
1355 fatality review team established pursuant to § 32.1-283.6, those portions of meetings in which individual
1356 death cases are discussed by overdose fatality review teams established pursuant to § 32.1-283.7, those

1357 portions of meetings in which individual maternal death cases are discussed by the Maternal Mortality
 1358 Review Team pursuant to § 32.1-283.8, and those portions of meetings in which individual death cases of
 1359 persons with developmental disabilities are discussed by the Developmental Disabilities Mortality Review
 1360 Committee established pursuant to § 37.2-314.1.

1361 22. Those portions of meetings of the board of visitors of the University of Virginia or Old Dominion
 1362 University, as the case may be, and those portions of meetings of any persons to whom management
 1363 responsibilities for the University of Virginia Medical Center or the Eastern Virginia Health Sciences Center
 1364 at Old Dominion University, as the case may be, have been delegated, in which there is discussed proprietary,
 1365 business-related information pertaining to the operations of the University of Virginia Medical Center or the
 1366 Eastern Virginia Health Sciences Center at Old Dominion University, as the case may be, including business
 1367 development or marketing strategies and activities with existing or future joint venturers, partners, or other
 1368 parties with whom the University of Virginia Medical Center or the Eastern Virginia Health Sciences Center
 1369 at Old Dominion University, as the case may be, has formed, or forms, any arrangement for the delivery of
 1370 health care, if disclosure of such information would adversely affect the competitive position of the
 1371 University of Virginia Medical Center or the Eastern Virginia Health Sciences Center at Old Dominion
 1372 University, as the case may be.

1373 23. Discussion or consideration by the Virginia Commonwealth University Health System Authority or
 1374 the board of visitors of Virginia Commonwealth University of any of the following: the acquisition or
 1375 disposition by the Authority of real property, equipment, or technology software or hardware and related
 1376 goods or services, where disclosure would adversely affect the bargaining position or negotiating strategy of
 1377 the Authority; matters relating to gifts or bequests to, and fund-raising activities of, the Authority; grants and
 1378 contracts for services or work to be performed by the Authority; marketing or operational strategies plans of
 1379 the Authority where disclosure of such strategies or plans would adversely affect the competitive position of
 1380 the Authority; and members of the Authority's medical and teaching staffs and qualifications for
 1381 appointments thereto.

1382 24. Those portions of the meetings of the Health Practitioners' Monitoring Program Committee within the
 1383 Department of Health Professions to the extent such discussions identify any practitioner who may be, or who
 1384 actually is, impaired pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1.

1385 25. Meetings or portions of meetings of the Board of the Commonwealth Savers Plan wherein personal
 1386 information, as defined in § 2.2-3801, which has been provided to the Board or its employees by or on behalf
 1387 of individuals who have requested information about, applied for, or entered into prepaid tuition contracts or
 1388 savings trust account agreements pursuant to Chapter 7 (§ 23.1-700 et seq.) of Title 23.1 is discussed.

1389 26. Discussion or consideration, by the former Wireless Carrier E-911 Cost Recovery Subcommittee
 1390 created pursuant to former § 56-484.15, of trade secrets submitted by CMRS providers, as defined in
 1391 § 56-484.12, related to the provision of wireless E-911 service.

1392 27. Those portions of disciplinary proceedings by any regulatory board within the Department of
 1393 Professional and Occupational Regulation, Department of Health Professions, or the Board of Accountancy
 1394 conducted pursuant to § 2.2-4019 or 2.2-4020 during which the board deliberates to reach a decision or
 1395 meetings of health regulatory boards or conference committees of such boards to consider settlement
 1396 proposals in pending disciplinary actions or modifications to previously issued board orders as requested by
 1397 either of the parties.

1398 28. Discussion or consideration of information subject to the exclusion in subdivision 11 of § 2.2-3705.6
 1399 by a responsible public entity or an affected locality or public entity, as those terms are defined in
 1400 § 33.2-1800, or any independent review panel appointed to review information and advise the responsible
 1401 public entity concerning such records.

1402 29. Discussion of the award of a public contract involving the expenditure of public funds, including
 1403 interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in
 1404 an open session would adversely affect the bargaining position or negotiating strategy of the public body.

1405 30. Discussion or consideration of grant or loan application information subject to the exclusion in
 1406 subdivision 17 of § 2.2-3705.6 by the Commonwealth Health Research Board.

1407 31. Discussion or consideration by the Commitment Review Committee of information subject to the
 1408 exclusion in subdivision 5 of § 2.2-3705.2 relating to individuals subject to commitment as sexually violent
 1409 predators under Chapter 9 (§ 37.2-900 et seq.) of Title 37.2.

1410 32. Discussion or consideration of confidential proprietary information and trade secrets developed and
 1411 held by a local public body providing certain telecommunication services or cable television services and
 1412 subject to the exclusion in subdivision 18 of § 2.2-3705.6. However, the exemption provided by this
 1413 subdivision shall not apply to any authority created pursuant to the BVU Authority Act (§ 15.2-7200 et seq.).

1414 33. Discussion or consideration by a local authority created in accordance with the Virginia Wireless
 1415 Service Authorities Act (§ 15.2-5431.1 et seq.) of confidential proprietary information and trade secrets
 1416 subject to the exclusion in subdivision 19 of § 2.2-3705.6.

1417 34. Discussion or consideration by the State Board of Elections or local electoral boards of voting security
 1418 matters made confidential pursuant to § 24.2-410.2 or 24.2-625.1 and review by the State Board of Elections

- 1419 of complaints related to the personal use of campaign funds pursuant to § 24.2-948.7.
- 1420 35. Discussion or consideration by the Forensic Science Board or the Scientific Advisory Committee
1421 created pursuant to Article 2 (§ 9.1-1109 et seq.) of Chapter 11 of Title 9.1 of criminal investigative files.
- 1422 36. Discussion or consideration by the Brown v. Board of Education Scholarship Committee of
1423 information or confidential matters subject to the exclusion in subdivision A 3 of § 2.2-3705.4, and meetings
1424 of the Committee to deliberate concerning the annual maximum scholarship award, review and consider
1425 scholarship applications and requests for scholarship award renewal, and cancel, rescind, or recover
1426 scholarship awards.
- 1427 37. Discussion or consideration by the Virginia Port Authority of information subject to the exclusion in
1428 subdivision 1 of § 2.2-3705.6 related to certain proprietary information gathered by or for the Virginia Port
1429 Authority.
- 1430 38. Discussion or consideration by the Board of Trustees of the Virginia Retirement System acting
1431 pursuant to § 51.1-124.30, by the Investment Advisory Committee appointed pursuant to § 51.1-124.26, by
1432 any local retirement system, acting pursuant to § 51.1-803, by the Board of the Commonwealth Savers Plan
1433 acting pursuant to § 23.1-706, or by the Commonwealth Savers Plan's Investment Advisory Committee
1434 appointed pursuant to § 23.1-702 of information subject to the exclusion in subdivision 24 of § 2.2-3705.7.
- 1435 39. Discussion or consideration of information subject to the exclusion in subdivision 3 of § 2.2-3705.6
1436 related to economic development.
- 1437 40. Discussion or consideration by the Board of Education of information relating to the denial,
1438 suspension, or revocation of teacher licenses subject to the exclusion in subdivision 11 of § 2.2-3705.3.
- 1439 41. Those portions of meetings of the Virginia Military Advisory Council or any commission created by
1440 executive order for the purpose of studying and making recommendations regarding preventing closure or
1441 realignment of federal military and national security installations and facilities located in Virginia and
1442 relocation of such facilities to Virginia, or a local or regional military affairs organization appointed by a
1443 local governing body, during which there is discussion of information subject to the exclusion in subdivision
1444 8 of § 2.2-3705.2.
- 1445 42. Discussion or consideration by the Board of Trustees of the Veterans Services Foundation of
1446 information subject to the exclusion in subdivision 28 of § 2.2-3705.7 related to personally identifiable
1447 information of donors.
- 1448 43. Discussion or consideration by the Virginia Tobacco Region Revitalization Commission of
1449 information subject to the exclusion in subdivision 23 of § 2.2-3705.6 related to certain information contained
1450 in grant applications.
- 1451 44. Discussion or consideration by the board of directors of the Commercial Space Flight Authority of
1452 information subject to the exclusion in subdivision 24 of § 2.2-3705.6 related to rate structures or charges for
1453 the use of projects of, the sale of products of, or services rendered by the Authority and certain proprietary
1454 information of a private entity provided to the Authority.
- 1455 45. Discussion or consideration of personal and proprietary information related to the resource
1456 management plan program and subject to the exclusion in (i) subdivision 25 of § 2.2-3705.6 or (ii) subsection
1457 E of § 10.1-104.7. This exclusion shall not apply to the discussion or consideration of records that contain
1458 information that has been certified for release by the person who is the subject of the information or
1459 transformed into a statistical or aggregate form that does not allow identification of the person who supplied,
1460 or is the subject of, the information.
- 1461 46. Discussion or consideration by the Board of Directors of the Virginia Alcoholic Beverage *and*
1462 *Cannabis* Control Authority of information subject to the exclusion in subdivision 1 of § 2.2-3705.3 related
1463 to investigations of applicants for licenses and permits and of licensees and permittees.
- 1464 47. Discussion or consideration of grant, loan, or investment application records subject to the exclusion
1465 in subdivision 28 of § 2.2-3705.6 for a grant, loan, or investment pursuant to Article 11 (§ 2.2-2351 et seq.)
1466 of Chapter 22.
- 1467 48. Discussion or development of grant proposals by a regional council established pursuant to Article 26
1468 (§ 2.2-2484 et seq.) of Chapter 24 to be submitted for consideration to the Virginia Growth and Opportunity
1469 Board.
- 1470 49. Discussion or consideration of (i) individual sexual assault cases by a sexual assault response team
1471 established pursuant to § 15.2-1627.4, (ii) individual child abuse or neglect cases or sex offenses involving a
1472 child by a child sexual abuse response team established pursuant to § 15.2-1627.5, (iii) individual cases
1473 involving abuse, neglect, or exploitation of adults as defined in § 63.2-1603 pursuant to §§ 15.2-1627.5 and
1474 63.2-1605, or (iv) individual human trafficking cases by any human trafficking response team established
1475 pursuant to § 15.2-1627.6.
- 1476 50. Discussion or consideration by the Board of the Virginia Economic Development Partnership
1477 Authority, the Joint Legislative Audit and Review Commission, or any subcommittees thereof, of the portions
1478 of the strategic plan, marketing plan, or operational plan exempt from disclosure pursuant to subdivision 33
1479 of § 2.2-3705.7.
- 1480 51. Those portions of meetings of the subcommittee of the Board of the Virginia Economic Development

1481 Partnership Authority established pursuant to subsection F of § 2.2-2237.3 to review and discuss information
 1482 received from the Virginia Employment Commission pursuant to subdivision C 2 of § 60.2-114 and the
 1483 Department of Workforce Development and Advancement pursuant to subsection B of § 2.2-2040.

1484 52. Discussion or consideration by the Commonwealth of Virginia Innovation Partnership Authority (the
 1485 Authority), an advisory committee of the Authority, or any other entity designated by the Authority, of
 1486 information subject to the exclusion in subdivision 35 of § 2.2-3705.7.

1487 53. Deliberations of the Virginia Lottery Board conducted pursuant to § 58.1-4105 regarding the denial or
 1488 revocation of a license of a casino gaming operator, or the refusal to issue, suspension of, or revocation of
 1489 any license or permit related to casino gaming, and discussion, consideration, or review of matters related to
 1490 investigations excluded from mandatory disclosure under subdivision 1 of § 2.2-3705.3.

1491 54. Deliberations of the Virginia Lottery Board in an appeal conducted pursuant to § 58.1-4007 regarding
 1492 the denial of, revocation of, suspension of, or refusal to renew any license or permit related to sports betting
 1493 and any discussion, consideration, or review of matters related to investigations excluded from mandatory
 1494 disclosure under subdivision 1 of § 2.2-3705.3.

1495 55. Meetings or portions of meetings of the Board of Criminal Justice Services or the Department of
 1496 Criminal Justice Services concerning the decertification of an identifiable law-enforcement or jail officer.

1497 B. No resolution, ordinance, rule, contract, regulation or motion adopted, passed or agreed to in a closed
 1498 meeting shall become effective unless the public body, following the meeting, reconvenes in open meeting
 1499 and takes a vote of the membership on such resolution, ordinance, rule, contract, regulation, or motion that
 1500 shall have its substance reasonably identified in the open meeting.

1501 C. Public officers improperly selected due to the failure of the public body to comply with the other
 1502 provisions of this section shall be de facto officers and, as such, their official actions are valid until they
 1503 obtain notice of the legal defect in their election.

1504 D. Nothing in this section shall be construed to prevent the holding of conferences between two or more
 1505 public bodies, or their representatives, but these conferences shall be subject to the same procedures for
 1506 holding closed meetings as are applicable to any other public body.

1507 E. This section shall not be construed to (i) require the disclosure of any contract between the Department
 1508 of Health Professions and an impaired practitioner entered into pursuant to Chapter 25.1 (§ 54.1-2515 et seq.)
 1509 of Title 54.1 or (ii) require the board of directors of any authority created pursuant to the Industrial
 1510 Development and Revenue Bond Act (§ 15.2-4900 et seq.), or any public body empowered to issue industrial
 1511 revenue bonds by general or special law, to identify a business or industry to which subdivision A 5 applies.
 1512 However, such business or industry shall be identified as a matter of public record at least 30 days prior to the
 1513 actual date of the board's authorization of the sale or issuance of such bonds.

1514 **§ 2.2-3802. Systems to which chapter inapplicable.**

1515 The provisions of this chapter shall not apply to personal information systems:

1516 1. Maintained by any court of the Commonwealth;
 1517 2. Which may exist in publications of general circulation;
 1518 3. Contained in the Criminal Justice Information System as defined in §§ 9.1-126 through 9.1-137 or in
 1519 the Sex Offender and Crimes Against Minors Registry maintained by the Department of State Police pursuant
 1520 to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, except to the extent that information is required to be posted on
 1521 the Internet pursuant to § 9.1-913;

1522 4. Contained in the Virginia Juvenile Justice Information System as defined in §§ 16.1-222 through
 1523 16.1-225;

1524 5. Maintained by agencies concerning persons required by law to be licensed in the Commonwealth to
 1525 engage in the practice of any profession, in which case the names and addresses of persons applying for or
 1526 possessing the license may be disseminated upon written request to a person engaged in the profession or
 1527 business of offering professional educational materials or courses for the sole purpose of providing the
 1528 licensees or applicants for licenses with informational materials relating solely to available professional
 1529 educational materials or courses, provided the disseminating agency is reasonably assured that the use of the
 1530 information will be so limited;

1531 6. Maintained by the Parole Board, the Crime Commission, the Judicial Inquiry and Review Commission,
 1532 the Virginia Racing Commission, the Virginia Criminal Sentencing Commission, and the Virginia Alcoholic
 1533 Beverage and Cannabis Control Authority;

1534 7. Maintained by any of the following and that deal with investigations and intelligence gathering related
 1535 to criminal activity:

- 1536 a. The Department of State Police;
- 1537 b. The police department of the Chesapeake Bay Bridge and Tunnel Commission;
- 1538 c. Police departments of cities, counties, and towns;
- 1539 d. Sheriff's departments of counties and cities;
- 1540 e. Campus police departments of public institutions of higher education as established by Article 3
 1541 (§ 23.1-809 et seq.) of Chapter 8 of Title 23.1; and
- 1542 f. The Division of Capitol Police.

1543 8. Maintained by local departments of social services regarding alleged cases of child abuse or neglect
1544 while such cases are also subject to an ongoing criminal prosecution;

1545 9. Maintained by the Virginia Port Authority as provided in § 62.1-132.4 or 62.1-134.1;

1546 10. Maintained by the Virginia Tourism Authority in connection with or as a result of the promotion of
1547 travel or tourism in the Commonwealth, in which case names and addresses of persons requesting
1548 information on those subjects may be disseminated upon written request to a person engaged in the business
1549 of providing travel services or distributing travel information, provided the Virginia Tourism Authority is
1550 reasonably assured that the use of the information will be so limited;

1551 11. Maintained by the Division of Consolidated Laboratory Services of the Department of General
1552 Services and the Department of Forensic Science, which deal with scientific investigations relating to
1553 criminal activity or suspected criminal activity, except to the extent that § 9.1-1104 may apply;

1554 12. Maintained by the Department of Corrections or the Office of the State Inspector General that deal
1555 with investigations and intelligence gathering by persons acting under the provisions of Chapter 3.2
1556 (§ 2.2-307 et seq.);

1557 13. Maintained by (i) the Office of the State Inspector General or internal audit departments of state
1558 agencies or institutions that deal with communications and investigations relating to the Fraud, Waste and
1559 Abuse Hotline or (ii) an auditor appointed by the local governing body of any county, city, or town or a
1560 school board that deals with local investigations required by § 15.2-2511.2;

1561 14. Maintained by the Department of Social Services or any local department of social services relating to
1562 public assistance fraud investigations;

1563 15. Maintained by the Department of Social Services related to child welfare or public assistance
1564 programs when requests for personal information are made to the Department of Social Services. Requests
1565 for information from these systems shall be made to the appropriate local department of social services that is
1566 the custodian of that record. Notwithstanding the language in this section, an individual shall not be
1567 prohibited from obtaining information from the central registry in accordance with the provisions of
1568 § 63.2-1515; and

1569 16. Maintained by the Department for Aging and Rehabilitative Services related to adult services, adult
1570 protective services, or auxiliary grants when requests for personal information are made to the Department for
1571 Aging and Rehabilitative Services. Requests for information from these systems shall be made to the
1572 appropriate local department of social services that is the custodian of that record.

1573 **§ 2.2-4024. Hearing officers.**

1574 A. In all formal hearings conducted in accordance with § 2.2-4020, the hearing shall be presided over by a
1575 hearing officer selected from a list prepared by the Executive Secretary of the Supreme Court and maintained
1576 in the Office of the Executive Secretary of the Supreme Court. Parties to informal fact-finding proceedings
1577 conducted pursuant to § 2.2-4019 may agree at the outset of the proceeding to have a hearing officer preside
1578 at the proceeding, such agreement to be revoked only by mutual consent. The Executive Secretary may
1579 promulgate rules necessary for the administration of the hearing officer system and shall have the authority to
1580 establish the number of hearing officers necessary to preside over administrative hearings in the
1581 Commonwealth.

1582 Prior to being included on the list, all hearing officers shall meet the following minimum standards:

1583 1. Active membership in good standing in the Virginia State Bar;

1584 2. Active practice of law for at least five years; and

1585 3. Completion of a course of training approved by the Executive Secretary of the Supreme Court. In order
1586 to comply with the demonstrated requirements of the agency requesting a hearing officer, the Executive
1587 Secretary may require additional training before a hearing officer shall be assigned to a proceeding before
1588 that agency.

1589 B. On request from the head of an agency, the Executive Secretary shall name a hearing officer from the
1590 list, selected on a rotation system administered by the Executive Secretary. Lists reflecting geographic
1591 preference and specialized training or knowledge shall be maintained by the Executive Secretary if an agency
1592 demonstrates the need.

1593 C. A hearing officer appointed in accordance with this section shall be subject to disqualification as
1594 provided in § 2.2-4024.1. If the hearing officer denies a petition for disqualification pursuant to § 2.2-4024.1,
1595 the petitioning party may request reconsideration of the denial by filing a written request with the Executive
1596 Secretary along with an affidavit, prior to the taking of evidence at a hearing, stating with particularity the
1597 grounds upon which it is claimed that a fair and impartial hearing cannot be accorded, or the applicable rule
1598 of practice requiring disqualification.

1599 The issue shall be determined not less than 10 days prior to the hearing by the Executive Secretary.

1600 D. Any hearing officer empowered by the agency to provide a recommendation or conclusion in a case
1601 decision matter shall render that recommendation or conclusion as follows:

1602 1. If the agency's written regulations or procedures require the hearing officer to render a recommendation
1603 or conclusion within a specified time period, the hearing officer shall render the recommendation or
1604 conclusion on or before the expiration of the specified period; and

1605 2. In all other cases, the hearing officer shall render the recommendation or conclusion within 90 days
 1606 from the date of the case decision proceeding or from a later date agreed to by the named party and the
 1607 agency.

1608 If the hearing officer does not render a decision within the time required by this subsection, then the
 1609 agency or the named party to the case decision may provide written notice to the hearing officer and the
 1610 Executive Secretary of the Supreme Court that a decision is due. If no decision is made within 30 days from
 1611 receipt by the hearing officer of the notice, then the Executive Secretary of the Supreme Court shall remove
 1612 the hearing officer from the hearing officer list and report the hearing officer to the Virginia State Bar for
 1613 possible disciplinary action, unless good cause is shown for the delay.

1614 E. The Executive Secretary shall remove hearing officers from the list, upon a showing of cause after
 1615 written notice and an opportunity for a hearing. When there is a failure by a hearing officer to render a
 1616 decision as required by subsection D, the burden shall be on the hearing officer to show good cause for the
 1617 delay. Decisions to remove a hearing officer may be reviewed by a request to the Executive Secretary for
 1618 reconsideration, followed by judicial review in accordance with this chapter.

1619 F. This section shall not apply to hearings conducted by (i) any commission or board where all of the
 1620 members, or a quorum, are present; (ii) the Virginia Alcoholic Beverage *and Cannabis* Control Authority, the
 1621 Virginia Workers' Compensation Commission, the State Corporation Commission, the Virginia Employment
 1622 Commission, the Department of Motor Vehicles under Title 46.2 (§ 46.2-100 et seq.), § 58.1-2409, or
 1623 Chapter 27 (§ 58.1-2700 et seq.) of Title 58.1, or the Motor Vehicle Dealer Board under Chapter 15
 1624 (§ 46.2-1500 et seq.) of Title 46.2; or (iii) any panel of a health regulatory board convened pursuant to
 1625 § 54.1-2400, including any panel having members of a relevant advisory board to the Board of Medicine. All
 1626 employees hired after July 1, 1986, pursuant to §§ 65.2-201 and 65.2-203 by the Virginia Workers'
 1627 Compensation Commission to conduct hearings pursuant to its basic laws shall meet the minimum
 1628 qualifications set forth in subsection A. Agency employees who are not licensed to practice law in the
 1629 Commonwealth, and are presiding as hearing officers in proceedings pursuant to clause (ii) shall participate
 1630 in periodic training courses.

1631 G. Notwithstanding the exemptions of subsection A of § 2.2-4002, this article shall apply to hearing
 1632 officers conducting hearings of the kind described in § 2.2-4020 for the Department of Wildlife Resources,
 1633 the Virginia Housing Development Authority, the Milk Commission, and the Virginia Resources Authority
 1634 pursuant to their basic laws.

1635 **§ 2.2-4345. Exemptions from competitive sealed bidding and competitive negotiation for certain**
 1636 **transactions; limitations.**

1637 A. The following public bodies may enter into contracts without competitive sealed bidding or
 1638 competitive negotiation:

1639 1. The Director of the Department of Medical Assistance Services for special services provided for
 1640 eligible recipients pursuant to subsection H of § 32.1-325, provided that the Director has made a
 1641 determination in advance after reasonable notice to the public and set forth in writing that competitive sealed
 1642 bidding or competitive negotiation for such services is not fiscally advantageous to the public, or would
 1643 constitute an imminent threat to the health or welfare of such recipients. The writing shall document the basis
 1644 for this determination.

1645 2. The State Health Commissioner for the compilation, storage, analysis, evaluation, and publication of
 1646 certain data submitted by health care providers and for the development of a methodology to measure the
 1647 efficiency and productivity of health care providers pursuant to Chapter 7.2 (§ 32.1-276.2 et seq.) of Title
 1648 32.1, if the Commissioner has made a determination in advance, after reasonable notice to the public and set
 1649 forth in writing, that competitive sealed bidding or competitive negotiation for such services is not fiscally
 1650 advantageous to the public. The writing shall document the basis for this determination. Such agreements and
 1651 contracts shall be based on competitive principles.

1652 3. The Virginia Code Commission when procuring the services of a publisher, pursuant to §§ 30-146 and
 1653 30-148, to publish the Code of Virginia or the Virginia Administrative Code.

1654 4. The Virginia Alcoholic Beverage *and Cannabis* Control Authority for the purchase of alcoholic
 1655 beverages.

1656 5. The Department for Aging and Rehabilitative Services, for the administration of elder rights programs,
 1657 with (i) nonprofit Virginia corporations granted tax-exempt status under § 501(c)(3) of the Internal Revenue
 1658 Code with statewide experience in Virginia in conducting a state long-term care ombudsman program or (ii)
 1659 designated area agencies on aging.

1660 6. The Department of Health for (a) child restraint devices, pursuant to § 46.2-1097; (b) health care
 1661 services with Virginia corporations granted tax-exempt status under § 501(c)(3) of the Internal Revenue Code
 1662 and operating as clinics for the indigent and uninsured that are organized for the delivery of primary health
 1663 care services in a community (i) as federally qualified health centers designated by the Health Care Financing
 1664 Administration or (ii) at a reduced or sliding fee scale or without charge; or (c) contracts with laboratories
 1665 providing cytology and related services if competitive sealed bidding and competitive negotiations are not
 1666 fiscally advantageous to the public to provide quality control as prescribed in writing by the Commissioner of

1667 Health.

1668 7. Virginia Correctional Enterprises, when procuring materials, supplies, or services for use in and support
1669 of its production facilities, provided that the procurement is accomplished using procedures that ensure as
1670 efficient use of funds as practicable and, at a minimum, includes obtaining telephone quotations. Such
1671 procedures shall require documentation of the basis for awarding contracts under this section.

1672 8. The Virginia Baseball Stadium Authority for the operation of any facilities developed under the
1673 provisions of Chapter 58 (§ 15.2-5800 et seq.) of Title 15.2, including contracts or agreements with respect to
1674 the sale of food, beverages and souvenirs at such facilities.

1675 9. With the consent of the Governor, the Jamestown-Yorktown Foundation for the promotion of tourism
1676 through marketing with private entities provided a demonstrable cost savings, as reviewed by the Secretary of
1677 Education, can be realized by the Foundation and such agreements or contracts are based on competitive
1678 principles.

1679 10. The Chesapeake Hospital Authority in the exercise of any power conferred under Chapter 271, as
1680 amended, of the Acts of Assembly of 1966, provided that it does not discriminate against any person on the
1681 basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age,
1682 marital status, or disability in the procurement of goods and services.

1683 11. Richmond Eye and Ear Hospital Authority, any authorities created under Chapter 53 (§ 15.2-5300 et
1684 seq.) of Title 15.2 and any hospital or health center commission created under Chapter 52 (§ 15.2-5200 et
1685 seq.) of Title 15.2 in the exercise of any power conferred under their respective authorizing legislation,
1686 provided that these entities shall not discriminate against any person on the basis of race, color, religion,
1687 national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, or disability in
1688 the procurement of goods and services.

1689 12. The Patrick Hospital Authority sealed in the exercise of any power conferred under the Acts of
1690 Assembly of 2000, provided that it does not discriminate against any person on the basis of race, color,
1691 religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, or
1692 disability in the procurement of goods and services.

1693 13. Public bodies for insurance or electric utility services if purchased through an association of which it
1694 is a member if the association was formed and is maintained for the purpose of promoting the interest and
1695 welfare of and developing close relationships with similar public bodies, provided that such association has
1696 procured the insurance or electric utility services by use of competitive principles and that the public body
1697 has made a determination in advance after reasonable notice to the public and set forth in writing that
1698 competitive sealed bidding and competitive negotiation are not fiscally advantageous to the public. The
1699 writing shall document the basis for this determination.

1700 14. Public bodies administering public assistance and social services programs as defined in § 63.2-100,
1701 community services boards as defined in § 37.2-100, or any public body purchasing services under the
1702 Children's Services Act (§ 2.2-5200 et seq.) or the Virginia Juvenile Community Crime Control Act
1703 (§ 16.1-309.2 et seq.) for goods or personal services for direct use by the recipients of such programs if the
1704 procurement is made for an individual recipient. Contracts for the bulk procurement of goods or services for
1705 the use of recipients shall not be exempted from the requirements of § 2.2-4303.

1706 B. No contract for the construction of any building or for an addition to or improvement of an existing
1707 building by any local government or subdivision of local government for which state funds of not more than
1708 \$50,000 in the aggregate or for the sum of all phases of a contract or project either by appropriation,
1709 grant-in-aid or loan, are used or are to be used for all or part of the cost of construction shall be let except
1710 after competitive sealed bidding or after competitive negotiation as provided under subsection D of
1711 § 2.2-4303 or Chapter 43.1 (§ 2.2-4378 et seq.). The procedure for the advertising for bids or for proposals
1712 and for letting of the contract shall conform, mutatis mutandis, to this chapter.

1713 **§ 3.2-1010. Enforcement of chapter; summons.**

1714 Any conservation police officer or law-enforcement officer as defined in § 9.1-101, excluding certain
1715 members of the Virginia Alcoholic Beverage *and Cannabis* Control Authority, may enforce the provisions of
1716 this chapter and the regulations adopted hereunder as well as those who are so designated by the
1717 Commissioner. Those designated by the Commissioner may issue a summons to any person who violates any
1718 provision of this chapter to appear at a time and place to be specified in such summons.

1719 **§ 3.2-3008. Virginia Spirits Board; purpose; composition and appointment of members; quorum;
1720 meeting.**

1721 A. The Virginia Spirits Board is established within the Department. The purpose of the Board is to foster
1722 the development of the Virginia spirits industry by expanding spirits research, increasing education, and
1723 promoting the production of ingredients necessary for alcohol distillation and the production of spirits in the
1724 Commonwealth.

1725 B. The Board shall consist of 11 members as follows: the Commissioner and the Chief Executive Officer
1726 of the Virginia Alcoholic Beverage *and Cannabis* Control Authority, both of whom shall serve ex officio
1727 without voting privileges, or their designees, and nine voting nonlegislative citizen members to be appointed
1728 by the Governor, three of whom shall be coopers or maltsters and six of whom shall be owners or operators

1729 of a distillery in the Commonwealth. Nonlegislative citizen members shall be citizens of the Commonwealth.
1730 The Governor shall make his appointments upon consideration of the recommendations made by any cooper
1731 or maltster or any owner or operator of a distillery. Each entity or person shall submit two or more
1732 recommendations for each available position at least 90 days before the expiration of the member's term for
1733 which the recommendation is being provided. If such entities or persons fail to provide the nominations at
1734 least 90 days before the expiration date pursuant to this section, the Governor may appoint other nominees
1735 that meet the foregoing criteria.

1736 C. A majority of the members of the Board shall constitute a quorum, but a two-thirds vote of the
1737 members present shall be required for passage of items taken up by the Board. The Board shall meet at least
1738 four times each year. The meetings of the Board shall be held at the call of the chairman or whenever the
1739 majority of the members so request.

1740 **§ 3.2-3906. Board to adopt regulations.**

1741 The Board may adopt regulations pursuant to the Administrative Process Act (§ 2.2-4000 et seq.),
1742 including:

- 1743 1. Licensing of businesses that manufacture, sell, store, recommend for use, mix, or apply pesticides;
- 1744 2. Registration of pesticides for manufacture, distribution, sale, storage, or use;
- 1745 3. Requiring reporting and record keeping related to licensing and registration;
- 1746 4. Establishing training, testing and standards for certification of commercial applicators, registered
1747 technicians, and private applicators;
- 1748 5. Revoking, suspending or denying licenses (business), registration (products), and certification or
1749 certificate (applicators or technicians);
- 1750 6. Requiring licensees and certificate holders to inform the public when using pesticides in and around
1751 structures;
- 1752 7. Establishing a fee structure for licensure, registration and certification to defray the costs of
1753 implementing this chapter;
- 1754 8. Classifying or subclassifying certification or certificates to be issued under this chapter. Such
1755 classifications may include agricultural, forest, ornamental, aquatic, right-of-way or industrial, institutional,
1756 structural or health-related pest control;
- 1757 9. Restricting or prohibiting the sale or use and disposal of any pesticide or pesticide container or residuals
1758 that: (i) undesirably persists in the environment or increases due to biological amplification or unreasonable
1759 adverse effects on the environment; or (ii) because of toxicity or inordinate hazard to man, animal, bird or
1760 plant may be contrary to the public interest; and
- 1761 10. *Establishing criteria for or a list of pesticides that may be used on cannabis cultivated in compliance*
1762 *with Subtitle II (§ 4.1-600 et seq.) of Title 4.1 or Chapter 41.1 (§ 3.2-4112 et seq.) of Title 3.2; and*
- 1763 11. Other regulations necessary or convenient to carry out the purposes of this chapter.

1764 **§ 3.2-4113. Production of industrial hemp lawful.**

1765 A. It is lawful for a grower, his agent, or a federally licensed hemp producer to grow, a handler or his
1766 agent to handle, or a processor or his agent to process industrial hemp in the Commonwealth for any lawful
1767 purpose. No federally licensed hemp producer or grower or his agent shall be prosecuted under ~~Chapter 11~~
1768 ~~(§ 4.1-1100 et seq.) of Title 4.1 or § 18.2-247, Subtitle II of Title 4.1 or § 18.2-248, 18.2-248.01, 18.2-248.1,~~
1769 ~~or 18.2-250 for the possession or growing of industrial hemp or any Cannabis sativa with a~~
1770 ~~tetrahydrocannabinol concentration that does not exceed the total tetrahydrocannabinol concentration~~
1771 ~~percentage established in federal regulations applicable to negligent violations located at 7 C.F.R. §~~
1772 ~~990.6(b)(3). No handler or his agent or processor or his agent shall be prosecuted under Chapter 11~~
1773 ~~(§ 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 or issued a~~
1774 ~~summons or judgment for the possession, handling, or processing of industrial hemp. In any complaint,~~
1775 ~~information, or indictment, and in any action or proceeding brought for the enforcement of any provision of~~
1776 ~~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~~
1777 ~~not be necessary to negate any exception, excuse, proviso, or exemption contained in this article or the Drug~~
1778 ~~Control Act, and the burden of proof of any such exception, excuse, proviso, or exemption shall be on the~~
1779 ~~defendant.~~

1780 B. Nothing in this article shall be construed to authorize any person to violate any federal law or
1781 regulation.

1782 C. No person shall be prosecuted under ~~Chapter 11 (§ 4.1-1100 et seq.) of Title 4.1 or § 18.2-247, Subtitle~~
1783 ~~II of Title 4.1 or § 18.2-248, 18.2-248.01, 18.2-248.1, or 18.2-250 for the involuntary growth of industrial~~
1784 ~~hemp through the inadvertent natural spread of seeds or pollen as a result of proximity to a production field,~~
1785 ~~handler's storage site, or process site.~~

1786 **§ 3.2-4114. Regulations.**

1787 A. The Board may adopt regulations pursuant to this article as necessary to register persons to grow,
1788 handle, or process industrial hemp or implement the provisions of this article.

1789 B. Upon publication by the U.S. Department of Agriculture in the Federal Register of any final rule
1790 regarding industrial hemp that materially expands opportunities for growing, producing, or handling

1791 industrial hemp in the Commonwealth, the Board shall immediately adopt amendments conforming
1792 Department regulations to such federal final rule. Such adoption of regulations by the Board shall be exempt
1793 from the provisions of the Administrative Process Act (§ 2.2-4000 et seq.).

1794 *C. The Board shall adopt regulations (i) establishing acceptable testing practices for a hemp product*
1795 *intended for smoking, (ii) identifying the contaminants for which a hemp product intended for smoking shall*
1796 *be tested, and (iii) establishing the maximum level of allowable contamination for each contaminant.*

1797 *D. The Board shall adopt regulations establishing (i) labeling and packaging requirements for a hemp*
1798 *product intended for smoking and a hemp product that is an industrial hemp extract intended for human*
1799 *consumption and (ii) advertising requirements for a hemp product intended for smoking and a hemp product*
1800 *that is an industrial hemp extract intended for human consumption.*

1801 *E. With the exception of § 2.2-4031, neither the provisions of the Administrative Process Act (§ 2.2-4000*
1802 *et seq.) nor public participation guidelines adopted pursuant thereto shall apply to the regulations adopted*
1803 *pursuant to subsections C or D. Prior to adopting any regulation pursuant to subsections C or D, the Board*
1804 *shall publish a notice of opportunity to comment in the Virginia Register of Regulations and post the action*
1805 *on the Virginia Regulatory Town Hall. Such notice of opportunity to comment shall contain (i) a summary of*
1806 *the proposed regulation; (ii) the text of the proposed regulation; and (iii) the name, address, and telephone*
1807 *number of the agency contact person responsible for receiving public comments. Such notice shall be made at*
1808 *least 60 days in advance of the last date prescribed in such notice for submittals of public comment. The*
1809 *legislative review provisions of subsections A and B of § 2.2-4014 shall apply to the promulgation or final*
1810 *adoption process for regulations adopted pursuant to subsections C or D. The Board shall consider and keep*
1811 *on file all public comments received for any regulation adopted pursuant to subsections C or D.*

1812 **§ 3.2-4114.2. Authority of Commissioner; notice to law enforcement; report.**

1813 A. The Commissioner may charge a nonrefundable fee not to exceed \$250 for any application for
1814 registration *or license* or renewal of registration *or license* allowed under this article. The Commissioner may
1815 charge a nonrefundable fee for the tetrahydrocannabinol testing allowed under this article. All fees collected
1816 by the Commissioner shall be deposited in the state treasury.

1817 B. The Commissioner shall adopt regulations establishing a fee structure for a registration issued pursuant
1818 to § 3.2-4115. With the exception of § 2.2-4031, no provision of the Administrative Process Act (§ 2.2-4000
1819 et seq.) or public participation guideline adopted pursuant thereto shall apply to the adoption of any
1820 regulation pursuant to this subsection. However, prior to adopting any regulation pursuant to this subsection,
1821 the Commissioner shall review the recommendation of an advisory panel that shall consider the economic
1822 impact of any proposed fee amount on the Commonwealth's industrial hemp industry. The advisory panel
1823 shall, at a minimum, include (i) an agribusiness representative or organization, (ii) a farming representative or
1824 organization, and (iii) a hemp industry representative or organization. Prior to adopting any regulation
1825 pursuant to this subsection, the Commissioner shall publish a notice of opportunity to comment in the
1826 Virginia Register of Regulations and post the action on the Virginia Regulatory Town Hall. Such notice shall
1827 contain (a) a summary of the proposed regulation; (b) the text of the proposed regulation; and (c) the name,
1828 address, and telephone number of the agency contact person responsible for receiving public comments. Such
1829 notice shall be made at least 60 days in advance of the last date prescribed in such notice of submittals of
1830 public comment. The legislative review provisions of subsections A and B of § 2.2-4014 shall apply to the
1831 promulgation or final adoption process of regulations pursuant to this subsection. The Commissioner shall
1832 consider and keep on file all public comments received for any regulation adopted pursuant to this subsection.

1833 C. The Commissioner may establish an application period for a registration or renewal of registration
1834 allowed under this article.

1835 D. The Commissioner shall notify the Superintendent of State Police of each registration issued by the
1836 Commissioner under this article and each license submitted to the Commissioner by a federally licensed
1837 hemp producer.

1838 E. The Commissioner shall forward a copy or appropriate electronic record of each registration issued by
1839 the Commissioner under this article and each license submitted to the Commissioner by a federally licensed
1840 hemp producer to the chief law-enforcement officer of the county or city where industrial hemp will be
1841 grown, handled, or processed.

1842 F. The Commissioner may monitor the industrial hemp grown, handled, or processed by a person
1843 registered pursuant to § 3.2-4115 and provide for random sampling and testing of the industrial hemp in
1844 accordance with any criteria established by the Commissioner and at the cost of the grower, handler, or
1845 processor, for compliance with tetrahydrocannabinol limits and for other appropriate purposes established
1846 pursuant to § 3.2-4114. In addition to any routine inspection and sampling, the Commissioner may inspect
1847 and sample the industrial hemp at any production field, handler's storage site, or process site during normal
1848 business hours without advance notice if he has reason to believe a violation of this article is occurring or has
1849 occurred.

1850 G. The Commissioner may require a grower, handler, or processor to destroy, at the cost of the grower,
1851 handler, or processor and in a manner approved of and verified by the Commissioner, any Cannabis sativa
1852 that the grower grows, the handler handles, or the processor processes that has been tested and is found to

1853 have a concentration of tetrahydrocannabinol that is greater than that allowed by federal law, or any Cannabis
1854 sativa product that the processor produces.

1855 H. Notwithstanding the provisions of subsection G, if the provisions of subdivisions 1 and 2 are included
1856 in a plan that (i) is submitted by the Department pursuant to § 10113 of the federal Agriculture Improvement
1857 Act of 2018, P.L. 115-334, (ii) requires the Department to monitor and regulate the production of industrial
1858 hemp in the Commonwealth, and (iii) is approved by the U.S. Secretary of Agriculture:

1859 1. The Commissioner may require a grower, handler, or processor to destroy, at the cost of the grower,
1860 handler, or processor and in a manner approved of and verified by the Commissioner, any Cannabis sativa
1861 that the grower grows, the handler handles, or the processor processes that has been tested and is found to
1862 have a concentration of tetrahydrocannabinol that is greater than 0.6 percent.

1863 2. If such a test of Cannabis sativa indicates a concentration of tetrahydrocannabinol that is greater than
1864 0.6 percent but less than one percent, the Commissioner shall allow the grower, handler, or processor to
1865 request that the Cannabis sativa be sampled and tested again before he requires its destruction.

1866 I. The Commissioner shall advise the Superintendent of State Police or the chief law-enforcement officer
1867 of the appropriate county or city when, with a culpable mental state greater than negligence, a grower grows,
1868 a handler handles, or a processor processes any Cannabis sativa with a concentration of tetrahydrocannabinol
1869 that is greater than that allowed by federal law or a processor produces a Cannabis sativa product.

1870 J. The Commissioner may pursue any permits or waivers from the U.S. Drug Enforcement Administration
1871 or appropriate federal agency that he determines to be necessary for the advancement of the industrial hemp
1872 industry.

1873 K. The Commissioner may establish a corrective action plan to address a negligent violation of any
1874 provision of this article.

1875 **§ 3.2-4116. Registration conditions.**

1876 A. A person who is not a federally licensed hemp producer shall obtain a registration pursuant to
1877 subsection A of § 3.2-4115 prior to growing, handling, or processing any industrial hemp in the
1878 Commonwealth.

1879 B. A person issued a registration pursuant to subsection A of § 3.2-4115 shall:

1880 1. Maintain records that reflect compliance with this article;

1881 2. Retain all industrial hemp growing, handling, or processing records for at least three years;

1882 3. Allow his production field, handler's storage site, or process site to be inspected by and at the discretion
1883 of the Commissioner or his designee, the Department of State Police, or the chief law-enforcement officer of
1884 the locality in which the production field, or handler's storage site, or process site exists;

1885 4. Allow the Commissioner or his designee to monitor and test the grower's, handler's, or processor's
1886 industrial hemp for compliance with tetrahydrocannabinol levels and for other appropriate purposes
1887 established pursuant to § 3.2-4114, at the cost of the grower, handler, or processor; and

1888 5. If required by the Commissioner, destroy, at the cost of the grower, handler, or processor and in a
1889 manner approved of and verified by the Commissioner, any Cannabis sativa that the grower grows, the
1890 handler handles, or the processor processes that has been tested and, following any re-sampling and retesting
1891 as authorized pursuant to the provisions of § 3.2-4114.2, is found to have a concentration of
1892 tetrahydrocannabinol that is greater than that allowed by federal law, or any Cannabis sativa product that the
1893 processor produces.

1894 C. A processor shall not sell industrial hemp or a substance containing an industrial hemp extract, as
1895 defined in § 3.2-5145.1, to a person if the processor knows or has reason to know that such person will use
1896 the industrial hemp or substance containing an industrial hemp extract in a substance that (i) contains a total
1897 tetrahydrocannabinol concentration that is greater than 0.3 percent or (ii) contains more than two milligrams
1898 of total tetrahydrocannabinol per package and does not contain an amount of cannabidiol that is at least 25
1899 times greater than the amount of total tetrahydrocannabinol per package.

1900 D. A processor that processes a hemp product intended for smoking shall make available the results of the
1901 testing conducted in accordance with § 3.2-4122 to each retail establishment that offers for sale the
1902 processor's hemp product intended for smoking.

1903 *Article 6.*

1904 *Edible Marijuana Products.*

1905 **§ 3.2-5145.6. Definitions.**

1906 *As used in this article, unless the context requires a different meaning:*

1907 *"Edible marijuana product" means the same as that term is defined in § 4.1-600.*

1908 *"Food" means any article that is intended for human consumption and introduction into commerce,*
1909 *whether the article is simple, mixed, or compound, and all substances or ingredients used in the preparation*
1910 *thereof. "Food" does not mean drug as defined in § 54.1-3401.*

1911 **§ 3.2-5145.7. Edible marijuana products; approved food; adulterated food.**

1912 A. *An edible marijuana product is a food and is subject to the requirements of this chapter and*
1913 *regulations adopted pursuant to this chapter.*

1914 B. *An edible marijuana product that does not comply with the provisions of § 4.1-689 or health and safety*

1915 regulations adopted pursuant thereto shall be deemed to be adulterated.

1916 **§ 3.2-5145.8. Manufacturer of edible marijuana products.**

1917 A manufacturer of an edible marijuana product shall be an approved source if the manufacturer operates:

1918 1. Under inspection by the Commissioner in the location in which such manufacturing occurs; and

1919 2. In compliance with the laws, regulations, or criteria that pertain to the manufacturer of edible
1920 marijuana products in the location in which such manufacturing occurs.

1921 **§ 3.2-5145.9. Regulations.**

1922 A. The Board is authorized to adopt regulations for the efficient enforcement of this article.

1923 B. With the exception of § 2.2-4031, neither the provisions of the Administrative Process Act (§ 2.2-4000
1924 et seq.) nor public participation guidelines adopted pursuant thereto shall apply to the adoption of any
1925 regulation pursuant to this section. Prior to adopting any regulation pursuant to this section, the Board shall
1926 publish a notice of opportunity to comment in the Virginia Register of Regulations and post the action on the
1927 Virginia Regulatory Town Hall. Such notice of opportunity to comment shall contain (i) a summary of the
1928 proposed regulation; (ii) the text of the proposed regulation; and (iii) the name, address, and telephone
1929 number of the agency contact person responsible for receiving public comments. Such notice shall be made at
1930 least 60 days in advance of the last date prescribed in such notice for submittals of public comment. The
1931 legislative review provisions of subsections A and B of § 2.2-4014 shall apply to the promulgation or final
1932 adoption process for regulations adopted pursuant to this section. The Board shall consider and keep on file
1933 all public comments received for any regulation adopted pursuant to this section.

1934 TITLE 4.1 ALCOHOL BEVERAGE AND CANNABIS CONTROL ACT.

1935 **§ 4.1-100. Definitions.**

1936 As used in this subtitle unless the context requires a different meaning:

1937 "Alcohol" means the product known as ethyl or grain alcohol obtained by distillation of any fermented
1938 liquor, rectified either once or more often, whatever the origin, and shall include synthetic ethyl alcohol, but
1939 shall not include methyl alcohol and alcohol completely denatured in accordance with formulas approved by
1940 the government of the United States.

1941 "Alcohol vaporizing device" means any device, machine, or process that mixes any alcoholic beverages
1942 with pure oxygen or other gas to produce a vaporized product for the purpose of consumption by inhalation.

1943 "Alcoholic beverages" includes alcohol, spirits, wine, and beer, and any one or more of such varieties
1944 containing one-half of one percent or more of alcohol by volume, including mixed alcoholic beverages, and
1945 every liquid or solid, powder or crystal, patented or not, containing alcohol, spirits, wine, or beer and capable
1946 of being consumed by a human being. Any liquid or solid containing more than one of the four varieties shall
1947 be considered as belonging to that variety which has the higher percentage of alcohol, however obtained,
1948 according to the order in which they are set forth in this definition; except that beer may be manufactured to
1949 include flavoring materials and other nonbeverage ingredients containing alcohol, as long as no more than 49
1950 percent of the overall alcohol content of the finished product is derived from the addition of flavors and other
1951 nonbeverage ingredients containing alcohol for products with an alcohol content of no more than six percent
1952 by volume; or, in the case of products with an alcohol content of more than six percent by volume, as long as
1953 no more than one and one-half percent of the volume of the finished product consists of alcohol derived from
1954 added flavors and other nonbeverage ingredients containing alcohol.

1955 "Arts venue" means a commercial or nonprofit establishment that is open to the public and in which
1956 works of art are sold or displayed.

1957 "Authority" means the Virginia Alcoholic Beverage and Cannabis Control Authority created pursuant to
1958 this subtitle.

1959 "Barrel" means any container or vessel having a capacity of more than 43 ounces.

1960 "Bed and breakfast establishment" means any establishment (i) having no more than 15 bedrooms; (ii)
1961 offering to the public, for compensation, transitory lodging or sleeping accommodations; and (iii) offering at
1962 least one meal per day, which may but need not be breakfast, to each person to whom overnight lodging is
1963 provided. For purposes of the licensing requirements of this subtitle, "bed and breakfast establishment"
1964 includes any property offered to the public for short-term rental, as that term is defined in § 15.2-983, other
1965 than a hotel as defined in this section, regardless of whether a meal is offered to each person to whom
1966 overnight lodging is provided.

1967 "Beer" means any alcoholic beverage obtained by the fermentation of an infusion or decoction of barley,
1968 malt, and hops or of any similar products in drinkable water and containing one-half of one percent or more
1969 of alcohol by volume.

1970 "Board" means the Board of Directors of the Virginia Alcoholic Beverage Control Authority.

1971 "Bottle" means any vessel intended to contain liquids and having a capacity of not more than 43 ounces.

1972 "Bus" means a motor vehicle that (i) is operated by a common carrier licensed under Chapter 20
1973 (§ 46.2-2000 et seq.) of Title 46.2 to transport passengers for compensation over the highways of the
1974 Commonwealth on regular or irregular routes of not less than 100 miles, (ii) seats no more than 24
1975 passengers, (iii) is 40 feet in length or longer, (iv) offers wireless Internet services, (v) is equipped with
1976 charging stations at every seat for cellular phones or other portable devices, and (vi) during the transportation

1977 of passengers, is staffed by an attendant who has satisfied all training requirements set forth in this subtitle or
1978 Board regulation.

1979 "Club" means any private nonprofit corporation or association which is the owner, lessee, or occupant of
1980 an establishment operated solely for a national, social, patriotic, political, athletic, or other like purpose, but
1981 not for pecuniary gain, the advantages of which belong to all of the members. It also means the establishment
1982 so operated. A corporation or association shall not lose its status as a club because of the conduct of
1983 charitable gaming conducted pursuant to Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2 in
1984 which nonmembers participate frequently or in large numbers, provided that no alcoholic beverages are
1985 served or consumed in the room where such charitable gaming is being conducted while such gaming is being
1986 conducted and that no alcoholic beverages are made available upon the premises to any person who is neither
1987 a member nor a bona fide guest of a member.

1988 Any such corporation or association which has been declared exempt from federal and state income taxes
1989 as one which is not organized and operated for pecuniary gain or profit shall be deemed a nonprofit
1990 corporation or association.

1991 "Commercial lifestyle center" means a mixed-use commercial development covering a minimum of 10
1992 acres of land and having at least 100,000 square feet of retail space featuring national specialty chain stores
1993 and a combination of dining, entertainment, office, residential, or hotel establishments located in a physically
1994 integrated outdoor setting that is pedestrian friendly and that is governed by a commercial owners' association
1995 that is responsible for the management, maintenance, and operation of the common areas thereof.

1996 "Container" means any barrel, bottle, carton, keg, vessel, or other receptacle used for holding alcoholic
1997 beverages.

1998 "Contract winemaking facility" means the premises of a licensed winery or farm winery that obtains
1999 grapes, fruits, and other agricultural products from a person holding a winery or farm winery license and
2000 crushes, processes, ferments, bottles, or provides any combination of such services pursuant to an agreement
2001 with the winery or farm winery licensee. For all purposes of this subtitle, wine produced by a contract
2002 winemaking facility for a winery or farm winery shall be considered to be wine owned and produced by the
2003 winery or farm winery that supplied the grapes, fruits, or other agricultural products used in the production of
2004 the wine. The contract winemaking facility shall have no right to sell the wine so produced, unless the terms
2005 of payment have not been fulfilled in accordance with the contract. The contract winemaking facility may
2006 charge the winery or farm winery for its services. A winery licensee may utilize contract winemaking
2007 services only for the manufacture or processing of wine of which no less than 90 percent of the grapes, fruits,
2008 and other agricultural products used to make such wine are grown in the Commonwealth.

2009 "Convenience grocery store" means an establishment that (i) has an enclosed room in a permanent
2010 structure where stock is displayed and offered for sale and (ii) maintains an inventory of edible items
2011 intended for human consumption consisting of a variety of such items of the types normally sold in grocery
2012 stores.

2013 "Culinary lodging resort" means a facility (i) having not less than 13 overnight guest rooms in a building
2014 that has at least 20,000 square feet of indoor floor space; (ii) located on a farm in the Commonwealth with at
2015 least 1,000 acres of land zoned agricultural; (iii) equipped with a full-service kitchen; and (iv) offering to the
2016 public, for compensation, at least one meal per day, lodging, and recreational and educational activities
2017 related to farming, livestock, and other rural activities.

2018 "Delicatessen" means an establishment that sells a variety of prepared foods or foods requiring little
2019 preparation, such as cheeses, salads, cooked meats, and related condiments.

2020 "Designated area" means a room or area approved by the Board for on-premises licensees.

2021 "Dining area" means a public room or area in which meals are regularly served.

2022 "Drugstore" means an establishment that sells medicines prepared by a licensed pharmacist pursuant to a
2023 prescription and other medicines and items for home and general use.

2024 "Establishment" means, *except for purposes of Subtitle II*, any place where alcoholic beverages of one or
2025 more varieties are lawfully manufactured, sold, or used.

2026 "Farm winery" means (i) an establishment or cooperative located in the Commonwealth on land zoned
2027 agricultural that has (a) a vineyard, orchard, or similar growing area that produces fruits or other agricultural
2028 products used to manufacture the wine of such farm winery, subject to the requirements set forth in § 4.1-219,
2029 and (b) facilities for fermenting and bottling wine on the premises where such farm winery manufactures
2030 wine that contains not more than 21 percent alcohol by volume or (ii) an accredited public or private
2031 institution of higher education, provided that (a) no wine manufactured by the institution shall be sold, (b) the
2032 wine manufactured by the institution shall be used solely for research and educational purposes, (c) the wine
2033 manufactured by the institution shall be stored on the premises of such farm winery that shall be separate and
2034 apart from all other facilities of the institution, and (d) such farm winery is operated in strict conformance
2035 with the requirements of this clause (ii) and Board regulations. As used in this definition, the term
2036 "cooperative" means a cooperative formed by an association of individuals for the purpose of manufacturing
2037 wine. In determining whether a cooperative licensed as a farm winery has met the requirements set forth in
2038 clause (i), the Board shall consider all land in the Commonwealth that is owned or leased by a member of the

2039 cooperative. For purposes of this definition, "land zoned agricultural" means (1) land zoned as an agricultural
2040 district or classification or (2) land otherwise permitted by a locality for farm winery use. For purposes of this
2041 definition, "land zoned agricultural" does not include land zoned "residential conservation." Except for the
2042 limitation on land zoned "residential conservation," nothing in the definition of "land zoned agricultural" shall
2043 otherwise limit or affect local zoning authority.

2044 "Gift shop" means any bona fide retail store selling, predominantly, gifts, books, souvenirs, specialty
2045 items relating to history, original and handmade arts and products, collectibles, crafts, and floral
2046 arrangements, which is open to the public on a regular basis. Such shop shall be a permanent structure where
2047 stock is displayed and offered for sale and which has facilities to properly secure any stock of wine or beer.
2048 Such shop may be located (i) on the premises or grounds of a government registered national, state or local
2049 historic building or site or (ii) within the premises of a museum. The Board shall consider the purpose,
2050 characteristics, nature, and operation of the shop in determining whether it shall be considered a gift shop.

2051 "Gourmet brewing shop" means an establishment which sells to persons to whom wine or beer may
2052 lawfully be sold, ingredients for making wine or brewing beer, including packaging, and rents to such persons
2053 facilities for manufacturing, fermenting and bottling such wine or beer.

2054 "Gourmet oyster house" means an establishment that (i) is located on the premises of a commercial
2055 marina, (ii) is permitted by the Department of Health to serve oysters and other fresh seafood for
2056 consumption on the premises, and (iii) offers to the public events for the purpose of featuring and educating
2057 the consuming public about local oysters and other seafood products.

2058 "Gourmet shop" means an establishment provided with adequate inventory, shelving, and storage
2059 facilities, where, in consideration of payment, substantial amounts of domestic and imported wines and beers
2060 of various types and sizes and related products such as cheeses and gourmet foods are habitually furnished to
2061 persons.

2062 "Government store" means a store established by the Authority for the sale of alcoholic beverages.

2063 "Grocery store" means an establishment that sells food and other items intended for human consumption,
2064 including a variety of ingredients commonly used in the preparation of meals.

2065 "Historic cinema house" means a nonprofit establishment exempt from taxation under § 501(c)(3) of the
2066 Internal Revenue Code that was built prior to 1970 and that exists for the primary purpose of showing motion
2067 pictures to the public.

2068 "Hotel" means any duly licensed establishment, provided with special space and accommodation, where,
2069 in consideration of payment, food and lodging are habitually furnished to persons, and which has four or
2070 more bedrooms. It shall also mean the person who operates such hotel.

2071 "Interdicted person" means a person to whom the sale of alcoholic beverages is prohibited by order
2072 pursuant to this subtitle.

2073 "Internet wine and beer retailer" means a person who owns or operates an establishment with adequate
2074 inventory, shelving, and storage facilities, where, in consideration of payment, Internet or telephone orders
2075 are taken and shipped directly to consumers and which establishment is not a retail store open to the public.

2076 "Intoxicated" means a condition in which a person has drunk enough alcoholic beverages to observably
2077 affect his manner, disposition, speech, muscular movement, general appearance, or behavior.

2078 "Licensed" means the holding of a valid license granted by the Authority. *For purposes of Subtitle II,*
2079 *"licensed" means the holding of a valid license granted by the Authority pursuant to that subtitle.*

2080 "Licensee" means any person to whom a license has been granted by the Authority. *For purposes of*
2081 *Subtitle II, "licensee" means any person to whom a license has been granted by the Authority pursuant to that*
2082 *subtitle.*

2083 "Liqueur" means any of a class of highly flavored alcoholic beverages that do not exceed an alcohol
2084 content of 25 percent by volume.

2085 "Low alcohol beverage cooler" means a drink containing one-half of one percent or more of alcohol by
2086 volume, but not more than seven and one-half percent alcohol by volume, and consisting of spirits mixed
2087 with nonalcoholic beverages or flavoring or coloring materials; it may also contain water, fruit juices, fruit
2088 adjuncts, sugar, carbon dioxide, preservatives or other similar products manufactured by fermenting fruit or
2089 fruit juices. Low alcohol beverage coolers shall be treated as wine for all purposes of this subtitle, except that
2090 low alcohol beverage coolers may be manufactured by a licensed distiller or a distiller located outside the
2091 Commonwealth.

2092 "*Marijuana*" means any part of a plant of the genus *Cannabis*, whether growing or not, its seeds or resin;
2093 and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, its resin,
2094 or any extract containing one or more cannabinoids. "*Marijuana*" does not include (i) the mature stalks of
2095 such plant, fiber produced from such stalk, or oil or cake made from the seed of such plant, unless such
2096 stalks, fiber, oil, or cake is combined with other parts of plants of the genus *Cannabis*; (ii) industrial hemp, as
2097 defined in § 3.2-4112, that is possessed by a person registered pursuant to subsection A of § 3.2-4115 or his
2098 agent; (iii) industrial hemp, as defined in § 3.2-4112, that is possessed by a person who holds a hemp
2099 producer license issued by the U.S. Department of Agriculture pursuant to 7 C.F.R. Part 990; (iv) a hemp
2100 product, as defined in § 3.2-4112; (v) an industrial hemp extract, as defined in § 3.2-5145.1; or (vi) any

2101 *substance containing a tetrahydrocannabinol isomer, ester, ether, salt, or salts of such isomer, ester, or ether*
 2102 *that has been placed by the Board of Pharmacy into one of the schedules set forth in the Drug Control Act*
 2103 *(§ 54.1-3400 et seq.) pursuant to § 54.1-3443.*

2104 "Marina store" means an establishment that is located on the same premises as a marina, is operated by
 2105 the owner of such marina, and sells food and nautical and fishing supplies.

2106 "Meals" means, for a mixed beverage license, an assortment of foods commonly ordered in bona fide,
 2107 full-service restaurants as principal meals of the day. Such restaurants shall include establishments
 2108 specializing in full course meals with a single substantial entree.

2109 "Member of a club" means (i) a person who maintains his membership in the club by the payment of
 2110 monthly, quarterly, or annual dues in the manner established by the rules and regulations thereof or (ii) a
 2111 person who is a member of a bona fide auxiliary, local chapter, or squadron composed of direct lineal
 2112 descendants of a bona fide member, whether alive or deceased, of a national or international organization to
 2113 which an individual lodge holding a club license is an authorized member in the same locality. It shall also
 2114 mean a lifetime member whose financial contribution is not less than 10 times the annual dues of resident
 2115 members of the club, the full amount of such contribution being paid in advance in a lump sum.

2116 "Mixed beverage" or "mixed alcoholic beverage" means a drink composed in whole or in part of spirits.

2117 "Mixer" means any prepackaged ingredients containing beverages or flavoring or coloring materials, and
 2118 which may also contain water, fruit juices, fruit adjuncts, sugar, carbon dioxide, or preservatives which are
 2119 not commonly consumed unless combined with alcoholic beverages, whether or not such ingredients contain
 2120 alcohol. Such specialty beverage product shall be manufactured or distributed by a Virginia corporation.

2121 "Municipal golf course" means any golf course that is owned by any town incorporated in 1849 and which
 2122 is the county seat of Smyth County.

2123 "Performing arts facility" means an indoor or outdoor amphitheater, arena, multipurpose theater, or
 2124 similar facility at which live musical, dance, theatre, or similar performances, the types of which are
 2125 approved by the Authority, are performed, provided that the facility has stationary stadium or similar seating
 2126 for more than 500 persons.

2127 "Place or premises" means, *except for purposes of Subtitle II*, the real estate, together with any buildings
 2128 or other improvements thereon, designated in the application for a license as the place at which the
 2129 manufacture, bottling, distribution, use or sale of alcoholic beverages shall be performed, except that portion
 2130 of any such building or other improvement actually and exclusively used as a private residence.

2131 "Principal stockholder" means any person who individually or in concert with his spouse and immediate
 2132 family members beneficially owns or controls, directly or indirectly, five percent or more of the equity
 2133 ownership of any person that is a licensee of the Authority, or who in concert with his spouse and immediate
 2134 family members has the power to vote or cause the vote of five percent or more of any such equity
 2135 ownership. "Principal stockholder" does not include a broker-dealer registered under the Securities Exchange
 2136 Act of 1934, as amended, that holds in inventory shares for sale on the financial markets for a publicly traded
 2137 corporation holding, directly or indirectly, a license from the Authority.

2138 "Public place" means any place, building, or conveyance to which the public has, or is permitted to have,
 2139 access, including restaurants, soda fountains, hotel dining areas, lobbies and corridors of hotels, and any park,
 2140 place of public resort or amusement, highway, street, lane, or sidewalk adjoining any highway, street, or lane.

2141 "Public place" does not include (i) hotel or restaurant dining areas or ballrooms while in use for private
 2142 meetings or private parties limited in attendance to members and guests of a particular group, association or
 2143 organization; (ii) restaurants licensed by the Authority in office buildings or industrial or similar facilities
 2144 while such restaurant is closed to the public and in use for private meetings or parties limited in attendance to
 2145 employees and nonpaying guests of the owner or a lessee of all or part of such building or facility; (iii)
 2146 offices, office buildings or industrial facilities while closed to the public and in use for private meetings or
 2147 parties limited in attendance to employees and nonpaying guests of the owner or a lessee of all or part of such
 2148 building or facility; or (iv) private recreational or chartered boats which are not licensed by the Board and on
 2149 which alcoholic beverages are not sold.

2150 "Residence" means any building or part of a building or structure where a person resides, but does not
 2151 include any part of a building that is not actually and exclusively used as a private residence, nor any part of a
 2152 hotel or club other than a private guest room thereof.

2153 "Resort complex" means a facility (i) with a hotel owning year-round sports and recreational facilities
 2154 located contiguously on the same property; (ii) owned by a nonstock, nonprofit, taxable corporation with
 2155 voluntary membership which, as its primary function, makes available golf, ski, and other recreational
 2156 facilities both to its members and to the general public; or (iii) operated by a corporation that operates as a
 2157 management company which, as its primary function, makes available (a) vacation accommodations, guest
 2158 rooms, or dwelling units and (b) golf, ski, and other recreational facilities to members of the managed entities
 2159 and the general public. The hotel or corporation shall have or manage a minimum of 140 private guest rooms
 2160 or dwelling units contained on not less than 50 acres, whether or not contiguous to the licensed premises; if
 2161 the guest rooms or dwelling units are located on property that is not contiguous to the licensed premises, such

2162 guest rooms and dwelling units shall be located within the same locality. The Authority may consider the
 2163 purpose, characteristics, and operation of the applicant establishment in determining whether it shall be
 2164 considered as a resort complex. All other pertinent qualifications established by the Board for a hotel
 2165 operation shall be observed by such licensee.

2166 "Restaurant" means, for a wine and beer license or a limited mixed beverage restaurant license, any
 2167 establishment provided with special space and accommodation, where, in consideration of payment, meals or
 2168 other foods prepared on the premises are regularly sold.

2169 "Restaurant" means, for a mixed beverage license other than a limited mixed beverage restaurant license,
 2170 an established place of business (i) where meals with substantial entrees are regularly sold and (ii) which has
 2171 adequate facilities and sufficient employees for cooking, preparing, and serving such meals for consumption
 2172 at tables in dining areas on the premises, and includes establishments specializing in full course meals with a
 2173 single substantial entree.

2174 "*Retail marijuana*" means marijuana that is cultivated, manufactured, or sold by a licensed marijuana
 2175 establishment.

2176 "*Retail marijuana products*" means marijuana products that are manufactured and sold by a licensed
 2177 marijuana establishment.

2178 "Sale" and "sell" includes soliciting or receiving an order for; keeping, offering or exposing for sale;
 2179 peddling, exchanging or bartering; or delivering otherwise than gratuitously, by any means, (i) alcoholic
 2180 beverages or (ii) for purposes of Subtitle II, marijuana.

2181 "Sangria" means a drink consisting of red or white wine mixed with some combination of sweeteners,
 2182 fruit, fruit juice, soda, or soda water that may also be mixed with brandy, triple sec, or other similar spirits.

2183 "Special agent" means an employee of the Virginia Alcoholic Beverage and Cannabis Control Authority
 2184 whom the Board has designated as a law-enforcement officer pursuant to § 4.1-105.

2185 "Special event" means an event sponsored by a duly organized nonprofit corporation or association and
 2186 conducted for an athletic, charitable, civic, educational, political, or religious purpose.

2187 "Spirits" means any beverage that contains alcohol obtained by distillation mixed with drinkable water
 2188 and other substances, in solution, and includes, among other things, brandy, rum, whiskey, and gin, or any
 2189 one or more of the last four named ingredients, but shall not include any such liquors completely denatured in
 2190 accordance with formulas approved by the United States government.

2191 "Sports facility" means a coliseum, stadium, racetrack, or similar facility at which professional sports, as
 2192 defined in § 58.1-4030, or similar events, the types of which are approved by the Authority, are conducted.

2193 "Wine" means any alcoholic beverage, including cider, obtained by the fermentation of the natural sugar
 2194 content of fruits or other agricultural products containing (i) sugar, including honey and milk, either with or
 2195 without additional sugar; (ii) one-half of one percent or more of alcohol by volume; and (iii) no product of
 2196 distillation. "Wine" includes any wine to which wine spirits have been added, as provided in the Internal
 2197 Revenue Code, to make products commonly known as "fortified wine" which do not exceed an alcohol
 2198 content of 21 percent by volume.

2199 "Wine cooler" means a drink containing one-half of one percent or more of alcohol by volume, and not
 2200 more than three and two-tenths percent of alcohol by weight or four percent by volume consisting of wine
 2201 mixed with nonalcoholic beverages or flavoring or coloring materials, and which may also contain water,
 2202 fruit juices, fruit adjuncts, sugar, carbon dioxide, or preservatives and shall include other similar products
 2203 manufactured by fermenting fruit or fruit juices. Wine coolers and similar fermented fruit juice beverages
 2204 shall be treated as wine for all purposes except for taxation under § 4.1-236.

2205 "With or without meals" means the selling and serving of alcoholic beverages by retail licensees for
 2206 on-premises consumption whether or not accompanied by food so long as the total food-beverage ratio
 2207 required by § 4.1-206.3, or the monthly food sale requirement established by Board regulation, is met by such
 2208 retail licensee.

2209 **§ 4.1-101. Virginia Alcoholic Beverage and Cannabis Control Authority created; public purpose.**

2210 A. The General Assembly has determined that there exists in the Commonwealth a need to control the
 2211 possession, sale, transportation, distribution, and delivery of alcoholic beverages, *retail marijuana*, and *retail*
 2212 *marijuana products* in the Commonwealth. Further, the General Assembly determines that the creation of an
 2213 authority for this purpose is in the public interest, serves a public purpose, and will promote the health, safety,
 2214 welfare, convenience, and prosperity of the people of the Commonwealth. To achieve this objective, there is
 2215 hereby created an independent political subdivision of the Commonwealth, exclusive of the legislative,
 2216 executive, or judicial branches of state government, to be known as the Virginia Alcoholic Beverage and
 2217 *Cannabis* Control Authority. The Authority's exercise of powers and duties conferred by this subtitle shall be
 2218 deemed the performance of an essential governmental function and a matter of public necessity for which
 2219 public moneys may be spent. The Board of Directors of the Authority is vested with control of the
 2220 possession, sale, transportation, distribution, and delivery of alcoholic beverages, *retail marijuana* and *retail*
 2221 *marijuana products* in the Commonwealth, with plenary power to prescribe and enforce regulations and
 2222 conditions under which alcoholic beverages, *retail marijuana*, and *retail marijuana products* are possessed,
 2223 sold, transported, distributed, and delivered, so as to prevent any corrupt, incompetent, dishonest, or

2224 unprincipled practices and to promote the health, safety, welfare, convenience, and prosperity of the people of
 2225 the Commonwealth. The exercise of the powers granted by this subtitle shall be in all respects for the benefit
 2226 of the citizens of the Commonwealth and for the promotion of their safety, health, welfare, and convenience.
 2227 No part of the assets or net earnings of the Authority shall inure to the benefit of, or be distributable to, any
 2228 private individual, except that reasonable compensation may be paid for services rendered to or for the
 2229 Authority affecting one or more of its purposes, and benefits may be conferred that are in conformity with
 2230 said purposes, and no private individual shall be entitled to share in the distribution of any of the corporate
 2231 assets on dissolution of the Authority.

2232 B. The Virginia Alcoholic Beverage *and Cannabis* Control Authority shall consist of the Virginia
 2233 Alcoholic Beverage *and Cannabis* Control Board of Directors, the Chief Executive Officer, and the agents
 2234 and employees of the Authority. The Virginia Alcoholic Beverage Control Authority shall be deemed
 2235 successor in interest to the *Virginia Alcoholic Beverage Control Authority, the Department of Alcoholic*
 2236 *Beverage Control, and the Alcoholic Beverage Control Board.*

2237 C. Nothing contained in this subtitle shall be construed as a restriction or limitation upon any powers that
 2238 the Board of Directors of the Authority might otherwise have under any other law of the Commonwealth.

2239 **§ 4.1-116. Disposition of moneys collected by Board; creation of Enterprise Fund; reserve fund.**

2240 A. All moneys collected by the Board shall be paid directly and promptly into the state treasury, or shall
 2241 be deposited to the credit of the State Treasurer in a state depository, without any deductions on account of
 2242 salaries, fees, costs, charges, expenses, refunds or claims of any description whatever, as required by
 2243 § 2.2-1802.

2244 All moneys so paid into the state treasury, less the net profits determined pursuant to subsection C, shall
 2245 be set aside as and constitute an Enterprise Fund, subject to appropriation, for the payment of (i) the salaries
 2246 and remuneration of the members, agents, and employees of the Board and (ii) all costs and expenses
 2247 incurred in establishing and maintaining government stores and in the administration of the provisions of this
 2248 subtitle, including the purchasing, building, leasing and operation of distilleries and the manufacture of
 2249 alcoholic beverages.

2250 B. The net profits derived under the provisions of this subtitle shall be transferred by the Comptroller to
 2251 the general fund of the state treasury quarterly, within fifty days after the close of each quarter or as otherwise
 2252 provided in the appropriation act. As allowed by the Governor, the Board may deduct from the net profits
 2253 quarterly a sum for the creation of a reserve fund not exceeding the sum of \$2.5 million in connection with
 2254 the administration of this subtitle and to provide for the depreciation on the buildings, plants and equipment
 2255 owned, held or operated by the Board. *After accounting for the Authority's expenses as provided in subsection*
 2256 *A, net profits derived under the provisions of Subtitle II (§ 4.1-600 et seq.) shall be appropriated as provided*
 2257 *in § 4.1-607.*

2258 C. ~~The term "net profits"~~ *As used in this section, "net profits" means the total of all moneys collected*
 2259 *by the Board, less local marijuana tax revenues collected pursuant to § 4.1-6XXX and distributed pursuant to*
 2260 *§ 4.1-609 and all costs, expenses and charges authorized by this section.*

2261 **§ 4.1-121. Referendum on establishment of government stores.**

2262 A. The qualified voters of any county, city, or town having a population of 1,000 or more may file a
 2263 petition with the circuit court of the county or city, or of the county wherein the town or the greater part
 2264 thereof is situated, asking that a referendum be held on the question of whether the sale by the Virginia
 2265 Alcoholic Beverage *and Cannabis* Control Authority of alcoholic beverages, other than beer and wine not
 2266 produced by farm wineries, should be prohibited within that jurisdiction. The petition shall be signed by
 2267 qualified voters equal in number to at least 10 percent of the number registered in the jurisdiction on January
 2268 1 preceding its filing or by at least 100 qualified voters, whichever is greater. Upon the filing of a petition, the
 2269 court shall order the election officials of the county, city, or town, on the date fixed in the order, to conduct a
 2270 referendum on the question. The clerk of the circuit court shall publish notice of the referendum in a
 2271 newspaper of general circulation in the county, city, or town once a week for three consecutive weeks prior to
 2272 the referendum.

2273 The question on the ballot shall be:

2274 "Shall the sale by the Virginia Alcoholic Beverage *and Cannabis* Control Authority of alcoholic
 2275 beverages, other than beer and wine not produced by farm wineries, be prohibited in (name of
 2276 county, city, or town)?"

2277 The referendum shall be ordered and held and the results certified as provided in § 24.2-684. Thereupon
 2278 the court shall enter of record an order certified by the clerk of the court to be transmitted to the Board and to
 2279 the governing body of the county, city, or town.

2280 B. Once a referendum has been held, no other referendum on the same question shall be held in the
 2281 county, city, or town within four years of the date of the prior referendum. However, a town shall not be
 2282 ~~prescribed~~ *proscribed* from holding a referendum within such period although an election has been held in
 2283 the county in which the town or a part thereof is located less than four years prior thereto.

2284 **§ 4.1-124. Referendum on the sale of mixed beverages.**

2285 A. The provisions of this subtitle relating to the sale of mixed beverages shall be effective in any town,

2286 county, or supervisor's election district of a county unless a majority of the voters voting in a referendum vote
2287 "Yes" on the question of whether the sale of mixed alcoholic beverages by restaurants licensed under this
2288 subtitle should be prohibited. The qualified voters of a town, county, or supervisor's election district of a
2289 county may file a petition with the circuit court of the county asking that a referendum be held on the
2290 question of whether the sale of mixed beverages by restaurants licensed by the Board should be prohibited
2291 within that jurisdiction. The petition shall be signed by qualified voters equal in number to at least 10 percent
2292 of the number registered in the town, county, or supervisor's election district on January 1 preceding its filing
2293 or at least 100 qualified voters, whichever is greater.

2294 Petition requirements for any county shall be based on the number of registered voters in the county,
2295 including the number of registered voters in any town having a population in excess of 1,000 located within
2296 such county. Upon the filing of a petition, and under no other circumstances, the court shall order the election
2297 officials of the county to conduct a referendum on the question.

2298 The clerk of the circuit court of the county shall publish notice of the referendum in a newspaper of
2299 general circulation in the town, county, or supervisor's election district once a week for three consecutive
2300 weeks prior to the referendum.

2301 The question on the ballot shall be:

2302 "Shall the sale of mixed alcoholic beverages by restaurants licensed by the Virginia Alcoholic Beverage
2303 and Cannabis Control Authority be prohibited in _____ (name of town, county, or supervisor's election
2304 district of county)?"

2305 The referendum shall be ordered and held and the results certified as provided in Article 5 (§ 24.2-681 et
2306 seq.) of Chapter 6 of Title 24.2. Thereupon the court shall enter of record an order certified by the clerk of the
2307 court to be transmitted to the Board and to the governing body of the town or county. Mixed beverages
2308 prohibited from sale by such referendum shall not be sold by restaurants within the town, county, or
2309 supervisor's election district of a county on or after 30 days following the entry of the order if a majority of
2310 the voters voting in the referendum have voted "Yes."

2311 The provisions of this section shall be applicable to towns having a population in excess of 1,000 to the
2312 same extent and subject to the same conditions and limitations as are otherwise applicable to counties under
2313 this section. Such towns shall be treated as separate local option units, and only residents of any such town
2314 shall be eligible to vote in any referendum held pursuant to this section for any such town. Residents of towns
2315 having a population in excess of 1,000, however, shall also be eligible to vote in any referendum held
2316 pursuant to this section for any county in which the town is located.

2317 Notwithstanding the provisions of this section, the sale of mixed beverages by restaurants shall be
2318 prohibited in any town created as a result of a city-to-town reversion pursuant to Chapter 41 (§ 15.2-4100 et
2319 seq.) of Title 15.2 if a referendum on the question of whether the sale of mixed beverages by restaurants
2320 licensed under this subtitle should be prohibited was previously held in the former city and a majority of the
2321 voters voting in such referendum voted "Yes."

2322 B. Once a referendum has been held, no other referendum on the same question shall be held in the town,
2323 county, or supervisor's election district of a county for a period of 23 months.

2324 C. Notwithstanding the provisions of subsection A, the sale of mixed beverages shall be allowed on
2325 property dedicated for industrial or commercial development and controlled through the provision of public
2326 utilities and covenanting of the land by any multijurisdictional industrial development authority, as set forth
2327 under Chapter 49 (§ 15.2-4900 et seq.) of Title 15.2, provided that (i) such authority operates under a
2328 partnership agreement between three or more counties, cities, or towns and such jurisdictions participate
2329 administratively and financially in the authority and (ii) the sale of mixed beverages is permitted in one of the
2330 member counties, cities, towns, or a supervisor's election district of one of the counties and that the governing
2331 board of the authority authorizes an establishment located within the confines of such property to apply to the
2332 Board for such license. The appropriate license fees shall be paid for this privilege.

2333 D. Notwithstanding the provisions of subsection A of this section and subsection C of § 4.1-122, the sale
2334 of mixed beverages by licensees, and the sale of alcoholic beverages other than beer and wine not produced
2335 by farm wineries by the Board, shall be allowed in any city in the Commonwealth.

2336 E. Notwithstanding the provisions of subsection A, the Board may grant a mixed beverage restaurant
2337 license to a restaurant located on the premises of and operated by a private club exclusively for its members
2338 and their guests, subject to the qualifications and restrictions on the issuance of such license imposed by
2339 § 4.1-206.3. However, no license authorized by this subsection shall be granted if the private club restricts its
2340 membership on the basis of race, color, creed, national origin, or sex.

2341 **§ 4.1-225. Grounds for which Board may suspend or revoke licenses; exception.**

2342 A. The Board may suspend or revoke any license other than a brewery license, in which case the Board
2343 may impose penalties as provided in § 4.1-227, if it has reasonable cause to believe that:

2344 1. The licensee, or if the licensee is a partnership, any general partner thereof, or if the licensee is an
2345 association, any member thereof, or a limited partner of 10 percent or more with voting rights, or if the
2346 licensee is a corporation, any officer, director, or shareholder owning 10 percent or more of its capital stock,
2347 or if the licensee is a limited liability company, any member-manager or any member owning 10 percent or

- 2348 more of the membership interest of the limited liability company:
- 2349 a. Has misrepresented a material fact in applying to the Board for such license;
- 2350 b. Within the five years immediately preceding the date of the hearing held in accordance with § 4.1-227,
- 2351 has (i) been convicted of a violation of any law, ordinance, or regulation of the Commonwealth, of any
- 2352 county, city, or town in the Commonwealth, of any state, or of the United States, applicable to the
- 2353 manufacture, transportation, possession, use, or sale of alcoholic beverages; (ii) violated any provision of
- 2354 Chapter 3 (§ 4.1-300 et seq.); (iii) committed a violation of the Wine Franchise Act (§ 4.1-400 et seq.) or the
- 2355 Beer Franchise Act (§ 4.1-500 et seq.) in bad faith; (iv) violated or failed or refused to comply with any
- 2356 regulation, rule, or order of the Board; or (v) failed or refused to comply with any of the conditions or
- 2357 restrictions of the license granted by the Board;
- 2358 c. Has been convicted in any court of a felony or of any crime or offense involving moral turpitude under
- 2359 the laws of any state, or of the United States;
- 2360 d. Is not the legitimate owner of the business conducted under the license granted by the Board, or other
- 2361 persons have ownership interests in the business which have not been disclosed;
- 2362 e. Cannot demonstrate financial responsibility sufficient to meet the requirements of the business
- 2363 conducted under the license granted by the Board;
- 2364 f. Has been intoxicated or under the influence of some self-administered drug while upon the licensed
- 2365 premises;
- 2366 g. Has maintained the licensed premises in an unsanitary condition, or allowed such premises to become a
- 2367 meeting place or rendezvous for members of a criminal street gang as defined in § 18.2-46.1 or persons of ill
- 2368 repute, or has allowed any form of illegal gambling to take place upon such premises;
- 2369 h. Knowingly employs in the business conducted under such license, as agent, servant, or employee, other
- 2370 than a busboy, cook, or other kitchen help, any person who has been convicted in any court of a felony or of
- 2371 any crime or offense involving moral turpitude, or who has violated the laws of the Commonwealth, of any
- 2372 other state, or of the United States, applicable to the manufacture, transportation, possession, use, or sale of
- 2373 alcoholic beverages;
- 2374 i. Subsequent to the granting of his original license, has demonstrated by his police record a lack of
- 2375 respect for law and order;
- 2376 j. Has allowed the consumption of alcoholic beverages upon the licensed premises by any person whom
- 2377 he knew or had reason to believe was (i) less *younger* than 21 years of age, (ii) interdicted, or (iii) intoxicated,
- 2378 or has allowed any person whom he knew or had reason to believe was intoxicated to loiter upon such
- 2379 licensed premises;
- 2380 k. Has allowed any person to consume upon the licensed premises any alcoholic beverages except as
- 2381 provided under this subtitle;
- 2382 l. Is physically unable to carry on the business conducted under such license or has been adjudicated
- 2383 incapacitated;
- 2384 m. Has allowed any obscene literature, pictures, or materials upon the licensed premises;
- 2385 n. Has possessed any illegal gambling apparatus, machine, or device upon the licensed premises;
- 2386 o. Has upon the licensed premises (i) illegally possessed, distributed, sold, or used, or has knowingly
- 2387 allowed any employee or agent, or any other person, to illegally possess, distribute, sell, or use marijuana,
- 2388 controlled substances, imitation controlled substances, drug paraphernalia, or controlled paraphernalia as
- 2389 those terms are defined in Articles 1 (§ 18.2-247 et seq.) and 1.1 (§ 18.2-265.1 et seq.) of Chapter 7 of Title
- 2390 18.2 and the Drug Control Act (§ 54.1-3400 et seq.); (ii) laundered money in violation of § 18.2-246.3; or
- 2391 (iii) conspired to commit any drug-related offense in violation of Article 1 or 1.1 of Chapter 7 of Title 18.2 or
- 2392 the Drug Control Act. The provisions of this subdivision shall also apply to any conduct related to the
- 2393 operation of the licensed business that facilitates the commission of any of the offenses set forth herein;
- 2394 p. Has failed to take reasonable measures to prevent (i) the licensed premises, (ii) any premises
- 2395 immediately adjacent to the licensed premises that ~~are~~ *is* owned or leased by the licensee, or (iii) any portion
- 2396 of public property immediately adjacent to the licensed premises from becoming a place where patrons of the
- 2397 establishment commit criminal violations of Article 1 (§ 18.2-30 et seq.), 2 (§ 18.2-38 et seq.), 2.1
- 2398 (§ 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.),
- 2399 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
- 2400 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
- 2401 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
- 2402 violations lead to arrests that are so frequent and serious as to reasonably be deemed a continuing threat to the
- 2403 public safety; or
- 2404 q. Has failed to take reasonable measures to prevent an act of violence resulting in death or serious bodily
- 2405 injury, or a recurrence of such acts, from occurring on (i) the licensed premises, (ii) any premises
- 2406 immediately adjacent to the licensed premises that is owned or leased by the licensee, or (iii) any portion of
- 2407 public property immediately adjacent to the licensed premises.
- 2408 2. The place occupied by the licensee:
- 2409 a. Does not conform to the requirements of the governing body of the county, city, or town in which such

2410 establishment is located, with respect to sanitation, health, construction, or equipment, or to any similar
 2411 requirements established by the laws of the Commonwealth or by Board regulations;

2412 b. Has been adjudicated a common nuisance under the provisions of this subtitle or § 18.2-258; or

2413 c. Has become a meeting place or rendezvous for illegal gambling, illegal users of narcotics, drunks,
 2414 prostitutes, pimps, panderers, or habitual law violators or has become a place where illegal drugs are
 2415 regularly used or distributed. The Board may consider the general reputation in the community of such
 2416 establishment in addition to any other competent evidence in making such determination.

2417 3. The licensee or any employee of the licensee discriminated against any member of the armed forces of
 2418 the United States by prices charged or otherwise.

2419 4. The licensee, his employees, or any entertainer performing on the licensed premises has been convicted
 2420 of a violation of a local public nudity ordinance for conduct occurring on the licensed premises and the
 2421 licensee allowed such conduct to occur.

2422 5. Any cause exists for which the Board would have been entitled to refuse to grant such license had the
 2423 facts been known.

2424 6. The licensee is delinquent for a period of 90 days or more in the payment of any taxes, or any penalties
 2425 or interest related thereto, lawfully imposed by the locality where the licensed business is located, as certified
 2426 by the treasurer, commissioner of the revenue, or finance director of such locality, unless (i) the outstanding
 2427 amount is de minimis; (ii) the licensee has pending a bona fide application for correction or appeal with
 2428 respect to such taxes, penalties, or interest; or (iii) the licensee has entered into a payment plan approved by
 2429 the same locality to settle the outstanding liability.

2430 7. Any other cause authorized by this subtitle.

2431 B. Notwithstanding the provisions of subdivision A 1 h, a licensee may employ a person who has been
 2432 convicted of a felony or a crime involving moral turpitude if (i) except for violations of § 18.2-54.1 or
 2433 18.2-54.2, two years have elapsed following the conviction and the person has completed and been released
 2434 from the term of any probation or parole, if applicable, or (ii) the licensee has obtained written approval for
 2435 such employment from the Authority and, in instances in which the person has not completed or been
 2436 released from the term of any probation or parole, the Authority has consulted with the person's probation and
 2437 parole officer.

2438 **SUBTITLE II**

2439 **CANABIS CONTROL ACT**

2440 **CHAPTER 6**

2441 **GENERAL PROVISIONS.**

2442 **§ 4.1-600. Definitions.**

2443 As used in this subtitle, unless the context requires a different meaning:

2444 "Advertisement" or "advertising" means any written or verbal statement, illustration, or depiction that is
 2445 calculated to induce sales of ~~retail~~ marijuana, ~~retail~~ marijuana products, marijuana plants, or marijuana seeds,
 2446 including any written, printed, graphic, digital, electronic, or other material, billboard, sign, or other outdoor
 2447 display, publication, or radio or television broadcast.

2448 "Authority" means the Virginia Cannabis Control Authority created pursuant to this subtitle.

2449 "Board" means the Board of Directors of the Virginia Cannabis Control Authority.

2450 "Cannabis Control Act" means Subtitle II (§ 4.1-600 et seq.).

2451 "*Canopy*" means the space used by a licensee to produce flowering marijuana plants, including areas
 2452 between plants, pathways, walkways, and empty space between rows that allow for airflow, light, growth,
 2453 access for watering, trimming, and other activities associated with marijuana cultivation. "*Canopy*" does not
 2454 include space used for mother plants, clones, immature or nonflowering plants, processing, drying, curing,
 2455 trimming, storage, offices, hallways, work areas, or other administrative and nonproduction uses. If
 2456 flowering marijuana plants are cultivated using a shelving or other layered system, the surface area of each
 2457 level shall be included for purposes of calculating canopy.

2458 "Child-resistant" means, with respect to packaging or a container, (i) specially designed or constructed to
 2459 be significantly difficult for a typical child under five years of age to open and not to be significantly difficult
 2460 for a typical adult to open and reseal and (ii) for any product intended for more than a single use or that
 2461 contains multiple servings, resealable.

2462 "Cultivation" or "cultivate" means the planting, propagation, growing, harvesting, drying, curing, grading,
 2463 trimming, or other similar processing of marijuana for use or sale. "Cultivation" or "cultivate" does not
 2464 include manufacturing or testing.

2465 "Edible marijuana product" means a marijuana product intended to be consumed orally, including
 2466 marijuana intended to be consumed orally or marijuana concentrate intended to be consumed orally.

2467 "*Hemp product*" means the same as that term is defined in § 3.2-4112.

2468 "*Historically economically disadvantaged community*" means either (i) a jurisdiction identified by the
 2469 Board utilizing census tract data made available by the United States Census Bureau in which offenses for
 2470 marijuana possession were committed at a rate in excess of 150 percent of the statewide average for
 2471 marijuana possession offenses during the 10-year period of 2009 to 2019 or (ii) a historically underutilized

2472 *business zone as defined in 15 U.S.C. § 657a.*

2473 "Immature plant" means a nonflowering marijuana plant that is no taller than eight inches and no wider
2474 than eight inches, is produced from a cutting, clipping, or seedling, and is growing in a container.

2475 "Licensed" means the holding of a valid license granted by the Authority.

2476 "Licensee" means any person to whom a license has been granted by the Authority.

2477 "Manufacturing" or "manufacture" means the production of marijuana products or the blending, infusing,
2478 compounding, or other preparation of marijuana and marijuana products, including marijuana extraction or
2479 preparation by means of chemical synthesis. "Manufacturing" or "manufacture" does not include cultivation
2480 or testing.

2481 "Marijuana" means any part of a plant of the genus *Cannabis*, whether growing or not, its seeds or resin;
2482 and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, its resin,
2483 or any extract containing one or more cannabinoids. "Marijuana" does not include (i) the mature stalks of
2484 such plant, fiber produced from such stalk, or oil or cake made from the seed of such plant, unless such
2485 stalks, fiber, oil, or cake is combined with other parts of plants of the genus *Cannabis*; (ii) industrial hemp, as
2486 defined in § 3.2-4112, that is possessed by a person registered pursuant to subsection A of § 3.2-4115 or his
2487 agent; (iii) industrial hemp, as defined in § 3.2-4112, that is possessed by a person who holds a hemp
2488 producer license issued by the U.S. Department of Agriculture pursuant to 7 C.F.R. Part 990; (iv) a hemp
2489 product, as defined in § 3.2-4112; (v) an industrial hemp extract, as defined in § 3.2-5145.1; or (vi) any
2490 substance containing a tetrahydrocannabinol isomer, ester, ether, salt, or salts of such isomer, ester, or ether
2491 that has been placed by the Board of Pharmacy into one of the schedules set forth in the Drug Control Act
2492 (§ 54.1-3400 et seq.) pursuant to § 54.1-3443.

2493 "Marijuana concentrate" means marijuana that has undergone a process to concentrate one or more active
2494 cannabinoids, thereby increasing the product's potency. Resin from granular trichomes from a marijuana plant
2495 is a concentrate for purposes of this subtitle.

2496 "Marijuana cultivation facility" means a facility licensed under this subtitle to cultivate, label, and
2497 package retail marijuana; to purchase or take possession of marijuana plants and seeds from other marijuana
2498 cultivation facilities; to transfer possession of and sell retail marijuana, immature marijuana plants, and
2499 marijuana seeds to marijuana wholesalers and retail marijuana stores; to transfer possession of and sell retail
2500 marijuana, marijuana plants, and marijuana seeds to other marijuana cultivation facilities; to transfer
2501 possession of and sell retail marijuana to marijuana manufacturing facilities; and to sell immature marijuana
2502 plants and marijuana seeds to consumers for the purpose of cultivating marijuana at home for personal use.

2503 "Marijuana establishment" means a marijuana cultivation facility, a marijuana testing facility, a marijuana
2504 manufacturing facility, a marijuana wholesaler, or a retail marijuana store.

2505 "Marijuana manufacturing facility" means a facility licensed under this subtitle to manufacture, label, and
2506 package retail marijuana and retail marijuana products; to purchase or take possession of retail marijuana
2507 from a marijuana cultivation facility or another marijuana manufacturing facility; and to transfer possession
2508 of and sell retail marijuana and retail marijuana products to marijuana wholesalers, retail marijuana stores, or
2509 other marijuana manufacturing facilities.

2510 "Marijuana paraphernalia" means all equipment, products, and materials of any kind that are either
2511 designed for use or are intended for use in planting, propagating, cultivating, growing, harvesting,
2512 manufacturing, compounding, converting, producing, processing, preparing, strength testing, analyzing,
2513 packaging, repackaging, storing, containing, concealing, ingesting, inhaling, or otherwise introducing into the
2514 human body marijuana.

2515 "Marijuana products" means (i) products that are composed of marijuana and other ingredients and are
2516 intended for use or consumption, ointments, and tinctures or (ii) marijuana concentrate.

2517 "Marijuana testing facility" means a facility licensed under this subtitle to develop, research, or test
2518 marijuana, marijuana products, and other substances.

2519 "Marijuana wholesaler" means a facility licensed under this subtitle to purchase or take possession of
2520 retail marijuana, retail marijuana products, immature marijuana plants, and marijuana seeds from a marijuana
2521 cultivation facility, a marijuana manufacturing facility, or another marijuana wholesaler and to transfer
2522 possession and sell or resell retail marijuana, retail marijuana products, immature marijuana plants, and
2523 marijuana seeds to a marijuana cultivation facility, marijuana manufacturing facility, retail marijuana store, or
2524 another marijuana wholesaler.

2525 "Non-retail marijuana" means marijuana that is not cultivated, manufactured, or sold by a licensed
2526 marijuana establishment.

2527 "Non-retail marijuana products" means marijuana products that are not manufactured and sold by a
2528 licensed marijuana establishment.

2529 "Place or premises" means the real estate, together with any buildings or other improvements thereon,
2530 designated in the application for a license as the place at which the cultivation, manufacture, sale, or testing
2531 of retail marijuana or retail marijuana products shall be performed, except that portion of any such building or
2532 other improvement actually and exclusively used as a private residence.

2533 "Public place" means any place, building, or conveyance to which the public has, or is permitted to have,

2534 access, including restaurants, soda fountains, hotel dining areas, lobbies and corridors of hotels, and any park,
2535 place of public resort or amusement, highway, street, lane, or sidewalk adjoining any highway, street, or lane.

2536 "Residence" means any building or part of a building or structure where a person resides, but does not
2537 include any part of a building that is not actually and exclusively used as a private residence, nor any part of a
2538 hotel or club other than a private guest room thereof.

2539 "Retail marijuana" means marijuana that is cultivated, manufactured, or sold by a licensed marijuana
2540 establishment.

2541 "Retail marijuana products" means marijuana products that are manufactured and sold by a licensed
2542 marijuana establishment.

2543 "Retail marijuana store" means a facility licensed under this subtitle to purchase or take possession of
2544 retail marijuana, retail marijuana products, immature marijuana plants, or marijuana seeds from a marijuana
2545 cultivation facility, marijuana manufacturing facility, or marijuana wholesaler and to sell retail marijuana,
2546 retail marijuana products, immature marijuana plants, or marijuana seeds to consumers.

2547 "Sale" and "sell" includes soliciting or receiving an order for; keeping, offering, or exposing for sale;
2548 peddling, exchanging, or bartering; or delivering otherwise than gratuitously, by any means, retail marijuana
2549 or retail marijuana products.

2550 "Special agent" means an employee of the Virginia Cannabis Control Authority whom the Board has
2551 designated as a law-enforcement officer pursuant to this subtitle.

2552 "Testing" or "test" means the research and analysis of marijuana, marijuana products, or other substances
2553 for contaminants, safety, or potency. "Testing" or "test" does not include cultivation or manufacturing.

2554 "Tetrahydrocannabinol" means the same as that term is defined in § 3.2-4112.

2555 "Total tetrahydrocannabinol" means the same as that term is defined in § 3.2-4112.

2556 **§ 4.1-601. Virginia Cannabis Control Authority created; public purpose Advisory Board.**

2557 A. The General Assembly has determined that there exists in the Commonwealth a need to control the
2558 possession, sale, transportation, distribution, and delivery of retail marijuana and retail marijuana products in
2559 the Commonwealth. Further, the General Assembly determines that the creation of an authority for this
2560 purpose is in the public interest, serves a public purpose, and will promote the health, safety, welfare,
2561 convenience, and prosperity of the people of the Commonwealth. To achieve this objective, there is hereby
2562 created an independent political subdivision of the Commonwealth, exclusive of the legislative, executive, or
2563 judicial branches of state government, to be known as the Virginia Cannabis Control Authority. The
2564 Authority's exercise of powers and duties conferred by this subtitle shall be deemed the performance of an
2565 essential governmental function and a matter of public necessity for which public moneys may be spent.

2566 B. The Board of Directors of the Authority is vested with control of the possession, sale, transportation,
2567 distribution, and delivery of retail marijuana and retail marijuana products in the Commonwealth, with
2568 plenary power to prescribe and enforce regulations and conditions under which retail marijuana and retail
2569 marijuana products are possessed, sold, transported, distributed, and delivered, so as to prevent any corrupt,
2570 incompetent, dishonest, or unprincipled practices and to promote the health, safety, welfare, convenience, and
2571 prosperity of the people of the Commonwealth. The exercise of the powers granted by this subtitle shall be in
2572 all respects for the benefit of the citizens of the Commonwealth and for the promotion of their safety, health,
2573 welfare, and convenience. No part of the assets or net earnings of the Authority shall inure to the benefit of,
2574 or be distributable to, any private individual, except that reasonable compensation may be paid for services
2575 rendered to or for the Authority affecting one or more of its purposes, and benefits may be conferred that are
2576 in conformity with said purposes, and no private individual shall be entitled to share in the distribution of any
2577 of the corporate assets on dissolution of the Authority. *The Chief Executive Officer of the Authority, in*
2578 *consultation with the Board, shall establish a Cannabis Control Advisory Board to assist the Authority in the*
2579 *development and operation of the statutory and regulatory programs governing the sale and use of cannabis.*
2580 *The Advisory Board shall consist of seven nonlegislative citizen members, to be appointed by the Governor,*
2581 *and one ex officio member. Members shall be representative of the various segments of the cannabis industry,*
2582 *and at least one shall be a medical professional as defined in § 38.2-602 with experience in appropriate*
2583 *public health duties, and at least one shall be a member of a historically disadvantaged community. Each*
2584 *member shall (i) have been a resident of the Commonwealth for a period of at least three years next*
2585 *preceding his appointment, and his continued residency shall be a condition of his tenure in office and (ii)*
2586 *possess demonstrated experience or expertise in the regulation, manufacture, cultivation, or health effects of*
2587 *cannabis. Members shall be subject to a background check in accordance with § 4.1-101.03. The Director of*
2588 *the Office of Diversity, Equity, and Inclusion shall serve ex officio without voting privileges.*

2589 B. *After the initial staggering of terms, nonlegislative citizen members shall be appointed for a term of*
2590 *four years. The ex officio member shall serve a term coincident with his term in office. All members shall*
2591 *serve until their successors are appointed. Any appointment to fill a vacancy shall be for the unexpired term.*
2592 *No member shall be eligible to serve more than two consecutive terms; however, a member appointed to fill a*
2593 *vacancy may serve two additional consecutive terms. Members of the Advisory Board may be removed from*
2594 *office by the Advisory Board for cause, including the improper use of its police powers, malfeasance,*
2595 *misfeasance, incompetence, misconduct, neglect of duty, absenteeism, conflict of interests, failure to carry out*

2596 *the policies of the Commonwealth as established in the Constitution or by the General Assembly, or refusal to*
2597 *carry out a lawful directive of the Governor.*

2598 *C. The Governor shall appoint the chairman and vice-chairman of the Advisory Board from among the*
2599 *membership of the Advisory Board. The Advisory Board may also form committees and advisory councils,*
2600 *which may include representatives who are not members of the Advisory Board, to undertake more extensive*
2601 *study and discussion of the issues before the Advisory Board. A majority of the Advisory Board shall*
2602 *constitute a quorum for the transaction of business, and no vacancy in the membership shall impair the right*
2603 *of a quorum to exercise the rights and perform all duties of the Advisory Board.*

2604 *D. Members of the Advisory Board shall receive no compensation for the performance of their duties, but*
2605 *shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as*
2606 *provided in §§ 2.2-2813 and 2.2-2825.*

2607 *E. The provisions of the State and Local Government Conflict of Interests Act (§ 2.2-3100 et seq.) shall*
2608 *apply to the members of the Advisory Board.*

2609 **§ 4.1-602. Virginia Cannabis Control Authority; composition Powers and duties of the Board.**

2610 *A. The Virginia Cannabis Control Authority shall consist of the Board of Directors, the Cannabis Public*
2611 *Health Advisory Council, the Chief Executive Officer, and the agents and employees of the Authority.*

2612 *B. Nothing contained in this subtitle shall be construed as a restriction or limitation upon any powers that*
2613 *the Board might otherwise have under any other law of the Commonwealth. In addition to the powers set*
2614 *forth in § 4.1-103, the Board shall have the following powers and duties:*

2615 *1. Promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) and*
2616 *§ 4.1-606;*

2617 *2. Control the possession, sale, transportation, and delivery of marijuana and marijuana products;*

2618 *3. Grant, suspend, and revoke licenses for the cultivation, manufacture, transportation, sale, and testing*
2619 *of marijuana and marijuana products as provided by law;*

2620 *4. Determine the nature, form, and capacity of all containers used for holding marijuana products to be*
2621 *kept or sold and prescribe the form and content of all labels and seals to be placed thereon;*

2622 *5. Maintain actions to enjoin common nuisances as defined in § 4.1-657;*

2623 *6. Establish standards for and implement an online course for employees of retail marijuana stores that*
2624 *trains employees on how to educate consumers on the potential risks of marijuana use;*

2625 *7. Establish a plan to develop and disseminate to retail marijuana store licensees a pamphlet or similar*
2626 *document regarding the potential risks of marijuana use to be prominently displayed and made available to*
2627 *consumers;*

2628 *8. Establish a position for a Cannabis Micro Business Liaison who shall lead the Cannabis Business*
2629 *Equity and Diversity Support Team and liaise with the Director of the Office of Diversity, Equity, and*
2630 *Inclusion on matters related to diversity, equity, and inclusion standards in the marijuana industry;*

2631 *9. Establish a Cannabis Business Equity and Diversity Support Team, which shall (i) develop*
2632 *requirements for the creation and submission of diversity, equity, and inclusion plans by persons who wish to*
2633 *possess more than one license, and an approval process for and requirements for implementation of such*
2634 *plans; (ii) be responsible for conducting an analysis of potential barriers to entry for small, women-owned,*
2635 *and minority-owned businesses and veteran-owned businesses interested in participating in the marijuana*
2636 *industry and recommending strategies to effectively mitigate such potential barriers; (iii) provide assistance*
2637 *with business planning for potential marijuana establishment licensees; (iv) spread awareness of business*
2638 *opportunities related to the marijuana marketplace in areas disproportionately impacted by marijuana*
2639 *prohibition and enforcement; (v) provide technical assistance in navigating the administrative process to*
2640 *potential marijuana establishment licensees; and (vi) conduct other outreach initiatives in areas*
2641 *disproportionately impacted by marijuana prohibition and enforcement as necessary;*

2642 *10. Establish a position for an individual with professional experience in a health related field who shall*
2643 *staff the Cannabis Public Health Advisory Council, established pursuant to § 4.1-601.1, liaise with the Office*
2644 *of the Secretary of Health and Human Resources and relevant health and human services agencies and*
2645 *organizations, and perform other duties as needed.*

2646 *11. Establish and implement a plan, in coordination with the Cannabis Micro Business Liaison and the*
2647 *Director of the Office of Diversity, Equity, and Inclusion to promote and encourage participation in the*
2648 *marijuana industry by people from communities that have been disproportionately impacted by marijuana*
2649 *prohibition and enforcement and to positively impact those communities; and*

2650 *12. Do all acts necessary or advisable to carry out the purposes of this chapter.*

2651 **§ 4.1-603. Cannabis Public Health Advisory Council; purpose; membership; quorum; meetings;**
2652 **compensation and expenses; duties.**

2653 *A. The Cannabis Public Health Advisory Council (the Advisory Council) is established as an advisory*
2654 *council to within the Advisory Board. The purpose of the Advisory Council is to assess and monitor public*
2655 *health issues, trends, and impacts related to marijuana and marijuana legalization and make recommendations*
2656 *regarding health warnings, retail marijuana and retail marijuana products safety and product composition, and*
2657 *public health awareness, programming, and related resource needs.*

2658 B. The Advisory Council shall have a total membership of 21 members that shall consist of 14
 2659 nonlegislative citizen members and seven ex officio members. Nonlegislative citizen members of the Council
 2660 shall be citizens of the Commonwealth and shall reflect the racial, ethnic, gender, and geographic diversity of
 2661 the Commonwealth. Nonlegislative citizen members shall be appointed as follows: four to be appointed by
 2662 the Senate Committee on Rules, one of whom shall be a representative from the Virginia Foundation for
 2663 Healthy Youth, one of whom shall be a representative from the Virginia Chapter of the American Academy
 2664 of Pediatrics, one of whom shall be a representative from the Medical Society of Virginia, and one of whom
 2665 shall be a representative from the Virginia Pharmacists Association; six to be appointed by the Speaker of the
 2666 House of Delegates, one of whom shall be a representative from a community services board, one of whom
 2667 shall be a person or health care provider with expertise in substance use disorder treatment and recovery, one
 2668 of whom shall be a person or health care provider with expertise in substance use disorder prevention, one of
 2669 whom shall be a person with experience in disability rights advocacy, one of whom shall be a person with
 2670 experience in veterans health care, and one of whom shall be a person with a social or health equity
 2671 background; and four to be appointed by the Governor, subject to confirmation by the General Assembly, one
 2672 of whom shall be a representative of a local health district, one of whom shall be a person who is part of the
 2673 cannabis industry, one of whom shall be an academic researcher knowledgeable about cannabis, and one of
 2674 whom shall be a registered medical cannabis patient.

2675 The Secretary of Health and Human Resources, the Commissioner of Health, the Commissioner of
 2676 Behavioral Health and Developmental Services, the Commissioner of Agriculture and Consumer Services,
 2677 the Director of the Department of Health Professions, and the Director of the Department of Forensic
 2678 Science, and the Chief Executive Officer of the Virginia *Alcoholic Beverage and Cannabis Control*
 2679 Authority, or their designees, shall serve ex officio with voting privileges. Ex officio members of the
 2680 Advisory Council shall serve terms coincident with their terms of office.

2681 After the initial staggering of terms, nonlegislative citizen members shall be appointed for a term of four
 2682 years. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms.
 2683 Vacancies shall be filled in the same manner as the original appointments. All members may be reappointed.

2684 The Advisory Council shall be chaired by the Secretary of Health and Human Resources or his designee.
 2685 The Advisory Council shall select a vice-chairman from among its membership. A majority of the members
 2686 shall constitute a quorum. The Advisory Council shall meet at least two times each year and shall meet at the
 2687 call of the chairman or whenever the majority of the members so request.

2688 The Advisory Council shall have the authority to create subgroups with additional stakeholders, experts,
 2689 and state agency representatives.

2690 C. Members shall receive no compensation for the performance of their duties but shall be reimbursed for
 2691 all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813
 2692 and 2.2-2825.

2693 D. The Advisory Council shall have the following duties, in addition to duties that may be necessary to
 2694 fulfill its purpose as described in subsection A:

2695 1. To review multi-agency efforts to support collaboration and a unified approach on public health
 2696 responses related to marijuana and marijuana legalization in the Commonwealth and to develop
 2697 recommendations as necessary.

2698 2. To monitor changes in drug use data related to marijuana and marijuana legalization in the
 2699 Commonwealth and the science and medical information relevant to the potential health risks associated with
 2700 such drug use, and make appropriate recommendations to the Department of Health and the *Advisory Board*.

2701 3. Submit an annual report to the Governor and the General Assembly for publication as a report
 2702 document as provided in the procedures of the Division of Legislative Automated Systems for the processing
 2703 of legislative documents and reports. The chairman shall submit to the Governor and the General Assembly
 2704 an annual executive summary of the interim activity and work of the Advisory Council no later than the first
 2705 day of each regular session of the General Assembly. The executive summary shall be submitted as a report
 2706 document as provided in the procedures of the Division of Legislative Automated Systems for the processing
 2707 of legislative documents and reports and shall be posted on the General Assembly's website.

2708 **§ 4.1-604. Powers and duties Regulations of the Board.**

2709 The Board shall have the following powers and duties:

2710 1. ~~Promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) and~~
 2711 ~~§ 4.1-606;~~

2712 2. ~~Control the possession, sale, transportation, and delivery of marijuana and marijuana products;~~

2713 3. ~~Grant, suspend, restrict, revoke, or refuse to grant or renew any license or permit issued or authorized~~
 2714 ~~pursuant to this subtitle;~~

2715 4. ~~Determine the nature, form, and capacity of all containers used for holding marijuana products to be~~
 2716 ~~kept or sold and prescribe the form and content of all labels and seals to be placed thereon;~~

2717 5. ~~Maintain actions to enjoin common nuisances as defined in § 4.1-1113;~~

2718 6. ~~Establish standards and implement an online course for employees of retail marijuana stores that trains~~
 2719 ~~employees on how to educate consumers on the potential risks of marijuana use;~~

- 2720 7. Establish a plan to develop and disseminate to retail marijuana store licensees a pamphlet or similar
 2721 document regarding the potential risks of marijuana use to be prominently displayed and made available to
 2722 consumers;
- 2723 8. Establish a position for a Cannabis Social Equity Liaison who shall lead the Cannabis Business Equity
 2724 and Diversity Support Team and liaise with the Director of Diversity, Equity, and Inclusion on matters
 2725 related to diversity, equity, and inclusion standards in the marijuana industry;
- 2726 9. Establish a Cannabis Business Equity and Diversity Support Team, which shall (i) develop
 2727 requirements for the creation and submission of diversity, equity, and inclusion plans by persons who wish to
 2728 possess a license in more than one license category pursuant to subsection C of § 4.1-805, which may include
 2729 a requirement that the licensee participate in social equity apprenticeship plan; and an approval process and
 2730 requirements for implementation of such plans; (ii) be responsible for conducting an analysis of potential
 2731 barriers to entry for small, women-owned, and minority-owned businesses and veteran-owned businesses
 2732 interested in participating in the marijuana industry and recommending strategies to effectively mitigate such
 2733 potential barriers; (iii) provide assistance with business planning for potential marijuana establishment
 2734 licensees; (iv) spread awareness of business opportunities related to the marijuana marketplace in areas
 2735 disproportionately impacted by marijuana prohibition and enforcement; (v) provide technical assistance in
 2736 navigating the administrative process to potential marijuana establishment licensees; and (vi) conduct other
 2737 outreach initiatives in areas disproportionately impacted by marijuana prohibition and enforcement as
 2738 necessary;
- 2739 10. Establish a position for an individual with professional experience in a health related field who shall
 2740 staff the Cannabis Public Health Advisory Council, established pursuant to § 4.1-603, liaise with the Office
 2741 of the Secretary of Health and Human Resources and relevant health and human services agencies and
 2742 organizations, and perform other duties as needed;
- 2743 11. Establish and implement a plan, in coordination with the Cannabis Social Equity Liaison and the
 2744 Director of Diversity, Equity, and Inclusion to promote and encourage participation in the marijuana industry
 2745 by people from communities that have been disproportionately impacted by marijuana prohibition and
 2746 enforcement and to positively impact those communities;
- 2747 12. Sue and be sued, plead and be pleaded, and complain and defend in all courts;
- 2748 13. Adopt, use, and alter at will a common seal;
- 2749 14. Fix, alter, charge, and collect rates, rentals, fees, and other charges for the use of property of, the sale
 2750 of products of, or services rendered by the Authority at rates to be determined by the Authority for the
 2751 purpose of providing for the payment of the expenses of the Authority;
- 2752 15. Make and enter into all contracts and agreements necessary or incidental to the performance of its
 2753 duties, the furtherance of its purposes, and the execution of its powers under this subtitle, including
 2754 agreements with any person or federal agency;
- 2755 16. Employ, at its discretion, consultants, researchers, architects, engineers, accountants, financial experts,
 2756 investment bankers, superintendents, managers, and such other employees and special agents as may be
 2757 necessary and fix their compensation to be payable from funds made available to the Authority. Legal
 2758 services for the Authority shall be provided by the Attorney General in accordance with Chapter 5 (§ 2.2-500
 2759 et seq.) of Title 2.2;
- 2760 17. Receive and accept from any federal or private agency, foundation, corporation, association, or person
 2761 grants or other aid to be expended in accomplishing the objectives of the Authority, and receive and accept
 2762 from the Commonwealth or any state and any municipality, county, or other political subdivision thereof or
 2763 from any other source aid or contributions of either money, property, or other things of value, to be held,
 2764 used, and applied only for the purposes for which such grants and contributions may be made. All federal
 2765 moneys accepted under this section shall be accepted and expended by the Authority upon such terms and
 2766 conditions as are prescribed by the United States and as are consistent with state law, and all state moneys
 2767 accepted under this section shall be expended by the Authority upon such terms and conditions as are
 2768 prescribed by the Commonwealth;
- 2769 18. Adopt, alter, and repeal bylaws, rules, and regulations governing the manner in which its business
 2770 shall be transacted and the manner in which the powers of the Authority shall be exercised and its duties
 2771 performed. The Board may delegate or assign any duty or task to be performed by the Authority to any
 2772 officer or employee of the Authority. The Board shall remain responsible for the performance of any such
 2773 duties or tasks. Any delegation pursuant to this subdivision shall, where appropriate, be accompanied by
 2774 written guidelines for the exercise of the duties or tasks delegated. Where appropriate, the guidelines shall
 2775 require that the Board receive summaries of actions taken. Such delegation or assignment shall not relieve the
 2776 Board of the responsibility to ensure faithful performance of the duties and tasks;
- 2777 19. Conduct or engage in any lawful business, activity, effort, or project consistent with the Authority's
 2778 purposes or necessary or convenient to exercise its powers;
- 2779 20. Develop policies and procedures generally applicable to the procurement of goods, services, and
 2780 construction, based upon competitive principles;
- 2781 21. Develop policies and procedures consistent with Article 4 (§ 2.2-4347 et seq.) of Chapter 43 of Title

2782 ~~2.2;~~

2783 22. Acquire, purchase, hold, use, lease, or otherwise dispose of any property, real, personal or mixed,
2784 tangible or intangible, or any interest therein necessary or desirable for carrying out the purposes of the
2785 Authority; lease as lessee any property, real, personal or mixed, tangible or intangible, or any interest therein;
2786 at such annual rental and on such terms and conditions as may be determined by the Board; lease as lessor to
2787 any person any property, real, personal or mixed, tangible or intangible, or any interest therein, at any time
2788 acquired by the Authority, whether wholly or partially completed, at such annual rental and on such terms
2789 and conditions as may be determined by the Board; sell, transfer, or convey any property, real, personal or
2790 mixed, tangible or intangible, or any interest therein, at any time acquired or held by the Authority on such
2791 terms and conditions as may be determined by the Board; and occupy and improve any land or building
2792 required for the purposes of this subtitle;

2793 23. Purchase, lease, or acquire the use of, by any manner, any plant or equipment that may be considered
2794 necessary or useful in carrying into effect the purposes of this subtitle, including rectifying, blending, and
2795 processing plants;

2796 24. Appoint every agent and employee required for its operations, require any or all of them to give bonds
2797 payable to the Commonwealth in such penalty as shall be fixed by the Board, and engage the services of
2798 experts and professionals;

2799 25. Hold and conduct hearings, issue subpoenas requiring the attendance of witnesses and the production
2800 of records, memoranda, papers, and other documents before the Board or any agent of the Board, and
2801 administer oaths and take testimony thereunder. The Board may authorize any Board member or agent of the
2802 Board to hold and conduct hearings, issue subpoenas, administer oaths and take testimony thereunder, and
2803 decide cases, subject to final decision by the Board, on application of any party aggrieved. The Board may
2804 enter into consent agreements and may request and accept from any applicant, licensee, or permittee a
2805 consent agreement in lieu of proceedings on (i) objections to the issuance of a license or permit or (ii)
2806 disciplinary action. Any such consent agreement (a) shall include findings of fact and provisions regarding
2807 whether the terms of the consent agreement are confidential and (b) may include an admission or a finding of
2808 a violation. A consent agreement shall not be considered a case decision of the Board and shall not be subject
2809 to judicial review under the provisions of the Administrative Process Act (§ 2.2-4000 et seq.); but may be
2810 considered by the Board in future disciplinary proceedings;

2811 26. Make a reasonable charge for preparing and furnishing statistical information and compilations to
2812 persons other than (i) officials, including court and police officials, of the Commonwealth and of its
2813 subdivisions if the information requested is for official use and (ii) persons who have a personal or legal
2814 interest in obtaining the information requested if such information is not to be used for commercial or trade
2815 purposes;

2816 27. Take appropriate disciplinary action and assess and collect civil penalties and civil charges for
2817 violations of this subtitle and Board regulations;

2818 28. Review and approve any proposed legislative or regulatory changes suggested by the Chief Executive
2819 Officer as the Board deems appropriate;

2820 29. Report quarterly to the Secretary of Public Safety and Homeland Security on the law-enforcement
2821 activities undertaken to enforce the provisions of this subtitle;

2822 30. Establish and collect fees for all permits set forth in this subtitle, including fees associated with
2823 applications for such permits;

2824 31. Develop and make available on its website guidance documents regarding compliance and safe
2825 practices for persons who cultivate marijuana at home for personal use, which shall include information
2826 regarding cultivation practices that promote personal and public safety, including child protection, and
2827 discourage practices that create a nuisance;

2828 32. Develop and make available on its website a resource that provides information regarding (i)
2829 responsible marijuana consumption; (ii) health risks and other dangers associated with marijuana
2830 consumption, including inability to operate a motor vehicle and other types of transportation and equipment;
2831 and (iii) ancillary effects of marijuana consumption, including ineligibility for certain employment
2832 opportunities. The Board shall require that the web address for such resource be included on the label of all
2833 retail marijuana and retail marijuana product as provided in § 4.1-1402; and

2834 33. Do all acts necessary or advisable to carry out the purposes of this subtitle. A. *The Board may*
2835 *promulgate reasonable regulations, not inconsistent with this title or the general laws of the Commonwealth,*
2836 *that it deems necessary to carry out the provisions of this chapter and to prevent the illegal cultivation,*
2837 *manufacture, sale, and testing of marijuana and marijuana products. The Board may amend or repeal such*
2838 *regulations. Such regulations shall be promulgated, amended, or repealed in accordance with the*
2839 *Administrative Process Act (§ 2.2-4000 et seq.) and shall have the effect of law.*

2840 B. *The Board shall promulgate regulations that:*

2841 1. *Govern the outdoor cultivation of marijuana by a marijuana cultivation facility licensee, including*
2842 *security requirements to include lighting, physical security, and alarm requirements, provided that such*
2843 *requirements do not prohibit the cultivation of marijuana outdoors or in a greenhouse;*

- 2844 2. Establish requirements for securely transporting marijuana between marijuana establishments;
 2845 3. Establish sanitary standards for retail marijuana product preparation;
 2846 4. Establish a testing program for retail marijuana and retail marijuana products pursuant to Article 9
 2847 (§ 4.1-686 et seq.);
 2848 5. Establish an application process for licensure as a marijuana establishment pursuant to this title in a
 2849 way that, when possible, prevents disparate impacts on historically disadvantaged communities;
 2850 6. Establish requirements for health and safety warning labels to be placed on retail marijuana and retail
 2851 marijuana products to be sold or offered for sale by a licensee to a consumer in accordance with the
 2852 provisions of this chapter;
 2853 7. Establish a maximum tetrahydrocannabinol level for retail marijuana products, which shall not exceed
 2854 (i) five milligrams per serving for edible marijuana products and where practicable an equivalent amount for
 2855 other marijuana products, (ii) 50 milligrams per package for edible marijuana products and where
 2856 practicable an equivalent amount for other marijuana products. Such regulations may include other product
 2857 and dispensing limitations on tetrahydrocannabinol;
 2858 8. Establish requirements for the form, content, and retention of all records and accounts by all licensees;
 2859 9. Provide alternative methods for licensees to maintain and store business records that are subject to
 2860 Board inspection, including methods for Board-approved electronic and offsite storage;
 2861 10. Establish (i) criteria by which to evaluate new licensees based on the density of retail marijuana
 2862 stores in the community and (ii) metrics that have similarly shown an association with negative community-
 2863 level health outcomes or health disparities. In promulgating such regulations, the Board shall coordinate
 2864 with the Cannabis Public Health Advisory Council established pursuant to § 4.1-601.1;
 2865 11. Require retail licensees to file an appeal from any hearing decision rendered by a hearing officer
 2866 within 30 days of the date the notice of the decision is sent. The notice shall be sent to the licensee at the
 2867 address on record with the Board by certified mail, return receipt requested, and by regular mail;
 2868 12. Prescribe the schedule of proration for refunded license fees to licensees who qualify pursuant to
 2869 subsection C of § 4.1-636;
 2870 13. Establish reasonable time, place, and manner restrictions on outdoor advertising of retail marijuana
 2871 or retail marijuana products, not inconsistent with the provisions of this chapter, so that such advertising
 2872 does not encourage or otherwise promote the consumption of retail marijuana or retail marijuana products
 2873 by persons to whom retail marijuana or retail marijuana products may not be lawfully sold. Such regulations
 2874 shall be promulgated in accordance with § 4.1-690;
 2875 14. Establish criteria by which to evaluate micro business license applicants, which shall be an applicant
 2876 who has lived for at least 12 months in the Commonwealth and is either (i) an applicant with at least 51
 2877 percent ownership by a person or persons who has been arrested for, convicted of, or adjudicated delinquent
 2878 for any marijuana offenses that are eligible for expungement pursuant to § 19.2-392.2 or 19.2-392.2:1; (ii)
 2879 an applicant with at least 51 percent ownership by a person or persons who is the parent, child, sibling, or
 2880 spouse of a person who has been arrested for, convicted of, or adjudicated delinquent for any marijuana
 2881 offenses that are eligible for expungement under § 19.2-392.2 or 19.2-392.2:1; (iii) an applicant with at least
 2882 51 percent ownership by a person or persons who have resided for at least three of the past five years in a
 2883 jurisdiction that is determined by the Board to have been disproportionately policed for marijuana crimes;
 2884 (iv) an applicant with at least 51 percent ownership by a person or persons who has resided for at least three
 2885 of the last five years in a jurisdiction determined by the Board as economically distressed; or (v) for
 2886 applicants with a minimum of 10 full-time employees, an applicant with at least 51 percent of current
 2887 employees who meet the qualifications in clauses (i), (ii), or (iii);
 2888 15. For the purposes of establishing criteria by which to evaluate micro business license applicants,
 2889 establish standards by which to determine (i) which jurisdictions have been disproportionately policed for
 2890 marijuana crimes and (ii) which jurisdictions are economically distressed; and
 2891 16. Establish standards and requirements for (i) any preference in the licensing process for qualified
 2892 micro business applicants, (ii) what percentage of application or license fees are waived for a qualified micro
 2893 business applicant, and (iii) a low-interest business loan program for qualified micro business applicants.
 2894 C. The Board may promulgate regulations that:
 2895 1. Limit the number of licenses issued by type or class to operate a marijuana establishment; however, the
 2896 Board shall not limit the number of Class D marijuana cultivation facility licenses issued.
 2897 2. Provide for the issuance of additional classes of state license to a marijuana establishment.
 2898 3. Prescribe any requirements deemed appropriate for the administration of taxes under §§ 4.1-637 and
 2899 4.1-638, including method of filing a return, information required on a return, and form of payment.
 2900 D. Board regulations shall be uniform in their application, except those relating to hours of sale for
 2901 licensees.
 2902 E. Courts shall take judicial notice of Board regulations.
 2903 F. The Board's power to regulate shall be broadly construed.
 2904 § 4.1-605. **Additional powers; mediation; alternative dispute resolution; confidentiality Seed-to-sale**
 2905 **tracking system.**

2906 A. As used in this section:

2907 "Appropriate case" means any alleged license or permit violation or objection to the application for a
 2908 license or permit in which it is apparent that there are significant issues of disagreement among interested
 2909 persons and for which the Board finds that the use of a mediation or dispute resolution proceeding is in the
 2910 public interest.

2911 "Dispute resolution proceeding" means the same as that term is defined in § 8.01-576.4.

2912 "Mediation" means the same as that term is defined in § 8.01-576.4.

2913 "Neutral" means the same as that term is defined in § 8.01-576.4.

2914 B. The Board may use mediation or a dispute resolution proceeding in appropriate cases to resolve
 2915 underlying issues or reach a consensus or compromise on contested issues. Mediation and other dispute
 2916 resolution proceedings as authorized by this section shall be voluntary procedures that supplement, rather
 2917 than limit, other dispute resolution techniques available to the Board. Mediation or a dispute resolution
 2918 proceeding may be used for an objection to the issuance of a license or permit only with the consent of, and
 2919 participation by, the applicant for a license or permit and shall be terminated at the request of such applicant.

2920 C. Any resolution of a contested issue accepted by the Board under this section shall be considered a
 2921 consent agreement as provided in § 4.1-604. The decision to use mediation or a dispute resolution proceeding
 2922 is in the Board's sole discretion and shall not be subject to judicial review.

2923 D. The Board may adopt rules and regulations, in accordance with the Administrative Process Act
 2924 (§ 2.2-4000 et seq.), for the implementation of this section. Such rules and regulations may include (i)
 2925 standards and procedures for the conduct of mediation and dispute resolution proceedings, including an
 2926 opportunity for interested persons identified by the Board to participate in the proceeding; (ii) the
 2927 appointment and function of a neutral to encourage and assist parties to voluntarily compromise or settle
 2928 contested issues; and (iii) procedures to protect the confidentiality of papers, work products, or other
 2929 materials.

2930 E. The provisions of § 8.01-576.10 concerning the confidentiality of a mediation or dispute resolution
 2931 proceeding shall govern all such proceedings held pursuant to this section except where the Board uses or
 2932 relies on information obtained in the course of such proceeding in granting, suspending, restricting, or
 2933 revoking a license or permit, or in accepting payment of a civil penalty or investigative costs. Consent
 2934 agreements shall be signed by all parties and shall include provisions regarding whether the terms of the
 2935 consent agreement are confidential. *To ensure that no retail marijuana or retail marijuana products grown or*
 2936 *processed by a marijuana establishment are sold or otherwise transferred except as authorized by law, the*
 2937 *Board shall develop and maintain a seed-to-sale tracking system that tracks retail marijuana from either the*
 2938 *seed or immature plant stage until the retail marijuana or retail marijuana product is sold to a customer at a*
 2939 *retail marijuana store.*

2940 **§ 4.1-606. Regulations Reports and accounting systems of the Board; auditing books and records.**

2941 A. The Board may promulgate reasonable regulations, not inconsistent with this subtitle or the general
 2942 laws of the Commonwealth, that it deems necessary to carry out the provisions of this subtitle and to prevent
 2943 the illegal cultivation, manufacture, sale, and testing of marijuana and marijuana products. The Board may
 2944 amend or repeal such regulations. Such regulations shall be promulgated, amended, or repealed in accordance
 2945 with the Administrative Process Act (§ 2.2-4000 et seq.) and shall have the effect of law.

2946 B. The Board shall promulgate regulations that:

2947 1. Govern the outdoor cultivation of marijuana by a marijuana cultivation facility licensee, including
 2948 security requirements to include lighting, physical security, and alarm requirements; provided that such
 2949 requirements do not prohibit the cultivation of marijuana outdoors or in a greenhouse;

2950 2. Establish requirements for securely transporting marijuana between marijuana establishments;

2951 3. Establish sanitary standards for retail marijuana product preparation;

2952 4. Establish a testing program for retail marijuana and retail marijuana products pursuant to Chapter 14
 2953 (§ 4.1-1400 et seq.);

2954 5. Establish an application process for licensure as a marijuana establishment pursuant to this subtitle in a
 2955 way that, when possible, prevents disparate impacts on historically disadvantaged communities;

2956 6. Establish requirements for health and safety warning labels to be placed on retail marijuana and retail
 2957 marijuana products to be sold or offered for sale by a licensee to a consumer in accordance with the
 2958 provisions of this subtitle;

2959 7. Establish a maximum tetrahydrocannabinol level for retail marijuana products, which shall not exceed
 2960 (i) five milligrams per serving for edible marijuana products and where practicable an equivalent amount for
 2961 other marijuana products or (ii) 50 milligrams per package for edible marijuana products and where
 2962 practicable an equivalent amount for other marijuana products. Such regulations may include other product
 2963 and dispensing limitations on tetrahydrocannabinol;

2964 8. Establish requirements for the form, content, and retention of all records and accounts by all licensees;

2965 9. Provide alternative methods for licensees to maintain and store business records that are subject to
 2966 Board inspection, including methods for Board-approved electronic and offsite storage;

2967 10. Establish (i) criteria by which to evaluate new licensees based on the density of retail marijuana stores

2968 in the community and (ii) metrics that have similarly shown an association with negative community-level
2969 health outcomes or health disparities. In promulgating such regulations, the Board shall coordinate with the
2970 Cannabis Public Health Advisory Council established pursuant to § 4.1-603;

2971 11. Require retail licensees to file an appeal from any hearing decision rendered by a hearing officer
2972 within 30 days of the date the notice of the decision is sent. The notice shall be sent to the licensee at the
2973 address on record with the Board by certified mail, return receipt requested, and by regular mail;

2974 12. Prescribe the schedule of proration for refunded license fees to licensees who qualify pursuant to
2975 subsection C of § 4.1-1002;

2976 13. Establish criteria by which to evaluate social equity license applicants; which shall be an applicant
2977 who has lived or been domiciled for at least 12 months in the Commonwealth and is either (i) an applicant
2978 with at least 66 percent ownership by a person or persons who have been convicted of or adjudicated
2979 delinquent for any misdemeanor violation of § 18.2-248.1, former § 18.2-250.1, or subsection A of
2980 § 18.2-265.3 as it relates to marijuana; (ii) an applicant with at least 66 percent ownership by a person or
2981 persons who is the parent, child, sibling, or spouse of a person who has been convicted of or adjudicated
2982 delinquent for any misdemeanor violation of § 18.2-248.1, former § 18.2-250.1, or subsection A of
2983 § 18.2-265.3 as it relates to marijuana; (iii) an applicant with at least 66 percent ownership by a person or
2984 persons who have resided for at least three of the past five years in a jurisdiction that is determined by the
2985 Board after utilizing census tract data made available by the United States Census Bureau to have been
2986 disproportionately policed for marijuana crimes; (iv) an applicant with at least 66 percent ownership by a
2987 person or persons who have resided for at least three of the last five years in a jurisdiction determined by the
2988 Board after utilizing census tract data made available by the United States Census Bureau to be economically
2989 distressed; or (v) an applicant with at least 66 percent ownership by a person or persons who graduated from
2990 a historically black college or university located in the Commonwealth;

2991 14. For the purposes of establishing criteria by which to evaluate social equity license applicants, establish
2992 standards by which to determine (i) which jurisdictions have been disproportionately policed for marijuana
2993 crimes and (ii) which jurisdictions are economically distressed;

2994 15. Establish standards and requirements for (i) any preference in the licensing process for qualified social
2995 equity applicants; (ii) what percentage of application or license fees are waived for a qualified social equity
2996 applicant; and (iii) a low-interest business loan program for qualified social equity applicants;

2997 16. Establish guidelines, in addition to requirements set forth in this subtitle, for the personal cultivation
2998 of marijuana that promote personal and public safety, including child protection, and discourage personal
2999 cultivation practices that create a nuisance, including a nuisance caused by odor;

3000 17. Establish reasonable time, place, and manner restrictions on outdoor advertising of retail marijuana or
3001 retail marijuana products, not inconsistent with the provisions of this chapter, so that such advertising
3002 displaces the illicit market and notifies the public of the location of marijuana establishments. Such
3003 regulations shall be promulgated in accordance with § 4.1-1404;

3004 18. Establish restrictions on the number of licenses that a person may be granted to operate a marijuana
3005 establishment in single locality or region; and

3006 19. Establish restrictions on pharmaceutical processors and industrial hemp processors that have been
3007 granted a license in more than one license category pursuant to subsection C of § 4.1-805 that ensure all
3008 licensees have an equal and meaningful opportunity to participate in the market. Such regulations may limit
3009 the amount of products cultivated or manufactured by the pharmaceutical processor or industrial hemp
3010 processor that such processor may offer for sale in its retail marijuana stores.

3011 C. The Board may promulgate regulations that:

3012 1. Limit the number of licenses issued by type or class to operate a marijuana establishment; however, the
3013 number of licenses issued shall not exceed the following limits:

- 3014 a. Retail marijuana stores, 400;
- 3015 b. Marijuana wholesalers, 25;
- 3016 c. Marijuana manufacturing facilities, 60; and
- 3017 d. Marijuana cultivation facilities, 450.

3018 In determining the number of licenses issued pursuant to this subdivision, the Board shall not consider any
3019 license granted pursuant to subsection C of § 4.1-805 to (i) a pharmaceutical processor that has been issued a
3020 permit by the Board of Pharmacy pursuant to Article 4.2 (§ 54.1-3442.5 et seq.) of the Drug Control Act or
3021 (ii) an industrial hemp processor registered with the Commissioner of Agriculture and Consumer Services
3022 pursuant to Chapter 41-1 (§ 3.2-4112 et seq.) of Title 3-2.

3023 2. Prescribe any requirements deemed appropriate for the administration of taxes under §§ 4.1-1003 and
3024 4.1-1004, including method of filing a return, information required on a return, and form of payment.

3025 3. Limit the allowable square footage of a retail marijuana store, which shall not exceed 1,500 square feet.

3026 4. Allow certain persons to be granted or have interest in a license in more than one of the following
3027 license categories: marijuana cultivation facility license, marijuana manufacturing facility license, marijuana
3028 wholesaler license, or retail marijuana store license. Such regulations shall be drawn narrowly to limit vertical
3029 integration to small businesses and ensure that all licensees have an equal and meaningful opportunity to

3030 participate in the market.

3031 D. Board regulations shall be uniform in their application, except those relating to hours of sale for
3032 licensees.

3033 E. Courts shall take judicial notice of Board regulations.

3034 F. The Board shall consult with the Cannabis Public Health Advisory Council in promulgating any
3035 regulations relating to public health, including regulations promulgated pursuant to subdivision B 3, 4, 6, 7,
3036 10, or 16, and shall not promulgate any such regulation that has not been approved by a majority of the
3037 members of the Cannabis Public Health Advisory Council.

3038 G. With regard to regulations governing licensees that have been issued a permit by the Board of
3039 Pharmacy to operate as a pharmaceutical processor or cannabis dispensing facility pursuant to Article 4.2
3040 (§ 54-1-3442.5 et seq.) of the Drug Control Act, the Board shall make reasonable efforts (i) to align such
3041 regulations with any applicable regulations promulgated by the Board of Pharmacy that establish health,
3042 safety, and security requirements for pharmaceutical processors and cannabis dispensing facilities and (ii) to
3043 deem in compliance with applicable regulations promulgated pursuant to this subtitle such pharmaceutical
3044 processors and cannabis dispensing facilities that have been found to be in compliance with regulations
3045 promulgated by the Board of Pharmacy that mirror or are more extensive in scope than similar regulations
3046 promulgated pursuant to this subtitle.

3047 H. The Board's power to regulate shall be broadly construed. *The Board shall make reports to the*
3048 *Governor as he may require covering the administration and enforcement of this chapter. Additionally, the*
3049 *Board shall submit an annual report to the Governor, the General Assembly, the Chief Executive Officer, and*
3050 *the Advisory Board on or before December 15 each year, which shall contain:*

3051 1. *The number of state licenses of each category issued pursuant to this chapter;*

3052 2. *Demographic information concerning the licensees;*

3053 3. *A description of enforcement and disciplinary actions taken against licensees;*

3054 4. *A statement of revenues and expenses related to the implementation, administration, and enforcement*
3055 *of this chapter;*

3056 5. *General information and remarks about the working of the cannabis control laws within the*
3057 *Commonwealth;*

3058 6. *A description of the efforts undertaken by the Board to promote diverse business ownership within the*
3059 *cannabis industry; and*

3060 7. *Any other information requested by the Governor.*

3061 **§ 4.1-608. Appointment, salary, and powers of Chief Executive Officer; appointment of confidential**
3062 **assistant to the Chief Executive Officer** *Certain information not to be made public.*

3063 A. The Chief Executive Officer of the Authority shall be appointed by the Governor and confirmed by the
3064 affirmative vote of a majority of those voting in each house of the General Assembly. The Chief Executive
3065 Officer shall not be a member of the Board; shall hold, at a minimum, a baccalaureate degree in business or a
3066 related field of study, and shall possess a minimum of seven years of demonstrated experience or expertise in
3067 the direct management, supervision, or control of a business or legal affairs. The Chief Executive Officer
3068 shall receive such compensation as determined by the Board and approved by the Governor, including any
3069 performance bonuses or incentives as the Board deems advisable. The Chief Executive Officer shall be
3070 subject to a background check in accordance with § 4-1-609. The Chief Executive Officer shall (i) carry out
3071 the powers and duties conferred upon him by the Board or imposed upon him by law and (ii) meet
3072 performance measures or targets set by the Board and approved by the Governor. The Chief Executive
3073 Officer may be removed from office by the Governor for cause, including the improper use of the Authority's
3074 police powers, malfeasance, misfeasance, incompetence, misconduct, neglect of duty, absenteeism, conflict
3075 of interests, failure to meet performance measures or targets as set by the Board and approved by the
3076 Governor, failure to carry out the policies of the Commonwealth as established in the Constitution or by the
3077 General Assembly, or refusal to carry out a lawful directive of the Governor.

3078 B. The Chief Executive Officer shall devote his full time to the performance of his official duties and shall
3079 not be engaged in any other profession or occupation.

3080 C. The Chief Executive Officer shall supervise and administer the operations of the Authority in
3081 accordance with this subtitle.

3082 D. The Chief Executive Officer shall:

3083 1. *Serve as the secretary to the Board and keep a true and full record of all proceedings of the Authority*
3084 *and preserve at the Authority's general office all books, documents, and papers of the Authority;*

3085 2. *Exercise and perform such powers and duties as may be delegated to him by the Board or as may be*
3086 *conferred or imposed upon him by law;*

3087 3. *Employ or retain such special agents or employees subordinate to the Chief Executive Officer as may*
3088 *be necessary to fulfill the duties of the Authority conferred upon the Chief Executive Officer, subject to the*
3089 *Board's approval; and*

3090 4. *Make recommendations to the Board for legislative and regulatory changes.*

3091 E. *Neither the Chief Executive Officer nor the spouse or any member of the immediate family of the*

3092 Chief Executive Officer shall make any contribution to a candidate for office or officeholder at the local or
3093 state level or cause such a contribution to be made on his behalf.

3094 F. To assist the Chief Executive Officer in the performance of his duties, the Governor shall also appoint
3095 one confidential assistant for administration who shall be deemed to serve on an employment-at-will basis.
3096 Neither the Board nor its employees shall divulge any information regarding (i) financial reports or records
3097 required pursuant to this chapter; (ii) the purchase orders and invoices for retail marijuana or retail
3098 marijuana products filed with the Board by marijuana wholesaler licensees; (iii) taxes collected from,
3099 refunded to, or adjusted for any person; or (iv) information contained in the seed-to-sale tracking system
3100 maintained by the Board pursuant to § 4.1-604. The provisions of § 58.1-3 shall apply, *mutatis mutandis*, to
3101 taxes collected pursuant to this chapter and to purchase orders and invoices for retail marijuana or retail
3102 marijuana products filed with the Board by marijuana wholesaler licensees.

3103 Nothing contained in this section shall prohibit the use or release of such information or documents by the
3104 Board to any governmental or law-enforcement agency, or when considering the granting, denial,
3105 revocation, or suspension of a license or permit, or the assessment of any penalty against a licensee or
3106 permittee, nor shall this section prohibit the Board or its employees from compiling and disseminating to any
3107 member of the public aggregate statistical information pertaining to (a) tax collection, as long as such
3108 information does not reveal or disclose tax collection from any identified licensee; (b) the total amount of
3109 retail marijuana or retail marijuana products sales in the Commonwealth by marijuana wholesaler licensees
3110 collectively; or (c) the total amount of purchases or sales submitted by licensees, provided that such
3111 information does not identify the licensee.

3112 **§ 4.1-609. Background investigations of Board members and Chief Executive Officer Disposition of**
3113 **moneys collected by the Board.**

3114 All members of the Board and the Chief Executive Officer shall be fingerprinted before, and as a
3115 condition of, appointment. These fingerprints shall be submitted to the Federal Bureau of Investigation for a
3116 national criminal history records search and to the Department of State Police for a Virginia criminal history
3117 records search. The Department of State Police shall be reimbursed by the Authority for the cost of
3118 investigations conducted pursuant to this section. No person shall be appointed to the Board or appointed by
3119 the Board who (i) has defrauded or attempted to defraud any federal, state, or local government or
3120 governmental agency or authority by making or filing any report, document, or tax return required by statute
3121 or regulation that is fraudulent or contains a false representation of a material fact; (ii) has willfully deceived
3122 or attempted to deceive any federal, state, or local government or governmental agency or governmental
3123 authority by making or maintaining business records required by statute or regulation that are false and
3124 fraudulent; or (iii) has been convicted of (a) a felony or a crime involving moral turpitude or (b) a violation of
3125 any law applicable to the manufacture, transportation, possession, use, or sale of marijuana within the five
3126 years immediately preceding appointment. A. All moneys collected by the Board under this chapter shall be
3127 paid into the state treasury according to the provisions of § 4.1-116.

3128 B. Except for revenues collected from any local marijuana tax imposed under § 4.1-638, which shall be
3129 separately accounted for as provided in subsection D, the net profits of the Board from its activities under
3130 this chapter shall be calculated according to the provisions of § 4.1-116. As provided in § 4.1-116, any
3131 moneys paid into the state treasury pursuant to subsection A that are not net profits shall be set aside in the
3132 Enterprise Fund created under § 4.1-116.

3133 C. After accounting for the authority's expenses as provided in subsection A of § 4.1-116, net profits
3134 attributable to the Board's activities under this chapter shall be appropriated in the general appropriation
3135 act as follows:

- 3136 1. Forty percent to support early childhood care and early childhood education in the Commonwealth;
- 3137 2. Thirty percent to the Cannabis Equity Reinvestment Fund established pursuant to § 2.2-2499.4;
- 3138 3. Twenty-five percent to substance use disorder prevention and treatment programs; and
- 3139 4. Five percent to public health programs.

3140 D. All local tax revenues collected under § 4.1-638 shall be paid into the state treasury as provided in
3141 subsection A and credited to a special fund, which is hereby created on the Comptroller's books under the
3142 name "Collections of Local Marijuana Taxes." The revenues shall be credited to the account of the locality in
3143 which they were collected. If revenues were collected from a marijuana establishment located in more than
3144 one locality by reason of the boundary line or lines passing through the marijuana establishment, tax
3145 revenues shall be distributed pro rata among the localities. The Authority shall provide to the Comptroller
3146 any records and assistance necessary for the Comptroller to determine the locality to which tax revenues are
3147 attributable.

3148 On a quarterly basis, the Comptroller shall draw his warrant on the Treasurer of Virginia in the proper
3149 amount in favor of each locality entitled to the return of its tax revenues, and such payments shall be charged
3150 to the account of each such locality under the special fund created by this section. If errors are made in any
3151 such payment, or adjustments are otherwise necessary, whether attributable to refunds to taxpayers, or to
3152 some other fact, the errors shall be corrected and adjustments made in the payments for the next quarter.

3153 **§ 4.1-610. Financial interests of Board, employees, and family members prohibited Local ordinances**

3154 **or resolutions regulating retail marijuana or retail marijuana products.**

3155 No Board member or employee of the Authority shall (i) be a principal stockholder or (ii) otherwise have
 3156 any financial interest, direct or indirect, in any licensee subject to the provisions of this subtitle or in any
 3157 entity that has submitted an application for a license under Chapter 8 (§ 4.1-800 et seq.). No Board member
 3158 and no spouse or immediate family member of a Board member shall make any contribution to a candidate
 3159 for office or officeholder at the local or state level or cause such a contribution to be made on his behalf. A.
 3160 No county, city, or town shall, except as provided in subsection D, adopt any ordinance or resolution that
 3161 regulates or prohibits the cultivation, manufacture, possession, sale, wholesale distribution, handling,
 3162 transportation, consumption, use, advertising, or dispensing of retail marijuana or retail marijuana products
 3163 in the Commonwealth.

3164 B. However, the governing body of any county, city, or town may adopt an ordinance (i) that prohibits the
 3165 acts described in § 4.1-652, or the acts described in § 4.1-653, and may provide a penalty for violation
 3166 thereof and (ii) that regulates or prohibits the possession of opened retail marijuana or retail marijuana
 3167 products containers in its local public parks, playgrounds, public streets, and any sidewalk adjoining any
 3168 public street.

3169 C. Except as provided in this section, all local acts, including charter provisions and ordinances of
 3170 counties, cities, and towns, inconsistent with any of the provisions of this chapter, are repealed to the extent
 3171 of such inconsistency.

3172 D. 1. The governing body of each county may adopt ordinances effective in that portion of such county not
 3173 embraced within the corporate limits of any incorporated town, and the governing body of each city and town
 3174 may adopt ordinances effective in such city or town, fixing hours during which retail marijuana and retail
 3175 marijuana products may be sold. Such governing bodies shall provide for fines and other penalties for
 3176 violations of any such ordinances, which shall be enforced as if the violations were Class 1 misdemeanors
 3177 with a right of appeal pursuant to § 16.1-106.

3178 2. A copy of any ordinance adopted pursuant to this section shall be certified by the clerk of the governing
 3179 body adopting it and transmitted to the Board.

3180 3. On and after the effective date of any ordinance adopted pursuant to this section, no retail marijuana
 3181 store shall sell retail marijuana and retail marijuana products during the hours limited by the ordinance.

3182 CHAPTER 7.

3183 ADMINISTRATION OF LICENSES; GENERAL PROVISIONS.

3184 § 4.1-700. Exemptions from licensure.

3185 The licensure requirements of this article shall not apply to (i) a cannabis dispensing facility or
 3186 pharmaceutical processor that has been issued a permit by the Board of Pharmacy pursuant to Article 4.2
 3187 (§ 54.1-3442.5 et seq.) of the Drug Control Act; (ii) a dealer, grower, or processor of industrial hemp
 3188 registered with the Commissioner of Agriculture and Consumer Services pursuant to Chapter 41.1
 3189 (§ 3.2-4112 et seq.) of Title 3.2; (iii) a manufacturer of an industrial hemp extract or food containing an
 3190 industrial hemp extract operating in accordance with Article 5 (§ 3.2-5145.1 et seq.) of Chapter 51 of Title
 3191 3.2; or (iv) a person who cultivates marijuana at home for personal use pursuant to § 4.1-645; however, any
 3192 person described in clause (i), (ii), or (iii) may be licensed pursuant to this article if such person satisfies the
 3193 license requirements.

3194 § 4.1-701. To whom privileges conferred by licenses extend; liability for violations of law.

3195 The privilege of any licensee to cultivate, manufacture, transport, sell, or test retail marijuana or retail
 3196 marijuana products shall extend to such licensee and to all agents or employees of such licensee for the
 3197 purpose of operating under such license. The licensee may be held liable for any violation of this chapter or
 3198 any Board regulation committed by such agents or employees in connection with their employment.

3199 § 4.1-702. Separate license for each place of business; transfer or amendment; posting; expiration;
 3200 civil penalties.

3201 A. Each license granted by the Board shall designate the place where the business of the licensee will be
 3202 carried on. A separate license shall be required for each separate place of business.

3203 B. No license shall be transferable from one person to another or from one location to another. The Board
 3204 may permit a licensee to amend the classification of an existing license without complying with the posting
 3205 and publishing procedures required by § 4.1-634 if the effect of the amendment is to reduce materially the
 3206 privileges of an existing license. However, if (i) the Board determines that the amendment is a device to
 3207 evade the provisions of this article, (ii) a majority of the corporate stock of a retail marijuana store licensee
 3208 is sold to a new entity, or (iii) there is a change of business at the premises of a retail marijuana store
 3209 licensee, the Board may, within 30 days of receipt of written notice by the licensee of a change in ownership
 3210 or a change of business, require the licensee to comply with any or all of the requirements of § 4.1-634. If the
 3211 Board fails to exercise its authority within the 30-day period, the licensee shall not be required to reapply for
 3212 a license. The licensee shall submit such written notice to the secretary of the Board.

3213 C. Each license shall be posted in a location conspicuous to the public at the place where the licensee
 3214 carries on the business for which the license is granted.

3215 D. The privileges conferred by any license granted by the Board shall continue until the last day of the

3216 *twelfth month next ensuing or the last day of the designated month and year of expiration, except the license*
 3217 *may be sooner terminated for any cause for which the Board would be entitled to refuse to grant a license or*
 3218 *by operation of law, voluntary surrender, or order of the Board.*

3219 *The Board may grant licenses for one year or for multiple years, not to exceed three years, based on the*
 3220 *fees set by the Board pursuant to § 4.1-635. Qualification for a multiyear license shall be determined on the*
 3221 *basis of criteria established by the Board. Fees for multiyear licenses shall not be refundable except as*
 3222 *provided in § 4.1-636. The Board may provide a discount for two-year or three-year licenses, not to exceed*
 3223 *five percent of the applicable license fee, which extends for one fiscal year and shall not be altered or*
 3224 *rescinded during such period.*

3225 *The Board may permit a licensee who fails to pay:*

3226 *1. The required license fee covering the continuation or reissuance of his license by midnight of the*
 3227 *fifteenth day of the twelfth month or of the designated month of expiration, whichever is applicable, to pay the*
 3228 *fee in lieu of posting and publishing notice and reapplying, provided payment of the fee is made within 30*
 3229 *days following that date and is accompanied by a civil penalty of \$25 or 10 percent of such fee, whichever is*
 3230 *greater; and*

3231 *2. The fee and civil penalty pursuant to subdivision 1 to pay the fee in lieu of posting and publishing*
 3232 *notice and reapplying, provided payment of the fee is made within 45 days following the 30 days specified in*
 3233 *subdivision 1 and is accompanied by a civil penalty of \$100 or 25 percent of such fee, whichever is greater.*

3234 *Such civil penalties collected by the Board shall be deposited in accordance with § 4.1-XXXX.*

3235 **§ 4.1-703. Records of licensees; inspection of records and places of business.**

3236 *A. Every licensed marijuana manufacturing facility or marijuana wholesaler shall keep complete,*
 3237 *accurate, and separate records in accordance with Board regulations of all marijuana and marijuana*
 3238 *products it purchased, manufactured, sold, or shipped.*

3239 *B. Every licensed retail marijuana store shall keep complete, accurate, and separate records in*
 3240 *accordance with Board regulations of all purchases of retail marijuana products, the prices charged such*
 3241 *licensee therefor, and the names and addresses of the persons from whom purchased. Every licensed retail*
 3242 *marijuana store shall also preserve all invoices showing its purchases for a period as specified by Board*
 3243 *regulations. The licensee shall also keep an accurate account of daily sales, showing quantities of retail*
 3244 *marijuana products sold and the total price charged by it therefor. Except as otherwise provided in*
 3245 *subsections D and E, such account need not give the names or addresses of the purchasers thereof, except as*
 3246 *may be required by Board regulation.*

3247 *Notwithstanding the provisions of subsection F, electronic records of licensed retail marijuana stores may*
 3248 *be stored off site, provided that such records are readily retrievable and available for electronic inspection*
 3249 *by the Board or its special agents at the licensed premises. However, in the case that such electronic records*
 3250 *are not readily available for electronic inspection on the licensed premises, the licensee may obtain Board*
 3251 *approval, for good cause shown, to permit the licensee to provide the records to a special agent of the Board*
 3252 *within three business days or less, as determined by the Board, after a request is made to inspect the records.*

3253 *C. Every licensed marijuana cultivation facility shall keep complete, accurate, and separate records in*
 3254 *accordance with Board regulations of all marijuana and marijuana products it purchased, manufactured,*
 3255 *sold, or shipped.*

3256 *D. Every licensed marijuana testing facility shall keep complete, accurate, and separate records in*
 3257 *accordance with Board regulations of all marijuana and marijuana products it developed, researched, or*
 3258 *tested and the names and addresses of the licensees or persons who submitted the marijuana or marijuana*
 3259 *product to the marijuana testing facility.*

3260 *E. Every licensed marijuana secure transporter shall keep complete, accurate, and separate records in*
 3261 *accordance with Board regulations of all marijuana and marijuana products it transported and the names*
 3262 *and addresses of the marijuana establishments from which the marijuana or marijuana products were*
 3263 *obtained and to which the marijuana or marijuana products were delivered.*

3264 *F. The Board and its special agents shall be allowed free access during reasonable hours to every place*
 3265 *in the Commonwealth and to the premises of every licensee or for the purpose of examining and inspecting*
 3266 *such place and all records, invoices, and accounts therein.*

3267 *For the purposes of a Board inspection of the records of any retail marijuana store licensees, "reasonable*
 3268 *hours" means the hours between 9 a.m. and 5 p.m.; however, if the licensee generally is not open to the*
 3269 *public substantially during the same hours, "reasonable hours" means the business hours when the licensee*
 3270 *is open to the public. At any other time of day, if the retail marijuana store licensee's records are not*
 3271 *available for inspection, the licensee shall provide the records to a special agent of the Board within 24*
 3272 *hours after a request is made to inspect the records.*

3273 **CHAPTER 8.**

3274 **ADMINISTRATION OF LICENSES; LICENSES GRANTED BY BOARD.**

3275 **§ 4.1-800. Marijuana cultivation facility license.**

3276 *A. The Board may issue any of the following marijuana cultivation facility licenses, which shall authorize*
 3277 *the licensee to purchase marijuana plants and seeds from other marijuana cultivation facilities; to cultivate,*

3278 label, and package retail marijuana on premises approved by the Board; to transfer possession of and to sell
 3279 retail marijuana to marijuana manufacturing facilities, marijuana wholesalers, and other marijuana
 3280 cultivation facilities:

3281 1. Class A cultivation facility license, which shall authorize the licensee to cultivate not more than a
 3282 certain number of marijuana plants or marijuana plants in an area not larger than a certain number of
 3283 square feet, as determined by the Board;

3284 2. Class B cultivation facility license, which shall authorize the licensee to cultivate marijuana plants with
 3285 a tetrahydrocannabinol concentration of no more than one percent, as determined post-decarboxylation.

3286 B. In accordance with the requirements of § 4.1-6XX, a marijuana cultivation facility licensee shall track
 3287 the retail marijuana it cultivates from seed or immature marijuana plant to the point at which the marijuana
 3288 plant or the marijuana produced by the marijuana plant is delivered or transferred to a marijuana
 3289 manufacturing facility, a marijuana testing facility, a marijuana wholesaler, or another marijuana cultivation
 3290 facility, or is disposed of or destroyed.

3291 **§ 4.1-801. Marijuana manufacturing facility license.**

3292 A. The Board may issue marijuana manufacturing facility licenses, which shall authorize the licensee to
 3293 purchase retail marijuana from a marijuana cultivation facility, a marijuana wholesaler, or another
 3294 marijuana manufacturing facility; to manufacture, label, and package retail marijuana and retail marijuana
 3295 products on premises approved by the Board; to transfer possession and sell retail marijuana and retail
 3296 marijuana products to marijuana wholesalers, retail marijuana stores, and other marijuana manufacturing
 3297 facilities.

3298 B. Retail marijuana products shall be prepared on a licensed premises that is used exclusively for the
 3299 manufacture and preparation of retail marijuana or retail marijuana products and using equipment that is
 3300 used exclusively for the manufacture and preparation of retail marijuana or retail marijuana products.

3301 C. All areas within the licensed premises of a marijuana manufacturing facility in which retail marijuana
 3302 and retail marijuana products are manufactured shall meet all sanitary standards specified in regulations
 3303 adopted by the Board. A marijuana manufacturing facility that manufactures an edible marijuana product
 3304 shall comply with the requirements of Chapter 51 (§ 3.2-5100 et seq.) of Title 3.2 and any regulations
 3305 adopted pursuant thereto.

3306 D. In accordance with the requirements of § 4.1-604, a marijuana manufacturing facility licensee shall
 3307 track the retail marijuana it uses in its manufacturing processes from the point the retail marijuana is
 3308 delivered or transferred to the marijuana manufacturing facility by a marijuana cultivation facility to the
 3309 point the retail marijuana or retail marijuana products produced using the retail marijuana are delivered or
 3310 transferred to another marijuana manufacturing facility, a marijuana testing facility, a marijuana
 3311 wholesaler, or a retail marijuana store, or are disposed of or destroyed.

3312 **§ 4.1-802. Marijuana testing facility license.**

3313 A. The Board may issue marijuana testing facility licenses, which shall authorize the licensee to develop,
 3314 research, or test retail marijuana, retail marijuana products, and other substances.

3315 B. A marijuana testing facility may develop, research, or test retail marijuana and retail marijuana
 3316 products for (i) that facility, (ii) another licensee, or (iii) a person who intends to use the retail marijuana or
 3317 retail marijuana product for personal use as authorized under § 4.1-644.

3318 C. Neither this title nor the regulations adopted pursuant to this title shall prevent a marijuana testing
 3319 facility from developing, researching, or testing substances that are not marijuana or marijuana products for
 3320 that facility or for another person.

3321 D. To obtain licensure from the Board, a marijuana testing facility shall be required to obtain and
 3322 maintain accreditation pursuant to standard ISO/IEC 17025 of the International Organization for
 3323 Standardization by a third-party accrediting body.

3324 E. In accordance with the requirements of § 4.1-604, a marijuana testing facility licensee shall track all
 3325 marijuana and marijuana products it receives from a licensee for testing purposes from the point at which the
 3326 marijuana or marijuana products are delivered or transferred to the marijuana testing facility to the point at
 3327 which the marijuana or marijuana products are disposed of or destroyed.

3328 F. A person that has an interest in a marijuana testing facility license shall not have any interest in a
 3329 licensed marijuana cultivation facility, a licensed marijuana products manufacturer, a licensed marijuana
 3330 wholesaler, or a licensed retail marijuana store.

3331 **§ 4.1-803. Marijuana wholesaler license.**

3332 A. The Board may issue marijuana wholesaler licenses, which shall authorize the licensee to purchase
 3333 retail marijuana and retail marijuana products from a marijuana cultivation facility, a marijuana
 3334 manufacturing facility, or another marijuana wholesaler; to transfer possession and sell or resell retail
 3335 marijuana or retail marijuana products to a marijuana manufacturing facility, a retail marijuana store, or
 3336 another marijuana wholesaler.

3337 B. All areas within the licensed premises of a marijuana wholesaler in which retail marijuana and retail
 3338 marijuana products are stored shall meet all sanitary standards specified in regulations adopted by the
 3339 Board.

3340 C. In accordance with the requirements of § 4.1-604, a marijuana wholesaler licensee shall track the
 3341 retail marijuana and retail marijuana products from the point at which the retail marijuana or retail
 3342 marijuana products are delivered or transferred to the retail marijuana store by a marijuana cultivation
 3343 facility, a marijuana manufacturing facility, or another marijuana wholesaler to the point at which the retail
 3344 marijuana or retail marijuana products are sold to a retail marijuana store, delivered or transferred to a
 3345 marijuana testing facility, or disposed of or destroyed.

3346 **§ 4.1-804. Retail marijuana store license.**

3347 A. The Board may issue retail marijuana store licenses, which shall authorize the licensee to purchase
 3348 retail marijuana from a marijuana cultivation facility; to purchase retail marijuana and retail marijuana
 3349 products from a marijuana wholesaler or marijuana manufacturing facility; to receive possession and sell
 3350 retail marijuana and retail marijuana products to consumers on premises approved by the Board.

3351 B. Retail marijuana stores shall be operated in accordance with the following provisions:

3352 1. A person shall be 21 years of age or older to make a purchase in a retail marijuana store.

3353 2. A retail marijuana store shall be permitted to sell retail marijuana and retail marijuana products to
 3354 consumers only in a direct, face-to-face exchange. Such store shall not be permitted to sell marijuana or
 3355 marijuana products using:

3356 a. An automated dispensing or vending machine;

3357 b. A drive-through sales window;

3358 c. An Internet-based sales platform; or

3359 d. A delivery service.

3360 3. A retail marijuana store shall not be permitted to sell more than one ounce of marijuana or an
 3361 equivalent amount of marijuana product as determined by regulation promulgated by the Board during a
 3362 single transaction to one person;

3363 4. A retail marijuana store may sell any other consumable or nonconsumable products that it is otherwise
 3364 permitted by law to sell, excluding tobacco or alcohol.

3365 5. A retail marijuana store shall not:

3366 a. Give away any retail marijuana or retail marijuana products;

3367 b. Sell retail marijuana or retail marijuana products to any person when at the time of such sale he knows
 3368 or has reason to believe that the person attempting to purchase the retail marijuana or retail marijuana
 3369 product is intoxicated or is attempting to purchase retail marijuana for someone younger than 21 years of
 3370 age; or

3371 c. Employ or allow to volunteer any person younger than 21 years of age.

3372 6. In accordance with the requirements of § 4.1-604, a retail marijuana store licensee shall track all retail
 3373 marijuana and retail marijuana products from the point at which the retail marijuana or retail marijuana
 3374 products are delivered or transferred to the retail marijuana store by a marijuana cultivation facility, a
 3375 marijuana manufacturing facility, or a marijuana wholesaler to the point at which the retail marijuana or
 3376 retail marijuana products are sold to a consumer, delivered or transferred to a marijuana testing facility, or
 3377 disposed of or destroyed.

3378 7. A retail marijuana store shall not be subject to the requirements of Chapter 51 (§ 3.2-5100 et seq.) of
 3379 Title 3.2.

3380 C. Each retail marijuana store licensee shall post in each retail marijuana store notice of the existence of
 3381 a human trafficking hotline to alert possible witnesses or victims of human trafficking to the availability of a
 3382 means to report crimes or gain assistance. The notice required by this section shall (i) be posted in a place
 3383 readily visible and accessible to the public and (ii) meet the requirements specified in subsection C of
 3384 § 40.1-11.3.

3385 D. Each retail marijuana store licensee shall prominently display and make available for dissemination to
 3386 consumers Board-approved information regarding the potential risks of marijuana use.

3387 E. Each retail marijuana store licensee shall provide training, established by the Board, to all employees
 3388 educating them on how to discuss the potential risks of marijuana use with consumers.

3389 **§ 4.1-805. Multiple licenses awarded to one person permitted; exceptions.**

3390 A. As used in this section, "interest" means an equity ownership interest or a partial equity ownership
 3391 interest or any other type of financial interest, including but not limited to being an investor or serving in a
 3392 management position.

3393 B. A person shall be permitted to possess one or any combination of the following licenses: marijuana
 3394 cultivation facility license, marijuana manufacturing facility license, marijuana wholesaler license, or retail
 3395 marijuana store license. However, no licensee who has been issued either a marijuana cultivation facility
 3396 license, marijuana manufacturing facility license, marijuana wholesaler license, or retail marijuana store
 3397 license shall be issued a marijuana testing facility license or have any interest in a marijuana testing facility
 3398 licensee. Additionally, no licensee who has been issued a marijuana testing facility license shall be issued a
 3399 marijuana cultivation facility license, marijuana manufacturing facility license, marijuana wholesaler
 3400 license, or retail marijuana store license or have any interest in a marijuana cultivation facility licensee,
 3401 marijuana manufacturing facility licensee, marijuana wholesaler licensee, or retail marijuana store licensee.

3402 C. Additionally, no person shall be permitted to have any interest in more than five marijuana cultivation
 3403 facility licensees. However, the Board may approve an application from a person who holds an interest in
 3404 more than five marijuana cultivation facility licensees if, after January 1, 2024, the Board adopts a
 3405 regulation authorizing a person to hold an interest in more than five marijuana cultivation facility licensees.

3406 D. Any person who wishes to possess more than one license pursuant to subsection B shall pay a
 3407 \$250,000 fee to the Board. The Board shall allocate such fees to the following: (i) the Virginia Cannabis
 3408 Equity Loan Fund, (ii) the Virginia Cannabis Equity Reinvestment Fund, or (iii) a program, as determined by
 3409 the Board, which provides job training services to persons recently incarcerated.

3410 In addition, any licensee who wishes to possess more than one license pursuant to subsection B shall
 3411 submit a diversity, equity, and inclusion plan to the Cannabis Business Equity and Diversity Support Team
 3412 (the Support Team) for approval, and upon approval shall implement such plan in accordance with the
 3413 requirements set by the Support Team.

3414 **§ 4.1-806. Temporary permits required in certain instances.**

3415 A. The Board may grant a permit that shall authorize any person who purchases at a foreclosure, secured
 3416 creditor's, or judicial auction sale the premises or property of a person licensed by the Board and who has
 3417 become lawfully entitled to the possession of the licensed premises to continue to operate the marijuana
 3418 establishment to the same extent as a person holding such licenses for a period not to exceed 60 days or for
 3419 such longer period as determined by the Board. Such permit shall be temporary and shall confer the
 3420 privileges of any licenses held by the previous owner to the extent determined by the Board. Such temporary
 3421 permit may be issued in advance, conditioned on the requirements in this subsection.

3422 B. A temporary permit granted pursuant to subsection A may be revoked summarily by the Board for any
 3423 cause set forth in § 4.1-812 without complying with subsection A of § 4.1-XXX632. Revocation of a
 3424 temporary permit shall be effective upon service of the order of revocation upon the permittee or upon the
 3425 expiration of three business days after the order of the revocation has been mailed to the permittee at either
 3426 his residence or the address given for the business in the permit application. No further notice shall be
 3427 required.

3428 **§ 4.1-807. Licensee shall maintain possession of premises.**

3429 As a condition of licensure, a licensee shall at all times maintain possession of the licensed premises of
 3430 the marijuana establishment that the licensee is licensed to operate, whether pursuant to a lease, rental
 3431 agreement, or other arrangement for possession of the premises or by virtue of ownership of the premises. If
 3432 the licensee fails to maintain possession of the licensed premises, the license shall be revoked by the Board.

3433 **§ 4.1-808. Use or consumption of marijuana or marijuana products on premises of licensee by licensee,
 3434 agent, or employee.**

3435 No marijuana or marijuana products may be used or consumed on the premises of a licensee by the
 3436 licensee or any agent or employee of the licensee, except for certain sampling for quality control purposes
 3437 that may be permitted by Board regulation.

3438 **§ 4.1-809. Conditions under which the Board may refuse to grant licenses.**

3439 The Board may refuse to grant any license if it has reasonable cause to believe that:

3440 1. The applicant, or if the applicant is a partnership, any general partner thereof, or if the applicant is an
 3441 association, any member thereof, or a limited partner of 10 percent or more with voting rights, or if the
 3442 applicant is a corporation, any officer, director, or shareholder owning 10 percent or more of its capital
 3443 stock, or if the applicant is a limited liability company, any member-manager or any member owning 10
 3444 percent or more of the membership interest of the limited liability company:

3445 a. Is not 21 years of age or older;

3446 b. Is not a resident of the Commonwealth;

3447 c. Has been convicted in any court of any crime or offense involving moral turpitude under the laws of
 3448 any state or of the United States, within seven years of the date of the application or has not completed all
 3449 terms of sentencing and probation resulting from any such felony conviction.

3450 d. Knowingly employs someone younger than 21 years of age;

3451 e. Is not the legitimate owner of the business proposed to be licensed, or other persons have ownership
 3452 interests in the business that have not been disclosed;

3453 f. Has not demonstrated financial responsibility sufficient to meet the requirements of the business
 3454 proposed to be licensed;

3455 g. Has misrepresented a material fact in applying to the Board for a license;

3456 h. Has defrauded or attempted to defraud the Board, or any federal, state, or local government or
 3457 governmental agency or authority, by making or filing any report, document, or tax return required by statute
 3458 or regulation that is fraudulent or contains a false representation of a material fact; or has willfully deceived
 3459 or attempted to deceive the Board, or any federal, state, or local government or governmental agency or
 3460 authority, by making or maintaining business records required by statute or regulation that are false or
 3461 fraudulent;

3462 i. Is violating or allowing the violation of any provision of this chapter in his establishment at the time his
 3463 application for a license is pending;

3464 j. Is a police officer with police authority in the political subdivision within which the establishment
3465 designated in the application is located;

3466 k. Is a manufacturer, distributor, or retailer of alcoholic beverages licensed under Chapter 2 (§ 4.1-200 et
3467 seq.) of Title 4.1 or a retailer of tobacco or tobacco products; or

3468 l. Is physically unable to carry on the business for which the application for a license is filed or has been
3469 adjudicated incapacitated.

3470 2. The place to be occupied by the applicant:

3471 a. Does not conform to the requirements of the governing body of the county, city, or town in which such
3472 place is located with respect to sanitation, health, construction, or equipment, or to any similar requirements
3473 established by the laws of the Commonwealth or by Board regulation;

3474 b. Is so located that granting a license and operation thereunder by the applicant would result in
3475 violations of this chapter or Board regulations or violation of the laws of the Commonwealth or local
3476 ordinances relating to peace and good order;

3477 c. Is so located with respect to any place of religious worship; hospital; public, private, or parochial
3478 school or institution of higher education; public or private playground or other similar recreational facility;
3479 substance use disorder treatment facility; or federal, state, or local government-operated facility that the
3480 operation of such place under such license will adversely affect or interfere with the normal, orderly conduct
3481 of the affairs of such facilities or institutions;

3482 d. Is so located with respect to any residence or residential area that the operation of such place under
3483 such license will adversely affect real property values or substantially interfere with the usual quietude and
3484 tranquility of such residence or residential area;

3485 e. Is located within 1,000 feet of an existing retail marijuana store; or

3486 f. Under a retail marijuana store license, is so constructed, arranged, or illuminated that law-enforcement
3487 officers and special agents of the Board are prevented from ready access to and reasonable observation of
3488 any room or area within which retail marijuana or retail marijuana products are to be sold.

3489 Nothing in this subdivision 2 shall be construed to require an applicant to have secured a place or
3490 premises until the final stage of the license approval process.

3491 3. The number of licenses existing in the locality is such that the granting of a license is detrimental to the
3492 interest, morals, safety, or welfare of the public. In reaching such conclusion, the Board shall consider the (i)
3493 criteria established by the Board to evaluate new licensees based on the density of retail marijuana stores in
3494 the community; (ii) character of, population of, number of similar licenses, and number of all licenses
3495 existent in the particular county, city, or town and the immediate neighborhood concerned; (iii) effect that a
3496 new license may have on such county, city, town, or neighborhood in conforming with the purposes of this
3497 chapter; and (iv) objections, if any, that may have been filed by a local governing body or local residents.

3498 4. There exists any law, ordinance, or regulation of the United States, the Commonwealth, or any political
3499 subdivision thereof that warrants refusal by the Board to grant any license.

3500 5. The Board is not authorized under this title to grant such license.

3501 **§ 4.1-810. Notice and hearings for refusal to grant licenses; Administrative Process Act; exceptions.**

3502 A. The action of the Board in granting or in refusing to grant any license shall be subject to judicial
3503 review in accordance with the Administrative Process Act (§ 2.2-4000 et seq.), except as provided in
3504 subsection B or C. Such review shall extend to the entire evidential record of the proceedings provided by the
3505 Board in accordance with the Administrative Process Act. An appeal shall lie to the Court of Appeals from
3506 any order of the court. Notwithstanding § 8.01-676.1, the final judgment or order of the circuit court shall
3507 not be suspended, stayed, or modified by such circuit court pending appeal to the Court of Appeals. Neither
3508 mandamus nor injunction shall lie in any such case.

3509 B. The Board may refuse a hearing on any application for the granting of any retail marijuana store
3510 license, provided that such:

3511 1. License for the applicant has been refused or revoked within a period of 12 months;

3512 2. License for any premises has been refused or revoked at that location within a period of 12 months; or

3513 3. Applicant, within a period of 12 months immediately preceding, has permitted a license granted by the
3514 Board to expire for nonpayment of license fee, and at the time of expiration of such license, there was a
3515 pending and unadjudicated charge, either before the Board or in any court, against the licensee alleging a
3516 violation of this chapter.

3517 C. If an applicant has permitted a license to expire for nonpayment of license fee, and at the time of
3518 expiration there remained unexecuted any period of suspension imposed upon the licensee by the Board, the
3519 Board may refuse a hearing on an application for a new license until after the date on which the suspension
3520 period would have been executed had the license not have been permitted to expire.

CHAPTER 9.

ADMINISTRATION OF LICENSES; SUSPENSION AND REVOCATION.

3523 **§ 4.1-900. Grounds for which Board may suspend or revoke licenses.**

3524 The Board may suspend or revoke any license if it has reasonable cause to believe that:

3525 1. The licensee, or if the licensee is a partnership, any general partner thereof, or if the licensee is an

3526 association, any member thereof, or a limited partner of 10 percent or more with voting rights, or if the
3527 licensee is a corporation, any officer, director, or shareholder owning 10 percent or more of its capital stock,
3528 or if the licensee is a limited liability company, any member-manager or any member owning 10 percent or
3529 more of the membership interest of the limited liability company;

3530 a. Has misrepresented a material fact in applying to the Board for such license;

3531 b. Within the five years immediately preceding the date of the hearing held in accordance with § 4.1-632,
3532 has (i) violated any provision of Article 6 (§ 4.1-644 et seq.), Article 7 (§ 4.1-665 et seq.), or Article 8
3533 (§ 4.1-676 et seq.); (ii) committed a violation of this chapter in bad faith; (iii) violated or failed or refused to
3534 comply with any regulation, rule, or order of the Board; or (iv) failed or refused to comply with any of the
3535 conditions or restrictions of the license granted by the Board;

3536 c. Has been convicted in any court of a felony or of any crime or offense involving moral turpitude under
3537 the laws of any state, or of the United States;

3538 d. Is not the legitimate owner of the business conducted under the license granted by the Board, or other
3539 persons have ownership interests in the business that have not been disclosed;

3540 e. Cannot demonstrate financial responsibility sufficient to meet the requirements of the business
3541 conducted under the license granted by the Board;

3542 f. Has been intoxicated or under the influence of some self-administered drug while upon the licensed
3543 premises;

3544 g. Has maintained the licensed premises in an unsanitary condition, or allowed such premises to become
3545 a meeting place or rendezvous for members of a criminal street gang as defined in § 18.2-46.1 or persons of
3546 ill repute, or has allowed any form of illegal gambling to take place upon such premises;

3547 h. Has allowed any person whom he knew or had reason to believe was intoxicated to loiter upon such
3548 licensed premises;

3549 i. Has allowed any person to consume upon the licensed premises any marijuana or marijuana product
3550 except as provided under this title;

3551 j. Is physically unable to carry on the business conducted under such license or has been adjudicated
3552 incapacitated;

3553 k. Has possessed any illegal gambling apparatus, machine, or device upon the licensed premises;

3554 l. Has upon the licensed premises (i) illegally possessed, distributed, sold, or used, or has knowingly
3555 allowed any employee or agent, or any other person, to illegally possess, distribute, sell, or use, controlled
3556 substances, imitation controlled substances, drug paraphernalia, or controlled paraphernalia as those terms
3557 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
3558 Drug Control Act (§ 54.1-3400 et seq.); (ii) laundered money in violation of § 18.2-246.3; or (iii) conspired
3559 to commit any drug-related offense in violation of Article 1 or 1.1 of Chapter 7 of Title 18.2 or the Drug
3560 Control Act. The provisions of this subdivision l shall also apply to any conduct related to the operation of
3561 the licensed business that facilitates the commission of any of the offenses set forth herein;

3562 m. Has failed to take reasonable measures to prevent (i) the licensed premises, (ii) any premises
3563 immediately adjacent to the licensed premises that is owned or leased by the licensee, or (iii) any portion of
3564 public property immediately adjacent to the licensed premises from becoming a place where patrons of the
3565 establishment commit criminal violations of Article 1 (§ 18.2-30 et seq.), 2 (§ 18.2-38 et seq.), 2.1
3566 (§ 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.),
3567 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
3568 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
3569 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
3570 violations lead to arrests that are so frequent and serious as to reasonably be deemed a continuing threat to
3571 the public safety;

3572 n. Has failed to take reasonable measures to prevent an act of violence resulting in death or serious
3573 bodily injury, or a recurrence of such acts, from occurring on (i) the licensed premises, (ii) any premises
3574 immediately adjacent to the licensed premises that is owned or leased by the licensee, or (iii) any portion of
3575 public property immediately adjacent to the licensed premises; or

3576 o. Has been sanctioned by the Board pursuant to § 54.1-3316 and regulations promulgated by the Board
3577 for a violation pursuant to Chapter 16 (§ 4.1-1600 et seq.).

3578 2. The place occupied by the licensee:

3579 a. Does not conform to the requirements of the governing body of the county, city, or town in which such
3580 establishment is located, with respect to sanitation, health, construction, or equipment, or to any similar
3581 requirements established by the laws of the Commonwealth or by Board regulations;

3582 b. Has been adjudicated a common nuisance under the provisions of this subtitle or § 18.2-258; or

3583 c. Has become a meeting place or rendezvous for illegal gambling, illegal users of narcotics, drunks,
3584 prostitutes, pimps, panderers, or habitual law violators or has become a place where illegal drugs are
3585 regularly used or distributed. The Board may consider the general reputation in the community of such
3586 establishment in addition to any other competent evidence in making such determination.

3587 3. The licensee or any employee of the licensee discriminated against any member of the Armed Forces of

3588 *the United States by prices charged or otherwise.*

3589 4. Any cause exists for which the Board would have been entitled to refuse to grant such license had the
3590 facts been known.

3591 5. The licensee is delinquent for a period of 90 days or more in the payment of any taxes, or any penalties
3592 or interest related thereto, lawfully imposed by the locality where the licensed business is located, as certified
3593 by the treasurer, commissioner of the revenue, or finance director of such locality, unless (i) the outstanding
3594 amount is de minimis; (ii) the licensee has pending a bona fide application for correction or appeal with
3595 respect to such taxes, penalties, or interest; or (iii) the licensee has entered into a payment plan approved by
3596 the same locality to settle the outstanding liability.

3597 6. The licensee has been convicted for a violation of 8 U.S.C. § 1324a(f), as amended, for actions of its
3598 agents or employees constituting a pattern or practice of employing unauthorized aliens on the licensed
3599 premises in the Commonwealth.

3600 7. Any other cause authorized by this subtitle.

3601 B. The Board shall promulgate regulations regarding suspension and revocation standards and protocols.

3602 **§ 4.1-901. Summary suspension in emergency circumstances; grounds; notice and hearing.**

3603 A. Notwithstanding any provisions to the contrary in Article 3 (§ 2.2-4018 et seq.) of the Administrative
3604 Process Act or § 4.1-623 or 4.1-632, the Board may summarily suspend any license or permit if it has
3605 reasonable cause to believe that an act of violence resulting in death or serious bodily injury, or a recurrence
3606 of such acts, has occurred on (i) the licensed premises, (ii) any premises immediately adjacent to the licensed
3607 premises that is owned or leased by the licensee, or (iii) any portion of public property immediately adjacent
3608 to the licensed premises, and the Board finds that there exists a continuing threat to public safety and that
3609 summary suspension of the license or permit is justified to protect the health, safety, or welfare of the public.

3610 B. Prior to issuing an order of suspension pursuant to this section, special agents of the Board shall
3611 conduct an initial investigation and submit all findings to the Secretary of the Board within 48 hours of any
3612 such act of violence. If the Board determines suspension is warranted, it shall immediately notify the licensee
3613 of its intention to temporarily suspend his license pending the outcome of a formal investigation. Such
3614 temporary suspension shall remain effective for a minimum of 48 hours. After the 48-hour period, the
3615 licensee may petition the Board for a restricted license pending the results of the formal investigation and
3616 proceedings for disciplinary review. If the Board determines that a restricted license is warranted, the Board
3617 shall have discretion to impose appropriate restrictions based on the facts presented.

3618 C. Upon a determination to temporarily suspend a license, the Board shall immediately commence a
3619 formal investigation. The formal investigation shall be completed within 10 days of its commencement and
3620 the findings reported immediately to the Secretary of the Board. If, following the formal investigation, the
3621 Secretary of the Board determines that suspension of the license is warranted, a hearing shall be held within
3622 five days of the completion of the formal investigation. A decision shall be rendered within 10 days of
3623 conclusion of the hearing. If a decision is not rendered within 10 days of the conclusion of the hearing, the
3624 order of suspension shall be vacated and the license reinstated. Any appeal by the licensee shall be filed
3625 within 10 days of the decision and heard by the Board within 20 days of the decision. The Board shall render
3626 a decision on the appeal within 10 days of the conclusion of the appeal hearing.

3627 D. Service of any order of suspension issued pursuant to this section shall be made by a special agent of
3628 the Board in person and by certified mail to the licensee. The order of suspension shall take effect
3629 immediately upon service.

3630 E. This section shall not apply to temporary permits granted under § 4.1-806.

3631 **§ 4.1-902. Grounds for which Board shall suspend or revoke licenses.**

3632 The Board shall suspend or revoke any license if it finds that:

3633 1. A licensee has violated or permitted the violation of § 18.2-331, relating to the illegal possession of a
3634 gambling device, upon the premises for which the Board has granted a retail marijuana store license.

3635 2. A licensee has defrauded or attempted to defraud the Board, or any federal, state, or local government
3636 or governmental agency or authority, by making or filing any report, document, or tax return required by
3637 statute or regulation that is fraudulent or contains a willful or knowing false representation of a material fact
3638 or has willfully deceived or attempted to deceive the Board, or any federal, state, or local government or
3639 governmental agency or authority, by making or maintaining business records required by statute or
3640 regulation that are false or fraudulent.

3641 **§ 4.1-903. Suspension or revocation of licenses; notice and hearings; imposition of civil penalties.**

3642 A. Before the Board may suspend or revoke any license, reasonable notice of such proposed or
3643 contemplated action shall be given to the licensee in accordance with the provisions of § 2.2-4020 of the
3644 Administrative Process Act (§ 2.2-4000 et seq.).

3645 Notwithstanding the provisions of § 2.2-4022, the Board shall, upon written request by the licensee,
3646 permit the licensee to inspect and copy or photograph all (i) written or recorded statements made by the
3647 licensee or copies thereof or the substance of any oral statements made by the licensee or a previous or
3648 present employee of the licensee to any law-enforcement officer, the existence of which is known by the Board
3649 and upon which the Board intends to rely as evidence in any adversarial proceeding under this chapter

3650 against the licensee, and (ii) designated books, papers, documents, tangible objects, buildings, or places, or
 3651 copies or portions thereof, that are within the possession, custody, or control of the Board and upon which
 3652 the Board intends to rely as evidence in any adversarial proceeding under this chapter against the licensee.
 3653 In addition, any subpoena for the production of documents issued to any person at the request of the licensee
 3654 or the Board pursuant to § 4.1-103 shall provide for the production of the documents sought within 10
 3655 working days, notwithstanding anything to the contrary in § 4.1-103.

3656 If the Board fails to provide for inspection or copying under this section for the licensee after a written
 3657 request, the Board shall be prohibited from introducing into evidence any items the licensee would have
 3658 lawfully been entitled to inspect or copy under this section.

3659 The action of the Board in suspending or revoking any license or in imposing a civil penalty shall be
 3660 subject to judicial review in accordance with the Administrative Process Act (§ 2.2-4000 et seq.). Such review
 3661 shall extend to the entire evidential record of the proceedings provided by the Board in accordance with the
 3662 Administrative Process Act. An appeal shall lie to the Court of Appeals from any order of the court.
 3663 Notwithstanding § 8.01-676.1, the final judgment or order of the circuit court shall not be suspended, stayed
 3664 or modified by such circuit court pending appeal to the Court of Appeals. Neither mandamus nor injunction
 3665 shall lie in any such case.

3666 B. In suspending any license the Board may impose, as a condition precedent to the removal of such
 3667 suspension or any portion thereof, a requirement that the licensee pay the cost incurred by the Board in
 3668 investigating the licensee and in holding the proceeding resulting in such suspension, or it may impose and
 3669 collect such civil penalties as it deems appropriate. In no event shall the Board impose a civil penalty
 3670 exceeding \$2,000 for the first violation occurring within five years immediately preceding the date of the
 3671 violation or \$5,000 for the second or subsequent violation occurring within five years immediately preceding
 3672 the date of the second or subsequent violation. However, if the violation involved selling retail marijuana or
 3673 retail marijuana products to a person prohibited from purchasing retail marijuana or retail marijuana
 3674 products or allowing consumption of retail marijuana or retail marijuana products, the Board may impose a
 3675 civil penalty not to exceed \$3,000 for the first violation occurring within five years immediately preceding the
 3676 date of the violation and \$6,000 for a second or subsequent violation occurring within five years immediately
 3677 preceding the date of the second or subsequent violation in lieu of such suspension or any portion thereof, or
 3678 both. The Board may also impose a requirement that the licensee pay for the cost incurred by the Board not
 3679 exceeding \$25,000 in investigating the licensee and in holding the proceeding resulting in the violation in
 3680 addition to any suspension or civil penalty incurred.

3681 C. Following notice to (i) the licensee of a hearing that may result in the suspension or revocation of his
 3682 license or (ii) the applicant of a hearing to resolve a contested application, the Board may accept a consent
 3683 agreement as authorized in subdivision 22 of § 4.1-103. The notice shall advise the licensee or applicant of
 3684 the option to (a) admit the alleged violation or the validity of the objection; (b) waive any right to a hearing
 3685 or an appeal under the Administrative Process Act (§ 2.2-4000 et seq.); and (c) (1) accept the proposed
 3686 restrictions for operating under the license, (2) accept the period of suspension of the licensed privileges
 3687 within the Board's parameters, (3) pay a civil penalty in lieu of the period of suspension, or any portion of the
 3688 suspension as applicable, or (4) proceed to a hearing.

3689 D. The Board shall, by regulation or written order:

3690 1. Designate those (i) objections to an application or (ii) alleged violations that will proceed to an initial
 3691 hearing;

3692 2. Designate the violations for which a waiver of a hearing and payment of a civil charge in lieu of
 3693 suspension may be accepted for a first offense occurring within three years immediately preceding the date of
 3694 the violation;

3695 3. Provide for a reduction in the length of any suspension and a reduction in the amount of any civil
 3696 penalty for any retail marijuana store licensee where the licensee can demonstrate that it provided to its
 3697 employees marijuana seller training certified in advance by the Board;

3698 4. Establish a schedule of penalties for such offenses, prescribing the appropriate suspension of a license
 3699 and the civil charge acceptable in lieu of such suspension; and

3700 5. Establish a schedule of offenses for which any penalty may be waived upon a showing that the licensee
 3701 has had no prior violations within five years immediately preceding the date of the violation. No waiver shall
 3702 be granted by the Board, however, for a licensee's willful and knowing violation of this chapter or Board
 3703 regulations.

3704 **§ 4.1-903. Suspension or revocation of licenses; notice and hearings; imposition of civil penalties.**

3705 A. Retail marijuana or retail marijuana products owned by or in the possession of or for sale by any
 3706 licensee at the time the license of such person is suspended or revoked may be disposed of as follows:

3707 1. Sold to persons in the Commonwealth licensed to sell such retail marijuana or retail marijuana
 3708 products upon permits granted by the Board in accordance with § 4.1-623 and conditions specified by the
 3709 Board; or

3710 2. Provided to the Virginia State Police to be destroyed.

3711 B. All retail marijuana or retail marijuana products owned by or in the possession of any person whose

3712 license is suspended or revoked shall be disposed of by such person in accordance with the provisions of this
3713 section within 60 days from the date of such suspension or revocation.

3714 C. Retail marijuana or retail marijuana products owned by or in the possession of or for sale by persons
3715 whose licenses have been terminated other than by suspension or revocation may be disposed of in
3716 accordance with subsection A within such time as the Board deems proper. Such period shall not be less than
3717 60 days.

3718 D. All retail marijuana or retail marijuana products owned by or remaining in the possession of any
3719 person described in subsection A or C after the expiration of such period shall be deemed contraband and
3720 forfeited to the Commonwealth.

3721 CHAPTER 10.

3722 ADMINISTRATION OF LICENSES; APPLICATIONS FOR LICENSES; FEES; TAXES.

3723 § 4.1-1000. Applications for licenses; publication; notice to localities; fees; permits.

3724 A. Every person intending to apply for any license authorized by this chapter shall file with the Board an
3725 application on forms provided by the Board and a statement in writing by the applicant swearing and
3726 affirming that all of the information contained therein is true.

3727 Applicants for licenses for establishments that are otherwise required to obtain a food establishment
3728 permit from the Department of Health or an inspection by the Department of Agriculture and Consumer
3729 Services shall provide a copy of such permit, proof of inspection, proof of a pending application for such
3730 permit, or proof of a pending request for such inspection. If the applicant provides a copy of such permit,
3731 proof of inspection, proof of a pending application for a permit, or proof of a pending request for an
3732 inspection, a license may be issued to the applicant. If a license is issued on the basis of a pending
3733 application or inspection, such license shall authorize the licensee to purchase retail marijuana or retail
3734 marijuana products in accordance with the provisions of this chapter; however, the licensee shall not sell or
3735 serve retail marijuana or retail marijuana products until a permit is issued or an inspection is completed.

3736 B. In addition, each applicant for a license under the provisions of this chapter shall post a notice of his
3737 application with the Board on the front door of the building, place, or room where he proposes to engage in
3738 such business for no more than 30 days and not less than 10 days. Such notice shall be of a size and contain
3739 such information as required by the Board, including a statement that any objections shall be submitted to
3740 the Board not more than 30 days following initial posting of the notice required pursuant to this subsection.

3741 The applicant shall also cause notice to be published at least once a week for two consecutive weeks in a
3742 newspaper published in or having a general circulation in the county, city, or town wherein such applicant
3743 proposes to engage in such business. Such notice shall contain such information as required by the Board,
3744 including a statement that any objections to the issuance of the license be submitted to the Board not later
3745 than 30 days from the date of the initial newspaper publication.

3746 The Board shall conduct a background investigation, to include a criminal history records search, which
3747 may include a fingerprint-based national criminal history records search, on each applicant for a license.
3748 However, the Board may waive, for good cause shown, the requirement for a criminal history records search
3749 and completed personal data form for officers, directors, nonmanaging members, or limited partners of any
3750 applicant corporation, limited liability company, or limited partnership. In considering criminal history
3751 record information, the Board shall not disqualify an applicant because of a past conviction for a marijuana-
3752 related offense.

3753 The Board shall notify the local governing body of each license application through the county or city
3754 attorney or the chief law-enforcement officer of the locality. Local governing bodies shall submit objections
3755 to the granting of a license within 30 days of the filing of the application.

3756 C. Each applicant shall pay the required application fee at the time the application is filed, except that
3757 such fee shall be waived or discounted for qualified micro business applicants pursuant to regulations
3758 promulgated by the Board. The license application fee shall be determined by the Board and shall be in
3759 addition to the actual cost charged to the Department of State Police by the Federal Bureau of Investigation
3760 or the Central Criminal Records Exchange for processing any fingerprints through the Federal Bureau of
3761 Investigation or the Central Criminal Records Exchange for each criminal history records search required
3762 by the Board. Application fees shall be in addition to the state license fee required pursuant to § 4.1-1001
3763 and shall not be refunded.

3764 D. Subsection A shall not apply to the continuance of licenses granted under this chapter; however, all
3765 licensees shall file and maintain with the Board a current, accurate record of the information required by the
3766 Board pursuant to subsection A and notify the Board of any changes to such information in accordance with
3767 Board regulations.

3768 E. Every application for a permit granted pursuant to § 4.1-806 shall be on a form provided by the Board.
3769 Such permits shall confer upon their holders no authority to make solicitations in the Commonwealth as
3770 otherwise provided by law.

3771 The fee for a temporary permit shall be one-twelfth of the combined fees required by this section for
3772 applicable licenses to sell retail marijuana or retail marijuana products computed to the nearest cent and
3773 multiplied by the number of months for which the permit is granted.

3774 *F. The Board shall have the authority to increase state license fees. The Board shall set the amount of*
 3775 *such increases on the basis of the consumer price index and shall not increase fees more than once every*
 3776 *three years. Prior to implementing any state license fee increase, the Board shall provide notice to all*
 3777 *licensees and the general public of (i) the Board's intent to impose a fee increase and (ii) the new fee that*
 3778 *would be required for any license affected by the Board's proposed fee increases. Such notice shall be*
 3779 *provided on or before November 1 in any year in which the Board has decided to increase state license fees,*
 3780 *and such increases shall become effective July 1 of the following year.*

3781 **§ 4.1-1001. Fees for state licenses.**

3782 *A. Annual fees on state licenses shall be established by the Board in an amount sufficient to cover the*
 3783 *costs of regulating the marijuana establishment.*

3784 *B. The fee on each license granted or reissued for a period other than 12, 24, or 36 months shall be equal*
 3785 *to one-twelfth of the fees required by subsection A computed to the nearest cent, multiplied by the number of*
 3786 *months in the license period, and then increased by five percent. Such fee shall not be refundable, except as*
 3787 *provided in § 4.1-1002.*

3788 *C. Nothing in this subtitle shall exempt any licensee from any state merchants' license or state restaurant*
 3789 *license or any other state tax. Every licensee, in addition to the taxes and fees imposed by this subtitle, shall*
 3790 *be liable to state merchants' license taxation, state restaurant license taxation, and other state taxation.*

3791 *D. In addition to the fees set forth in this section, a fee of \$5 may be imposed on any license purchased in*
 3792 *person from the Board if such license is available for purchase online.*

3793 **§ 4.1-1002. Refund of state license fee.**

3794 *A. The Board may (i) correct erroneous assessments made by it against any person, (ii) refund any*
 3795 *amounts collected through erroneous assessments or collected as fees on license applications that are*
 3796 *subsequently refused or withdrawn, and (iii) allow credit for any license fees paid for any license that is*
 3797 *subsequently merged or changed into another license during the same license period. No refund shall be*
 3798 *made of any such amount, however, unless made within three years from the date of collection of the same.*

3799 *B. In any case where a licensee has changed its name or form of organization during a license period*
 3800 *without any change being made in its ownership, and because of such change is required to pay an additional*
 3801 *license fee for such period, the Board shall refund to such licensee the amount of such fee so paid in excess of*
 3802 *the required license fee for such period.*

3803 *C. The Board shall make refunds, prorated according to a schedule of its prescription, to licensees of*
 3804 *state license fees paid pursuant to subsection A of § 4.1-1001 if the place of business designated in the license*
 3805 *is destroyed by an act of God, including a fire, earthquake, hurricane, storm, or similar natural disaster or*
 3806 *phenomenon.*

3807 *D. Any amount required to be refunded under this section shall be paid by the State Treasurer out of*
 3808 *moneys appropriated to the Board and in the manner prescribed in § 4.1-609.*

3809 **§ 4.1-1003. Marijuana taxes; exceptions.**

3810 *A. A tax of 12.875 percent is levied on the sale in the Commonwealth of any marijuana or marijuana*
 3811 *products. Subject to the provisions of subsection C, the tax shall be in addition to any tax imposed under the*
 3812 *Virginia Retail Sales and Use Tax Act (§ 58.1-600 et seq.) or any other provision of federal, state, or local*
 3813 *law. The tax shall not apply to any sale:*

3814 *1. From a marijuana establishment to another marijuana establishment.*

3815 *2. Of cannabis products for treatment under the provisions of Chapter 16 (§ 4.1-1600 et seq.).*

3816 *3. Of industrial hemp by a grower, processor, or handler under the provisions of Chapter 41.1*
 3817 *(§ 3.2-4112 et seq.) of Title 3.2.*

3818 *4. Of a hemp product.*

3819 *B. 1. Each locality shall by ordinance levy an additional local tax on any sale taxable under subsection A*
 3820 *at a rate equal to three percent. Other than the tax authorized and identified in this subsection, a locality*
 3821 *shall not impose any other tax on a sale taxable under subsection A. The tax imposed by a surrounding*
 3822 *county under this subsection shall not apply within the limits of any town. Each locality shall, within 30 days,*
 3823 *notify the Authority and any retail marijuana store in such locality of the ordinance enacted pursuant to this*
 3824 *subsection. The ordinance shall take effect on the first day of the second month following its enactment.*

3825 *2. Nothing in this subsection shall be construed to (i) prohibit a locality from imposing any tax authorized*
 3826 *by law on a person or property regulated under this subtitle or (ii) limit the authority of any locality to*
 3827 *impose a license or privilege tax or fee on a business engaged in whole or in part in sales taxable under*
 3828 *subsection A if such tax or fee is (a) based on an annual or per-event flat fee authorized by law or (b) an*
 3829 *annual license or privilege tax authorized by law and such tax includes sales or receipts taxable under*
 3830 *subsection A in its taxable measure.*

3831 *C. Any tax imposed under the Virginia Retail Sales and Use Tax Act (§ 58.1-600 et seq.) on a sale taxable*
 3832 *under subsection A shall be limited to a 1.125 percent tax, which shall be distributed as follows: (i) the*
 3833 *revenue from the tax at the rate of one percent shall be distributed as provided in subsections B, C, and D of*
 3834 *§ 58.1-638 and (ii) the revenue from the tax at the rate of 0.125 percent shall be distributed as provided in*
 3835 *subdivision F 2 of § 58.1-638. No other tax shall be levied pursuant to the Virginia Retail Sales and Use Tax*

3836 Act (§ 58.1-600 et seq.) on a sale taxable under subsection A.

3837 D. All revenues remitted to the Authority under this subsection shall be disposed of as provided in
3838 § 4.1-609.

3839 **§ 4.1-1004. Tax returns and payments; commissions; interest.**

3840 A. For any sale taxable under § 4.1-1003, the seller shall be liable for collecting any taxes due. All taxes
3841 collected by a seller shall be deemed to be held in trust for the Commonwealth. The buyer shall not be liable
3842 for collecting or remitting the taxes or filing a return.

3843 B. On or before the tenth day of each month, any person liable for a tax due under § 4.1-1003 shall file a
3844 return under oath with the Authority and pay any taxes due. Upon written application by a person filing a
3845 return, the Authority may, if it determines good cause exists, grant an extension to the end of the calendar
3846 month in which the tax is due, or for a period not exceeding 30 days. Any extension shall toll the accrual of
3847 any interest or penalties under § 4.1-1007.

3848 C. The Authority may accept payment by any commercially acceptable means, including cash, checks,
3849 credit cards, debit cards, and electronic funds transfers, for any taxes, interest, or penalties due under this
3850 subtitle. The Board may assess a service charge for the use of a credit or debit card.

3851 D. Upon request, the Authority may collect and maintain a record of a person's credit card, debit card, or
3852 automated clearinghouse transfer information and use such information for future payments of taxes,
3853 interest, or penalties due under this subtitle. The Authority may assess a service charge for any payments
3854 made under this subsection. The Authority may procure the services of a third-party vendor for the secure
3855 storage of information collected pursuant to this subsection.

3856 E. If any person liable for tax under § 4.1-1003 sells out his business or stock of goods or quits the
3857 business, such person shall make a final return and payment within 15 days after the date of selling or
3858 quitting the business. Such person's successors or assigns, if any, shall withhold sufficient of the purchase
3859 money to cover the amount of such taxes, interest, and penalties due and unpaid until such former owner
3860 produces a receipt from the Authority showing payment or a certificate stating that no taxes, penalties, or
3861 interest are due. If the buyer of a business or stock of goods fails to withhold the purchase money as provided
3862 in this subsection, such buyer shall be liable for the payment of the taxes, interest, and penalties due and
3863 unpaid on account of the operation of the business by any former owner.

3864 F. When any person fails to timely pay the full amount of tax due under § 4.1-1003, interest at a rate
3865 determined in accordance with § 58.1-15 shall accrue on the tax until it is paid. Any taxes due under
3866 § 4.1-1003 shall, if applicable, be subject to penalties as provided in §§ 4.1-1205 and 4.1-1206.

3867 **§ 4.1-1005. Bonds.**

3868 The Authority may, when deemed necessary and advisable to do so in order to secure the collection of the
3869 taxes levied under § 4.1-1003, require any person subject to such tax to file a bond, with such surety as it
3870 determines is necessary to secure the payment of any tax, penalty, or interest due or that may become due
3871 from such person. In lieu of such bond, securities approved by the Authority may be deposited with the State
3872 Treasurer, which securities shall be kept in the custody of the State Treasurer, and shall be sold by the State
3873 Treasurer at the request of the Authority at public or private sale if it becomes necessary to do so in order to
3874 recover any tax, interest, or penalty due the Commonwealth. Upon any such sale, the surplus, if any, above
3875 the amounts due shall be returned to the person who deposited the securities.

3876 **§ 4.1-1006. Refunds.**

3877 A. Whenever it is proved to the satisfaction of the Authority that any taxes levied pursuant to § 4.1-1003
3878 have been paid and that the taxable items were or are (i) damaged, destroyed, or otherwise deemed to be
3879 unsalable by reason of fire or any other providential cause before sale to the consumer; (ii) destroyed
3880 voluntarily, after notice to and approval by the Authority of such destruction, because the taxable items were
3881 defective; or (iii) destroyed in any manner while in the possession of a common, private, or contract carrier,
3882 the Authority shall certify such facts to the Comptroller for approval of a refund payment from the state
3883 treasury to such extent as may be proper.

3884 B. Whenever it is proved to the satisfaction of the Authority that any person has purchased taxable items
3885 that have been sold by such person in such manner as to be exempt from the tax, the Authority shall certify
3886 such facts to the Comptroller for approval of a refund payment from the state treasury to such extent as may
3887 be proper.

3888 C. In the event purchases are returned to the seller by the buyer after a tax imposed under § 4.1-1003 has
3889 been collected or charged to the account of the buyer, the seller shall be entitled to a refund of the amount of
3890 tax so collected or charged in the manner prescribed by the Authority. The amount of tax so refunded to the
3891 seller shall not, however, include the tax paid upon any amount retained by the seller after such return of
3892 merchandise. In case the tax has not been remitted by the seller, the seller may deduct the same in submitting
3893 his return.

3894 **§ 4.1-1007. Statute of limitations; civil remedies for collecting past-due taxes, interest, and penalties.**

3895 A. The taxes imposed under § 4.1-1003 shall be assessed within three years from the date on which such
3896 taxes became due and payable. In the case of a false or fraudulent return with intent to defraud the
3897 Commonwealth, or a failure to file a return, the taxes may be assessed, or a proceeding in court for the

3898 collection of such taxes may be begun without assessment, at any time within six years from such date. The
 3899 Authority shall not examine any person's records beyond the three-year period of limitations unless it has
 3900 reasonable evidence of fraud or reasonable cause to believe that such person was required by law to file a
 3901 return and failed to do so.

3902 B. If any person fails to file a return as required by this section, or files a return that is false or
 3903 fraudulent, the Authority may make an estimate for the taxable period of the taxable sales of such person and
 3904 assess the tax, plus any applicable interest and penalties. The Authority shall give such person 10 days'
 3905 notice requiring such person to provide any records as it may require relating to the business of such person
 3906 for the taxable period. The Authority may require such person or the agents and employees of such person to
 3907 give testimony or to answer interrogatories under oath administered by the Authority respecting taxable
 3908 sales, the filing of the return, and any other relevant information. If any person fails to file a required return,
 3909 refuses to provide required records, or refuses to answer interrogatories from the Authority, the Authority
 3910 may make an estimated assessment based upon the information available to it and issue a memorandum of
 3911 lien under subsection C for the collection of any taxes, interest, or penalties. The estimated assessment shall
 3912 be deemed prima facie correct.

3913 C. 1. If the Authority assesses taxes, interest, or penalties on a person and such person does not pay
 3914 within 30 days after the due date, taking into account any extensions granted by the Authority, the Authority
 3915 may file a memorandum of lien in the circuit court clerk's office of the county or city in which the person's
 3916 place of business is located or in which the person resides. If the person has no place of business or residence
 3917 within the Commonwealth, the memorandum may be filed in the Circuit Court of the City of Richmond. A
 3918 copy of the memorandum may also be filed in the clerk's office of all counties and cities in which the person
 3919 owns real estate. Such memorandum shall be recorded in the judgment docket book and shall have the effect
 3920 of a judgment in favor of the Commonwealth, to be enforced as provided in Article 19 (§ 8.01-196 et seq.) of
 3921 Chapter 3 of Title 8.01, except that a writ of fieri facias may issue at any time after the memorandum is filed.
 3922 The lien on real estate shall become effective at the time the memorandum is filed in the jurisdiction in which
 3923 the real estate is located. No memorandum of lien shall be filed unless the person is first given 10 or more
 3924 days' prior notice of intent to file a lien; however, in those instances where the Authority determines that the
 3925 collection of any tax, penalties, or interest required to be paid pursuant to law will be jeopardized by the
 3926 provision of such notice, notification may be provided to the person concurrent with the filing of the
 3927 memorandum of lien. Such notice shall be given to the person at his last known address.

3928 2. Recordation of a memorandum of lien under this subsection shall not affect a person's right to appeal
 3929 under § 4.1-1008.

3930 3. If after filing a memorandum of lien the Authority determines that it is in the best interest of the
 3931 Commonwealth, it may place padlocks on the doors of any business enterprise that is delinquent in filing or
 3932 paying any tax owed to the Commonwealth. The Authority shall also post notices of distraint on each of the
 3933 doors so padlocked. If, after three business days, the tax deficiency has not been satisfied or satisfactory
 3934 arrangements for payment have not been made, the Authority may cause a writ of fieri facias to be issued. It
 3935 shall be a Class 1 misdemeanor for anyone to enter the padlocked premises without prior approval of the
 3936 Authority. In the event that the person against whom the distraint has been applied subsequently appeals
 3937 under § 4.1-1008, the person shall have the right to post bond equaling the amount of liability in lieu of
 3938 payment until the appeal is resolved.

3939 4. A person may petition the Authority after a memorandum of lien has been filed under this subsection if
 3940 the person alleges an error in the filing of the lien. The Authority shall make a determination on such petition
 3941 within 14 days. If the Authority determines that the filing was erroneous, it shall issue a certificate of release
 3942 of the lien within seven days after such determination is made.

3943 **§ 4.1-1008. Appeals.**

3944 Any tax imposed under § 4.1-1003, any interest imposed under § 4.1-1007, any action of the Authority
 3945 under § 4.1-1204, and any penalty imposed under § 4.1-1205 or 4.1-1206 shall be subject to review under the
 3946 Administrative Process Act (§ 2.2-4000 et seq.). Such review shall extend to the entire evidential record of
 3947 the proceedings provided by the Authority in accordance with the Administrative Process Act. An appeal
 3948 shall lie to the Court of Appeals from any order of a circuit court. Notwithstanding § 8.01-676.1, the final
 3949 judgment or order of a circuit court shall not be suspended, stayed, or modified by such circuit court pending
 3950 appeal to the Court of Appeals. Neither mandamus nor injunction shall lie in any such case.

3951 **§ 4.1-1100. Possession, etc., of marijuana and marijuana products by persons 21 years of age or
 3952 older lawful; penalties.**

3953 A. Except as otherwise provided in this subtitle and notwithstanding any other provision of law, a person
 3954 21 years of age or older may lawfully possess on his person or in any public place not more than ~~one ounce~~
 3955 two and one-half ounces of marijuana or an equivalent amount of marijuana product as determined by
 3956 regulation promulgated by the Board.

3957 B. Any person who possesses on his person or in any public place marijuana or marijuana products in
 3958 excess of the amounts set forth in subsection A is subject to a civil penalty of no more than \$25 except as
 3959 otherwise provided in this section. The penalty for any violations of this section by an adult shall be

3960 prepayable according to the procedures in § 16.1-69.40:2.

3961 C. With the exception of possession by a person in his residence or possession by a licensee in the course
3962 of his duties related to such licensee's marijuana establishment, any person who possesses on his person or in
3963 any public place (i) more than four ounces but not more than one pound of marijuana or an equivalent amount
3964 of marijuana product as determined by regulation promulgated by the Board is guilty of a Class 3
3965 misdemeanor and, for a second or subsequent offense, a Class 2 misdemeanor and (ii) more than one pound
3966 of marijuana or an equivalent amount of marijuana product as determined by regulation promulgated by the
3967 Board is guilty of a felony punishable by a term of imprisonment of not less than one year nor more than 10
3968 years and a fine of not more than \$250,000, or both.

3969 D. The provisions of this section shall not apply to members of federal, state, county, city, or town
3970 law-enforcement agencies, jail officers, or correctional officers, as defined in § 53.1-1, certified as handlers of
3971 dogs trained in the detection of controlled substances when possession of marijuana is necessary for the
3972 performance of their duties.

3973 **§ 4.1-1101. Home cultivation of marijuana for personal use; penalties.**

3974 A. ~~Notwithstanding the provisions of subdivision (e) of § 18.2-248.1,~~ a person 21 years of age or older
3975 may cultivate up to four marijuana plants for personal use at their place of residence; however, at no point
3976 shall a household contain more than four marijuana plants. For purposes of this section, a "household" means
3977 those individuals, whether related or not, who live in the same house or other place of residence.

3978 A person may only cultivate marijuana plants pursuant to this section at such person's main place of
3979 residence.

3980 A violation of this subsection shall be punishable as follows:

3981 1. For possession of more than four marijuana plants but no more than 10 marijuana plants, (i) a civil
3982 penalty of \$250 for a first offense, (ii) a Class 3 misdemeanor for a second offense, and (iii) a Class 2
3983 misdemeanor for a third and any subsequent offense;

3984 2. For possession of more than 10 but no more than 49 marijuana plants, a Class 1 misdemeanor;

3985 3. For possession of more than 49 but no more than 100 marijuana plants, a Class 6 felony; and

3986 4. For possession of more than 100 marijuana plants, a felony punishable by a term of imprisonment of
3987 not less than one year nor more than 10 years or a fine of not more than \$250,000, or both.

3988 B. A person who cultivates marijuana for personal use pursuant to this section shall:

3989 1. Ensure that no marijuana plant is visible from a public way without the use of aircraft, binoculars, or
3990 other optical aids;

3991 2. Take precautions to prevent unauthorized access by persons younger than 21 years of age; and

3992 3. Attach to each marijuana plant a legible tag that includes the person's name, driver's license or
3993 identification number, and a notation that the marijuana plant is being grown for personal use as authorized
3994 under this section.

3995 Any person who violates this subsection is subject to a civil penalty of no more than \$25. The penalty for
3996 any violations of this section by an adult shall be prepayable according to the procedures in § 16.1-69.40:2.

3997 ~~C. A person shall not manufacture marijuana concentrate from home-cultivated marijuana. The owner of a
3998 property or parcel or tract of land may not intentionally or knowingly allow another person to manufacture
3999 marijuana concentrate from home-cultivated marijuana within or on that property or land.~~

4000 **§ 4.1-1102. Illegal cultivation or processing of marijuana or marijuana products; conspiracy; penalties.**

4001 A. *Except as otherwise provided in §§ 4.1-700 and 4.1-1101, no person shall cultivate or process*
4002 *marijuana or marijuana products in the Commonwealth without being licensed to cultivate or process such*
4003 *marijuana or marijuana products.*

4004 B. *Any person convicted of a violation of this section is guilty of a Class 6 felony.*

4005 C. *If two or more persons conspire together to do any act that is in violation of subsection A, and one or*
4006 *more of such persons does any act to effect the object of the conspiracy, each of the parties to such*
4007 *conspiracy is guilty of a Class 6 felony.*

4008 **§ 4.1-1103. Illegal sale of marijuana or marijuana products in general; penalties.**

4009 A. *For the purposes of this section, "adult sharing" means transferring marijuana between persons who*
4010 *are 21 years of age or older without remuneration. "Adult sharing" does not include instances in which (i)*
4011 *marijuana is given away contemporaneously with another reciprocal transaction between the same parties;*
4012 *(ii) a gift of marijuana is offered or advertised in conjunction with an offer for the sale of goods or services;*
4013 *or (iii) a gift of marijuana is contingent upon a separate reciprocal transaction for goods or services.*

4014 B. *If any person who is not licensed sells, gives, or distributes or possesses with intent to sell, give, or*
4015 *distribute any marijuana or marijuana products except as permitted by this chapter or provided in subsection*
4016 *C, he is guilty of a Class 2 misdemeanor.*

4017 A *second or subsequent conviction under this section shall constitute a Class 1 misdemeanor.*

4018 C. *No civil or criminal penalty may be imposed for adult sharing of an amount of marijuana that does not*
4019 *exceed two and one-half ounces or of an equivalent amount of marijuana products.*

4020 **§ 4.1-1104. Persons to whom marijuana or marijuana products may not be sold; proof of legal age;**
4021 **penalties.**

4022 A. No person shall, except as otherwise permitted under Chapter 16 (§ 4.1-1600 et seq.), sell, give, or
4023 distribute any marijuana or marijuana products to any individual when at the time of such sale he knows or
4024 has reason to believe that the individual to whom the sale is made is (i) younger than 21 years of age or (ii)
4025 intoxicated. Any person convicted of a violation of this subsection is guilty of a Class 1 misdemeanor.

4026 B. Any person who sells, except as otherwise permitted under Chapter 16 (§ 4.1-1600 et seq.), any
4027 marijuana or marijuana products to an individual who is younger than 21 years of age and at the time of the
4028 sale does not require the individual to present bona fide evidence of legal age indicating that the individual is
4029 21 years of age or older is guilty of a violation of this subsection. Bona fide evidence of legal age is limited to
4030 any evidence that is or reasonably appears to be an unexpired driver's license issued by any state of the
4031 United States or the District of Columbia, military identification card, United States passport or foreign
4032 government visa, unexpired special identification card issued by the Department of Motor Vehicles, or any
4033 other valid government-issued identification card bearing the individual's photograph, signature, height,
4034 weight, and date of birth, or which bears a photograph that reasonably appears to match the appearance of
4035 the purchaser. A student identification card shall not constitute bona fide evidence of legal age for purposes
4036 of this subsection. Any person convicted of a violation of this subsection is guilty of a Class 3 misdemeanor.

4037 C. No person shall be convicted of both subsections A and B for the same sale.

4038 **§ 4.1-1105. Purchasing of marijuana or marijuana products unlawful in certain cases; venue;**
4039 **exceptions; penalties; forfeiture; treatment and education programs and services.**

4040 A. No person to whom marijuana or marijuana products may not lawfully be sold under § 4.1-1104 shall
4041 consume, purchase, or possess, or attempt to consume, purchase, or possess, any marijuana or marijuana
4042 products, except (i) pursuant to § 4.1-700 or (ii) by any federal, state, or local law-enforcement officer or his
4043 agent when possession of marijuana or marijuana products is necessary in the performance of his duties.
4044 Such person may be prosecuted either in the county or city in which the marijuana or marijuana products
4045 were possessed or consumed or in the county or city in which the person exhibits evidence of physical indicia
4046 of consumption of marijuana or marijuana products.

4047 B. Any person 18 years of age or older who violates subsection A is subject to a civil penalty of no more
4048 than \$25 and shall be ordered to enter a substance abuse treatment or education program or both, if
4049 available, that in the opinion of the court best suits the needs of the accused.

4050 C. Unless the juvenile is proceeded against informally pursuant to § 16.1-260, any juvenile who violates
4051 subsection A is subject to a civil penalty of no more than \$25 and the court shall require the accused to enter
4052 a substance abuse treatment or education program or both, if available, that in the opinion of the court best
4053 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
4054 16.1-278.9, the court shall treat the juvenile as delinquent.

4055 D. Any such substance abuse treatment or education program to which a juvenile is ordered pursuant to
4056 this section shall be provided by (i) a program licensed by the Department of Behavioral Health and
4057 Developmental Services or (ii) a similar program available through a facility or program operated by or
4058 under contract with the Department of Juvenile Justice or a locally operated court services unit or a program
4059 funded through the Virginia Juvenile Community Crime Control Act (§ 16.1-309.2 et seq.). Any such
4060 substance abuse treatment or education program to which a person 18 years of age or older is ordered
4061 pursuant to this section shall be provided by (a) a program licensed by the Department of Behavioral Health
4062 and Developmental Services or (b) a program or services made available through a community-based
4063 probation services agency established pursuant to Article 9 (§ 9.1-173 et seq.) of Chapter 1 of Title 9.1, if one
4064 has been established for the locality. When an offender is ordered to a local community-based probation
4065 services agency, the local community-based probation services agency shall be responsible for providing for
4066 services or referring the offender to education or treatment services as a condition of probation.

4067 E. Any civil penalties collected pursuant to this section shall be deposited into the Drug Offender
4068 Assessment and Treatment Fund established pursuant to § 18.2-251.02. No person younger than 21 years of
4069 age shall use or attempt to use any (i) altered, fictitious, facsimile, or simulated license to operate a motor
4070 vehicle; (ii) altered, fictitious, facsimile, or simulated document, including a birth certificate or student
4071 identification card; or (iii) motor vehicle driver's license or other document issued under Chapter 3
4072 (§ 46.2-300 et seq.) of Title 46.2 or the comparable law of another jurisdiction, birth certificate, or student
4073 identification card of another person in order to establish a false identification or false age for himself to
4074 consume, purchase, or attempt to consume or purchase marijuana or marijuana products. Any person
4075 convicted of a violation of this subsection is guilty of a Class 1 misdemeanor.

4076 F. Any marijuana or marijuana product purchased or possessed in violation of this section shall be
4077 deemed contraband and forfeited to the Commonwealth in accordance with § 4.1-1303.

4078 G. Any retail marijuana store licensee who in good faith promptly notifies the Board or any state or local
4079 law-enforcement agency of a violation or suspected violation of this section shall be accorded immunity from
4080 an administrative penalty for a violation of § 4.1-1104.

4081 **§ 4.1-1106. Purchasing marijuana or marijuana products for one to whom they may not be sold;**
4082 **penalties; forfeiture.**

4083 A. Any person who purchases marijuana or marijuana products for another person and at the time of such

4084 purchase knows or has reason to believe that the person for whom the marijuana or marijuana products were
4085 purchased was intoxicated is guilty of a Class 1 misdemeanor.

4086 B. Any person who purchases for, or otherwise gives, provides, or assists in the provision of marijuana or
4087 marijuana products to, another person when he knows or has reason to know that such person is younger
4088 than 21 years of age, except by any federal, state, or local law-enforcement officer when possession of
4089 marijuana or marijuana products is necessary in the performance of his duties, is guilty of a Class 1
4090 misdemeanor.

4091 C. Any marijuana or marijuana products purchased in violation of this section shall be deemed
4092 contraband and forfeited to the Commonwealth in accordance with § 4.1-1303.

4093 **§ 4.1-1113. Maintaining common nuisances; penalties.**

4094 A. All houses, boathouses, buildings, club or fraternity or lodge rooms, boats, cars, and places of every
4095 description where marijuana or marijuana products are manufactured, processed, stored, sold, dispensed,
4096 given away, or used contrary to law, by any scheme or device whatsoever, shall be deemed common
4097 nuisances.

4098 No person shall maintain, aid, abet, or knowingly associate with others in maintaining a common
4099 nuisance.

4100 Any person convicted of a violation of this subsection is guilty of a Class 1 misdemeanor.

4101 B. In addition, after due notice and an opportunity to be heard on the part of any owner or lessor not
4102 involved in the original offense, by a proceeding analogous to that provided in § 4.1-1303 and upon proof of
4103 guilty knowledge, judgment may be given that such house, boathouse, building, boat, car, or other place, or
4104 any room or part thereof, be closed. The court may, upon the owner or lessor giving bond in the penalty of
4105 not less than \$500 and with security to be approved by the court, conditioned that the premises shall not be
4106 used for unlawful purposes, or in violation of the provisions of this subtitle for a period of five years, turn the
4107 same over to its owner or lessor, or proceeding may be had in equity as provided in § 4.1-1300.

4108 C. In a proceeding under this section, judgment shall not be entered against the owner, lessor, or
4109 lienholder of the property unless it is proved that he (i) knew of the unlawful use of the property and (ii) had
4110 the right, because of such unlawful use, to enter and repossess the property.

4111 **§ 4.1-1114. Maintaining a fortified drug house; penalty.**

4112 Any office, store, shop, restaurant, dance hall, theater, poolroom, clubhouse, storehouse, warehouse,
4113 dwelling house, apartment, or building or structure of any kind that is (i) substantially altered from its
4114 original status by means of reinforcement with the intent to impede, deter, or delay lawful entry by a law-
4115 enforcement officer into such structure; (ii) being used for the purpose of illegally manufacturing,
4116 processing, or distributing marijuana; and (iii) the object of a valid search warrant shall be considered a
4117 fortified drug house. Any person who maintains or operates a fortified drug house is guilty of a Class 5
4118 felony.

4119 **§ 4.1-1115. Disobeying subpoena; hindering conduct of hearing; penalty.**

4120 No person shall (i) fail or refuse to obey any subpoena issued by the Board, any Board member, or any
4121 agent authorized by the Board to issue such subpoena or (ii) hinder the orderly conduct and decorum of any
4122 hearing held and conducted by the Board, any Board member, or any agent authorized by the Board to hold
4123 and conduct such hearing.

4124 Any person convicted of a violation of this section is guilty of a Class 1 misdemeanor.

4125 **§ 4.1-1117. Delivery of marijuana or marijuana products to prisoners; penalty.**

4126 No person shall deliver, or cause to be delivered, to any prisoner in any state, local, or regional
4127 correctional facility or any person committed to the Department of Juvenile Justice in any juvenile
4128 correctional center any marijuana or marijuana products.

4129 Any person convicted of a violation of this section is guilty of a Class 1 misdemeanor.

4130 **§ 4.1-1118. Separation of plant resin by butane extraction; penalty.**

4131 A. No person shall separate plant resin by butane extraction or another method that utilizes a substance
4132 with a flashpoint below 100 degrees Fahrenheit in any public place, motor vehicle, or within the curtilage of
4133 any residential structure.

4134 B. Any person convicted of a violation of this section is guilty of a Class 1 misdemeanor.

4135 **§ 4.1-1119. Attempts; aiding or abetting; penalty.**

4136 No person shall attempt to do any of the things prohibited by this subtitle or to aid or abet another in
4137 doing, or attempting to do, any of the things prohibited by this subtitle.

4138 On an indictment, information, or warrant for the violation of this subtitle, the jury or the court may find
4139 the defendant guilty of an attempt, or being an accessory, and the punishment shall be the same as if the
4140 defendant were solely guilty of such violation.

4141 **§ 4.1-1121. Issuance of summonses for certain offenses; civil penalties.**

4142 Any violation under this subtitle that is subject to a civil penalty is a civil offense and, *except in the case*
4143 *of a violation alleged to have been committed by a juvenile, in which case the juvenile shall be proceeded*
4144 *against pursuant to § 16.1-260*, shall be charged by summons. A summons for a violation under this subtitle
4145 that is subject to a civil penalty may be executed by a law-enforcement officer when such violation is

4146 observed by such officer. The summons used by a law-enforcement officer pursuant to this section shall be in
 4147 a form the same as the uniform summons for motor vehicle law violations as prescribed pursuant to
 4148 § 46.2-388. Any civil penalties collected pursuant to this subtitle shall be deposited into the Drug Offender
 4149 Assessment and Treatment Fund established pursuant to § 18.2-251.02.

4150 **CHAPTER 12.**

4151 **PROHIBITED PRACTICES BY LICENSEES.**

4152 **§ 4.1-1200. Illegal cultivation, etc., of marijuana or marijuana products by licensees; penalty.**

4153 A. No licensee or any agent or employee of such licensee shall:

4154 1. Cultivate, process, transport, sell, or test any marijuana or marijuana products of a kind other than
 4155 that which such license or this subtitle authorizes him to cultivate, process, transport, sell, or test;

4156 2. Sell marijuana or marijuana products to any person other than a person to whom such license or this
 4157 subtitle authorizes him to sell;

4158 3. Cultivate, process, transport, sell, or test marijuana or marijuana products that such license or this
 4159 subtitle authorizes him to sell, but in any place or in any manner other than such license or this subtitle
 4160 authorizes him to cultivate, process, transport, sell, or test;

4161 4. Cultivate, process, transport, sell, or test any marijuana or marijuana products when forbidden by this
 4162 subtitle;

4163 5. Keep or allow to be kept, other than in his residence and for his personal use, any marijuana or
 4164 marijuana products other than that which he is authorized to cultivate, process, transport, sell, or test by
 4165 such license or by this subtitle;

4166 6. Keep any marijuana or marijuana product other than in the container in which it was purchased by
 4167 him; or

4168 7. Allow a person younger than 21 years of age to be employed by or volunteer for such licensee.

4169 B. Any person convicted of a violation of this section is guilty of a Class 1 misdemeanor.

4170 **§ 4.1-1201. Prohibited acts by employees of marijuana store licensees; civil penalty.**

4171 A. In addition to the provisions of § 4.1-1200, no retail marijuana store licensee or his agent or employee
 4172 shall use or consume any marijuana or marijuana products (i) on the licensed premises, except for certain
 4173 sampling for quality control purposes in accordance with Board regulations or (ii) while on duty and in a
 4174 position that is involved in the selling of marijuana or marijuana products to consumers.

4175 B. No retail marijuana store licensee or his agent or employee shall make any gift of any marijuana or
 4176 marijuana products.

4177 C. Any person convicted of a violation of this section shall be subject to a civil penalty in an amount not to
 4178 exceed \$500.

4179 **§ 4.1-1202. Sale of; purchase for resale; marijuana or marijuana products from a person without a
 4180 license; penalty.**

4181 Except as otherwise provided in § 4.1-805, no retail marijuana store licensee shall purchase for resale or
 4182 sell any marijuana, marijuana products, immature marijuana plants, or marijuana seeds purchased from
 4183 anyone other than a marijuana cultivation facility or marijuana processing facility.

4184 Any person convicted of a violation of this section is guilty of a Class 1 misdemeanor.

4185 **§ 4.1-1203. Prohibiting transfer of marijuana or marijuana products by licensees; penalty.**

4186 A. No licensed marijuana establishment shall transfer any marijuana or marijuana products from one
 4187 licensed place of business to another licensed place of business unless such transfer is completed by a
 4188 marijuana transporter licensee.

4189 B. Any person convicted of a violation of this section is guilty of a Class 1 misdemeanor.

4190 **§ 4.1-1204. Illegal advertising materials; civil penalty.**

4191 No person subject to the jurisdiction of the Board shall induce, attempt to induce, or consent to any
 4192 licensee selling, renting, lending, buying for, or giving to any person any advertising materials or
 4193 decorations under circumstances prohibited by this title or Board regulations.

4194 Any person found by the Board to have violated this section shall be subject to a civil penalty as
 4195 authorized in § 4.1-903.

4196 **§ 4.1-1205. Failure of licensee to pay tax or to deliver, keep, and preserve records and accounts or to
 4197 allow examination and inspection; penalty.**

4198 A. No licensee shall fail or refuse to (i) pay any tax provided for in § 4.1-1003; (ii) deliver, keep, and
 4199 preserve such records, invoices, and accounts as are required by § 4.1-703 or Board regulation; or (iii)
 4200 allow such records, invoices, and accounts or his place of business to be examined and inspected in
 4201 accordance with § 4.1-703. Any person convicted of a violation of this subsection is guilty of a Class 1
 4202 misdemeanor.

4203 B. After reasonable notice to a licensee that failed to make a return or pay taxes due, the Authority may
 4204 suspend or revoke any license of such licensee that was issued by the Authority.

4205 **§ 4.1-1206. Nonpayment of marijuana tax; penalties.**

4206 A. No person shall make a sale taxable under § 4.1-1003 without paying all applicable taxes due. No
 4207 retail marijuana store licensee shall purchase, receive, transport, store, or sell any marijuana or marijuana

4208 products on which such retailer has reason to know such tax has not been paid and may not be paid. Any
4209 person convicted of a violation of this subsection is guilty of a Class 1 misdemeanor.

4210 B. Any person who fails to file a return required for a tax due under § 4.1-1003 is subject to a civil
4211 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
4212 than 30 days, with an additional five percent for each additional 30 days, or fraction thereof, during which
4213 the failure continues. Such civil penalty shall not exceed 25 percent in the aggregate.

4214 C. In the case of a false or fraudulent return, where willful intent exists to defraud the Commonwealth of
4215 any tax due on marijuana or marijuana products, a civil penalty of 50 percent of the amount of the proper tax
4216 due shall be assessed. Such penalty shall be in addition to any penalty imposed under subsection B. It shall
4217 be prima facie evidence of willful intent to defraud the Commonwealth when any person reports its taxable
4218 sales to the Authority at 50 percent or less of the actual amount.

4219 D. If any check tendered for any amount due under § 4.1-1003 or this section is not paid by the bank on
4220 which it is drawn, and the person that tendered the check fails to pay the Authority the amount due within five
4221 days after the Authority gives it notice that such check was returned unpaid, the person that tendered the
4222 check is guilty of a violation of § 18.2-182.1.

4223 E. All penalties shall be payable to the Authority and if not so paid shall be collectible in the same manner
4224 as if they were a part of the tax imposed.

4225 **§ 4.1-1300. Enjoining nuisances.**

4226 A. In addition to the penalties imposed by § 4.1-1113, the Board, its special agents, the attorney for the
4227 Commonwealth, or any citizen of the county, city, or town where a common nuisance as defined in § 4.1-1113
4228 exists may maintain a suit in equity in the name of the Commonwealth to enjoin the common nuisance.

4229 B. The courts of equity shall have jurisdiction, and in every case where the bill charges, on the knowledge
4230 or belief of the complainant, and is sworn to by two reputable citizens, that marijuana or marijuana products
4231 are cultivated, processed, stored, sold, dispensed, given away, or used in such house, building, or other place
4232 described in § 4.1-1113 contrary to the laws of the Commonwealth, an injunction shall be granted as soon as
4233 the bill is presented to the court. The injunction shall enjoin and restrain the owners and tenants and their
4234 agents and employees, and any person connected with such house, building, or other place, and all persons
4235 whomsoever from cultivating, processing, storing, selling, dispensing, giving away, or using marijuana or
4236 marijuana products on such premises. The injunction shall also restrain all persons from removing any
4237 marijuana or marijuana products then on such premises until the further order of the court. If the court is
4238 satisfied that the material allegations of the bill are true, although the premises complained of may not then
4239 be unlawfully used, it shall continue the injunction against such place for a period of time as the court deems
4240 proper. The injunction may be dissolved if a proper case is shown for dissolution.

4241 **§ 4.1-1301. Contraband marijuana or marijuana products and other articles subject to forfeiture.**

4242 A. All apparatus and materials for the cultivation or processing of marijuana or marijuana products, all
4243 marijuana or marijuana products and materials used in their manufacture or processing, and all containers
4244 in which marijuana or marijuana products may be found that are kept, stored, possessed, or in any manner
4245 used in violation of the provisions of this subtitle, and any dangerous weapons as described in § 18.2-308
4246 that may be used or that may be found upon the person, or in any vehicle that such person is using, to aid
4247 such person in the unlawful cultivation, manufacture, processing, transportation, or sale of marijuana or
4248 marijuana products, or found in the possession of such person, or any horse, mule, or other beast of burden
4249 or any wagon, automobile, truck, or vehicle of any nature whatsoever that is found in the immediate vicinity
4250 of any place where marijuana or marijuana products are being unlawfully manufactured or processed and
4251 where such animal or vehicle is being used to aid in the unlawful manufacture or processing, shall be deemed
4252 contraband and shall be forfeited to the Commonwealth.

4253 B. Proceedings for the confiscation of the property in subsection A shall be in accordance with § 4.1-1303
4254 for all such property except motor vehicles, which proceedings shall be in accordance with Chapter 22.1
4255 (§ 19.2-386.1 et seq.) of Title 19.2.

4256 **§ 4.1-1303. Confiscation proceedings; disposition of forfeited articles.**

4257 A. All proceedings for the confiscation of articles, except motor vehicles, declared contraband and
4258 forfeited to the Commonwealth under this subtitle shall be as provided in this section.

4259 B. Whenever any article declared contraband under the provisions of this subtitle and required to be
4260 forfeited to the Commonwealth has been seized, with or without a warrant, by any officer charged with the
4261 enforcement of this subtitle, he shall produce the contraband article and any person in whose possession it
4262 was found. In those cases where no person is found in possession of such articles, the return shall so state
4263 and a copy of the warrant shall be posted on the door of the buildings or room where the articles were found,
4264 or if there is no door, then in any conspicuous place upon the premises.

4265 In case of seizure of any item for any offense involving its forfeiture where it is impracticable to remove
4266 such item to a place of safe storage from the place where seized, the seizing officer may destroy such item
4267 only as necessary to prevent use of all or any part thereof. The destruction shall be in the presence of at least
4268 one credible witness, and such witness shall join the officer in a sworn report of the seizure and destruction
4269 to be made to the Board. The report shall set forth the grounds of the claim of forfeiture, the reasons for

4270 seizure and destruction, an estimate of the fair cash value of the item destroyed, and the materials remaining
 4271 after such destruction. The report shall include a statement that, from facts within their own knowledge, the
 4272 seizing officer and witness have no doubt whatever that the item was set up for use, or had been used in the
 4273 unlawful cultivation, processing, or manufacture of marijuana, and that it was impracticable to remove such
 4274 apparatus to a place of safe storage.

4275 In case of seizure of any quantity of marijuana or marijuana products for any offense involving forfeiture
 4276 of the same, the seizing officer may destroy them to prevent the use of all or any part thereof for the purpose
 4277 of unlawful cultivation, processing, or manufacture of marijuana or marijuana products or any other
 4278 violation of this subtitle. The destruction shall be in the presence of at least one credible witness, and such
 4279 witness shall join the officer in a sworn report of the seizure and destruction to be made to the Board. The
 4280 report shall set forth the grounds of the claim of forfeiture, the reasons for seizure and destruction, and a
 4281 statement that, from facts within their own knowledge, the seizing officer and witness have no doubt whatever
 4282 that the marijuana or marijuana products were intended for use in the unlawful cultivation, processing, or
 4283 manufacture of marijuana or marijuana products or were intended for use in violation of this subtitle.

4284 C. Upon the return of the warrant as provided in this section, the court shall fix a time not less than 10
 4285 days, unless waived by the accused in writing, and not more than 30 days thereafter, for the hearing on such
 4286 return to determine whether or not the articles seized, or any part thereof, were used or in any manner kept,
 4287 stored, or possessed in violation of this subtitle.

4288 At such hearing, if no claimant appears, the court shall declare the articles seized forfeited to the
 4289 Commonwealth and, if such articles are not necessary as evidence in any pending prosecution, shall turn
 4290 them over to the Board. Any person claiming an interest in any of the articles seized may appear at the
 4291 hearing and file a written claim setting forth particularly the character and extent of his interest. The court
 4292 shall certify the warrant and the articles seized along with any claim filed to the circuit court to hear and
 4293 determine the validity of such claim.

4294 If the evidence warrants, the court shall enter a judgment of forfeiture and order the articles seized to be
 4295 turned over to the Board. Action under this section and the forfeiture of any articles hereunder shall not be a
 4296 bar to any prosecution under any other provision of this subtitle.

4297 D. Any articles forfeited to the Commonwealth and turned over to the Board in accordance with this
 4298 section shall be destroyed or sold by the Board as it deems proper. The net proceeds from such sales shall be
 4299 paid into the Literary Fund.

4300 If the Board believes that any foodstuffs forfeited to the Commonwealth and turned over to the Board in
 4301 accordance with this section are usable, should not be destroyed, and cannot be sold, or whose sale would be
 4302 impractical, it may give such foodstuffs to any institution in the Commonwealth and shall prefer a gift to the
 4303 local jail or other local correctional facility in the jurisdiction where seizure took place. A record shall be
 4304 made showing the nature of the foodstuffs and amount given, to whom given, and the date when given and
 4305 shall be kept in the offices of the Board.

4306 **§ 4.1-1304. Contraband marijuana or marijuana products.**

4307 Failure to maintain on a conveyance or vehicle a permit or other indicia of permission issued by the
 4308 Board authorizing the transportation of marijuana or marijuana products within the Commonwealth when
 4309 other Board regulations applicable to such transportation have been complied with shall not be cause for
 4310 deeming such marijuana or marijuana products contraband.

4311 **§ 4.1-1305. Punishment for violations of title or regulations; bond.**

4312 A. Any person convicted of a misdemeanor under the provisions of this subtitle without specification as to
 4313 the class of offense or penalty, or convicted of violating any other provision thereof, or convicted of violating
 4314 any Board regulation is guilty of a Class 1 misdemeanor.

4315 B. In addition to the penalties imposed by this subtitle for violations, any court before whom any person is
 4316 convicted of a violation of any provision of this subtitle may require such defendant to execute bond based
 4317 upon his ability to pay, with approved security, in the penalty of not more than \$1,000, with the condition that
 4318 the defendant will not violate any of the provisions of this subtitle for the term of one year. If any such bond is
 4319 required and is not given, the defendant shall be committed to jail until it is given, or until he is discharged
 4320 by the court, provided that he shall not be confined for a period longer than six months. If any such bond
 4321 required by a court is not given during the term of the court by which conviction is had, it may be given
 4322 before any judge or before the clerk of such court.

4323 C. The provisions of this subtitle shall not prevent the Board from suspending, revoking, or refusing to
 4324 continue the license of any person convicted of a violation of any provision of this subtitle.

4325 D. No court shall hear such a case unless the respective attorney for the Commonwealth or his assistant
 4326 has been notified that such a case is pending.

4327 **§ 4.1-1306. Witness not excused from testifying because of self-incrimination.**

4328 No person shall be excused from testifying or from producing books, papers, correspondence,
 4329 memoranda, or other records for the Commonwealth as to any offense alleged to have been committed by
 4330 another under this subtitle by reason of his testimony or other evidence tending to incriminate himself, but
 4331 the testimony given and evidence so produced by such person on behalf of the Commonwealth when called

4332 for by the trial judge or court trying the case, or by the attorney for the Commonwealth, or when summoned
 4333 by the Commonwealth and sworn as a witness by the court or the clerk and sent before the grand jury, shall
 4334 be in no case used against him nor shall he be prosecuted as to the offense as to which he testifies.

4335 **§ 4.1-1307. Previous convictions.**

4336 In any indictment, information, or warrant charging any person with a violation of any provision of this
 4337 subtitle, it may be alleged and evidence may be introduced at the trial of such person to prove that such
 4338 person has been previously convicted of a violation of this subtitle.

4339 **§ 4.1-1308. Label on sealed container prima facie evidence of marijuana content.**

4340 In any prosecution for violations of this subtitle, where a sealed container is labeled as containing
 4341 marijuana or marijuana products, such labeling shall be prima facie evidence of the marijuana content of the
 4342 container. Nothing shall preclude the introduction of other relevant evidence to establish the marijuana
 4343 content of a container, whether sealed or not.

4344 **§ 4.1-1309. No recovery for marijuana or marijuana products illegally sold.**

4345 No action to recover the price of any marijuana or marijuana products sold in contravention of this
 4346 subtitle may be maintained.

4347 **§ 4.1-1403. Board to establish regulations for marijuana testing.**

4348 The Board shall establish a testing program for marijuana and marijuana products. Except as otherwise
 4349 provided in this subtitle or otherwise provided by law, the program shall require a licensee, prior to selling
 4350 or distributing marijuana or a marijuana product to a consumer or to another licensee, to submit a
 4351 representative sample of the marijuana or marijuana product, not to exceed 10 percent of the total harvest or
 4352 batch, to a licensed marijuana testing facility for testing to ensure that the marijuana or marijuana product
 4353 does not exceed the maximum level of allowable contamination for any contaminant that is injurious to
 4354 health and for which testing is required and to ensure correct labeling. The Board shall adopt regulations (i)
 4355 establishing a testing program pursuant to this section; (ii) establishing acceptable testing and research
 4356 practices, including regulations relating to testing practices, methods, and standards; quality control
 4357 analysis; equipment certification and calibration; marijuana testing facility recordkeeping, documentation,
 4358 and business practices; disposal of used, unused, and waste marijuana and marijuana products; and
 4359 reporting of test results; (iii) identifying the types of contaminants that are injurious to health for which
 4360 marijuana and marijuana products shall be tested under this subtitle; and (iv) establishing the maximum
 4361 level of allowable contamination for each contaminant.

4362 **§ 4.1-1404. Mandatory testing; scope; recordkeeping; notification; additional testing not required;
 4363 required destruction; random testing.**

4364 A. A licensee may not sell or distribute marijuana or a marijuana product to a consumer or to another
 4365 licensee under this subtitle unless a representative sample of the marijuana or marijuana product has been
 4366 tested pursuant to this subtitle and the regulations adopted pursuant to this subtitle and the mandatory testing
 4367 has demonstrated that (i) the marijuana or marijuana product does not exceed the maximum level of
 4368 allowable contamination for any contaminant that is injurious to health and for which testing is required and
 4369 (ii) the labeling on the marijuana or marijuana product is correct.

4370 B. Mandatory testing of marijuana and marijuana products under this section shall include testing for:

- 4371 1. Residual solvents;
- 4372 2. Heavy metals;
- 4373 3. Microbiological contaminants;
- 4374 4. Mycotoxins;
- 4375 5. Pesticide chemical residue; and
- 4376 6. Active ingredient analysis.

4377 Testing shall be performed on the final form in which the marijuana or marijuana product will be
 4378 consumed.

4379 C. A licensee shall maintain a record of all mandatory testing that includes a description of the marijuana
 4380 or marijuana product provided to the marijuana testing facility, the identity of the marijuana testing facility,
 4381 and the results of the mandatory test.

4382 D. If the results of a mandatory test conducted pursuant to this section indicate that the tested marijuana
 4383 or marijuana product exceeds the maximum level of allowable tetrahydrocannabinol or contamination for
 4384 any contaminant that is injurious to health and for which testing is required, the marijuana testing facility
 4385 shall immediately quarantine, document, and properly destroy the marijuana or marijuana product and
 4386 within seven days of completing the test shall notify the Board of the test results.

4387 A marijuana testing facility is not required to notify the Board of the results of any test:

- 4388 1. Conducted on marijuana or a marijuana product at the direction of a licensee pursuant to this section
 4389 that demonstrates that the marijuana or marijuana product does not exceed the maximum level of allowable
 4390 tetrahydrocannabinol or contamination for any contaminant that is injurious to health and for which testing
 4391 is required;

- 4392 2. Conducted on marijuana or a marijuana product at the direction of a licensee for research and
 4393 development purposes only, so long as the licensee notifies the marijuana testing facility prior to the

- 4394 performance of the test that the testing is for research and development purposes only; or
- 4395 3. Conducted on marijuana or a marijuana product at the direction of a person who is not a licensee.
- 4396 E. Notwithstanding the foregoing, a licensee may sell or furnish to a consumer or to another licensee
- 4397 marijuana or a marijuana product that the licensee has not submitted for testing in accordance with this
- 4398 subtitle and regulations adopted pursuant to this subtitle if the following conditions are met:
- 4399 1. The marijuana or marijuana product has previously undergone testing in accordance with this subtitle
- 4400 and regulations adopted pursuant to this subtitle at the direction of another licensee and the testing
- 4401 demonstrated that the marijuana or marijuana product does not exceed the maximum level of allowable
- 4402 tetrahydrocannabinol or contamination for any contaminant that is injurious to health and for which testing
- 4403 is required;
- 4404 2. The mandatory testing process and the test results for the marijuana or marijuana product are
- 4405 documented in accordance with the requirements of this subtitle and all applicable regulations adopted
- 4406 pursuant to this subtitle;
- 4407 3. Tracking from immature marijuana plant to the point of retail sale has been maintained for the
- 4408 marijuana or marijuana product and transfers of the marijuana or marijuana product to another licensee or
- 4409 to a consumer can be easily identified; and
- 4410 4. The marijuana or marijuana product has not undergone any further processing, manufacturing, or
- 4411 alteration subsequent to the performance of the prior testing under subsection A.
- 4412 F. Licensees shall be required to destroy harvested batches of marijuana or batches of marijuana
- 4413 products whose testing samples indicate noncompliance with the health and safety standards required by this
- 4414 subtitle and the regulations adopted by the Board pursuant to this subtitle, unless remedial measures can
- 4415 bring the marijuana or marijuana product into compliance with such required health and safety standards.
- 4416 G. A licensee shall comply with all requests for samples of marijuana and marijuana products for the
- 4417 purpose of random testing by a state-owned laboratory or state-approved private laboratory.
- 4418 **§ 4.1-1405. Labeling and packaging requirements; prohibitions.**
- 4419 A. Marijuana and marijuana products to be sold or offered for sale by a licensee to a consumer shall be
- 4420 labeled with the following information:
- 4421 1. Identification of the type of marijuana or marijuana product;
- 4422 2. The license numbers of the marijuana cultivation facility, the marijuana processing facility, and the
- 4423 retail marijuana store where the marijuana or marijuana product was cultivated, processed, and offered for
- 4424 sale, as applicable;
- 4425 3. A statement of the net weight of the marijuana or marijuana product;
- 4426 4. In English and in a font no less than 1/16 of an inch, information concerning (i) all ingredients,
- 4427 including pharmacologically active ingredients, tetrahydrocannabinol, cannabidiol, and other cannabinoid
- 4428 content; (ii) all possible allergens; (iii) the amount of servings in the package; (iv) if the product contains
- 4429 tetrahydrocannabinol, the total percentage and milligrams of all tetrahydrocannabinols included in the
- 4430 package and the total number of milligrams of all tetrahydrocannabinols contained in each serving; and (v)
- 4431 the potency of the tetrahydrocannabinol and other cannabinoid content;
- 4432 5. Information on gases, solvents, and chemicals used in marijuana extraction, if applicable;
- 4433 6. Instructions on usage, including information regarding the amount of marijuana or marijuana product
- 4434 that constitutes a single serving;
- 4435 7. A recommended use by date or expiration date;
- 4436 8. For marijuana and marijuana products, the following statement, prominently displayed in bold print
- 4437 and in a clear and legible fashion: "GOVERNMENT WARNING: THIS PACKAGE CONTAINS MARIJUANA
- 4438 AND TETRAHYDROCANNABINOL (THC). MARIJUANA MAY ONLY BE SOLD TO AND USED BY
- 4439 ADULTS 21 YEARS OF AGE OR OLDER. KEEP OUT OF REACH OF CHILDREN. CONSUMPTION OF
- 4440 MARIJUANA IMPAIRS COGNITION AND YOUR ABILITY TO DRIVE AND MAY BE HABIT-FORMING.
- 4441 MARIJUANA SHOULD NOT BE USED WHILE PREGNANT OR BREASTFEEDING. PLEASE USE
- 4442 CAUTION AND VISIT _____ (website maintained by the Board pursuant to § 4.1-604) FOR MORE
- 4443 INFORMATION.";
- 4444 9. A universal symbol stamped or embossed on the packaging of any marijuana and marijuana products;
- 4445 10. A certificate of analysis, produced by licensed marijuana testing facility, that states the total
- 4446 tetrahydrocannabinol concentration of the substance or the total tetrahydrocannabinol concentration of the
- 4447 batch from which the substance originates; and
- 4448 11. Any other information required by Board regulations.
- 4449 B. Marijuana and marijuana products to be sold or offered for sale by a licensee to a consumer in
- 4450 accordance with the provisions of this subtitle shall be packaged in the following manner:
- 4451 1. Marijuana and marijuana products shall be prepackaged in child-resistant, tamper-evident, and
- 4452 resealable packaging that is opaque or shall be placed at the final point of sale to a consumer in child-
- 4453 resistant, tamper-evident, and resealable packaging that is opaque;
- 4454 2. Packaging for multiserving liquid marijuana products shall include an integral measurement
- 4455 component; and

- 4456 3. Packaging shall comply with any other requirements imposed by Board regulations.
- 4457 C. Marijuana and marijuana products to be sold or offered for sale by a licensee to a consumer in
4458 accordance with the provisions of this subtitle shall not:
- 4459 1. (i) Without authorization, bear, be packaged in a container or wrapper that bears, or otherwise be
4460 labeled to bear the trademark, trade name, famous mark as defined in 15 U.S.C. § 1125, or other identifying
4461 mark, imprint, or device, or any likeness thereof, of a manufacturer, processor, packer, or distributor of a
4462 product intended for human consumption other than the manufacturer, processor, packer, or distributor that
4463 did in fact so manufacture, process, pack, or distribute such substance or (ii) otherwise be packaged or
4464 labeled in violation of a federal trademark law or regulation;
- 4465 2. Be labeled or packaged in a manner that appeals particularly to persons younger than 21 years of age;
- 4466 3. Be labeled or packaged in a manner that obscures identifying information on the label;
- 4467 4. Be labeled or packaged using a false or misleading label;
- 4468 5. Depict, model the shape of, or use a label or package that depicts or models the shape of a human,
4469 animal, vehicle, or fruit; and
- 4470 6. Be labeled or packaged in violation of any other labeling or packaging requirements imposed by Board
4471 regulations.
- 4472 **§ 4.1-1406. Other health and safety requirements for edible marijuana products and other marijuana**
4473 **products deemed applicable by the Authority; health and safety regulations.**
- 4474 A. In addition to all other applicable provisions of this subtitle, edible marijuana products and other
4475 marijuana products deemed applicable by the Authority to be sold or offered for sale by a licensee to a
4476 consumer:
- 4477 1. Shall be processed and manufactured by an approved source, as determined by § 3.2-5145.3;
- 4478 2. Shall comply with the provisions of Chapter 51 (§ 3.2-5100 et seq.) of Title 3.2;
- 4479 3. Shall be processed and manufactured in a manner that results in the cannabinoid content within the
4480 product being homogeneous throughout the product or throughout each element of the product that has a
4481 cannabinoid content;
- 4482 4. Shall be processed and manufactured in a manner that results in the amount of marijuana concentrate
4483 within the product being homogeneous throughout the product or throughout each element of the product
4484 that contains marijuana concentrate;
- 4485 5. Shall have a universal symbol stamped or embossed on the packaging of each product;
- 4486 6. Shall not contain more than 10 milligrams of tetrahydrocannabinol per serving of the product and shall
4487 not contain more than 100 milligrams of tetrahydrocannabinol per package of the product;
- 4488 7. Shall not contain additives that (i) are toxic or harmful to human beings, (ii) are specifically designed
4489 to make the product more addictive, (iii) contain alcohol or nicotine, (iv) are misleading to consumers, or (v)
4490 are specifically designed to make the product appeal particularly to persons younger than 21 years of age;
4491 and
- 4492 8. Shall not involve the addition of marijuana to a trademarked food or drink product, except when the
4493 trademarked product is used as a component of or ingredient in the edible marijuana product and the edible
4494 marijuana product is not advertised or described for sale as containing the trademarked product.
- 4495 B. The Board shall adopt any additional labeling, packaging, or other health and safety regulations that it
4496 deems necessary for marijuana and marijuana products to be sold or offered for sale by a licensee to a
4497 consumer in accordance with this subtitle. Regulations adopted pursuant to this subsection shall establish
4498 mandatory health and safety standards applicable to the cultivation of marijuana, the processing and
4499 manufacture of marijuana products, and the packaging and labeling of marijuana and marijuana products
4500 sold by a licensee to a consumer. Such regulations shall address:
- 4501 1. Requirements for the storage, warehousing, and transportation of marijuana and marijuana products
4502 by licensees;
- 4503 2. Sanitary standards for marijuana establishments, including sanitary standards for the processing and
4504 manufacture of marijuana and marijuana products; and
- 4505 3. Limitations on the display of marijuana and marijuana products at retail marijuana stores.
- 4506 **§ 4.1-1500. Definitions.**
- 4507 As used in this chapter, unless the context requires a different meaning:
- 4508 "CDFI" means a community development financial institution that provides credit and financial services
4509 for underserved communities.
- 4510 "Fund" means the Virginia Cannabis Equity Business Loan Fund established in § 4.1-1501.
- 4511 "Funding" means loans and grants made from the Fund.
- 4512 "Program" means the Virginia Cannabis Equity Business Loan Program established in § 4.1-1502.
- 4513 "Social equity qualified Micro business cannabis licensee" means a person or business who meets the
4514 criteria in § 4.1-606 to qualify as a social equity micro business applicant and who either holds or is in the
4515 final stages of acquiring, as determined by the Board, a license to operate a marijuana establishment.
- 4516 **§ 4.1-1501. Virginia Cannabis Equity Business Loan Fund.**
- 4517 There is hereby created in the state treasury a special nonreverting fund to be known as the Virginia

4518 Cannabis Equity Business Loan Fund, referred to in this section as "the Fund." The Fund shall be established
 4519 on the books of the Comptroller. All funds appropriated for such purpose and any gifts, donations, grants,
 4520 bequests, and other funds received on its behalf shall be paid into the state treasury and credited to the Fund.
 4521 Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining
 4522 in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but
 4523 shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes of providing *grants*,
 4524 low-interest ~~and loans~~, zero-interest loans, *and other supports and services* to ~~social equity qualified cannabis~~
 4525 *micro business* licensees in order to foster business ownership and economic growth within communities that
 4526 have been the most disproportionately impacted by the former prohibition of cannabis. Expenditures and
 4527 disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller
 4528 upon written request signed by the Chief Executive Officer of the Authority.

4529 **§ 4.1-1502. Program requirements; guidelines for management of the Fund; selection of CDFI.**

4530 A. The Authority shall establish a Program to provide loans, *grants*, *and other supports and services* to
 4531 ~~qualified social equity cannabis micro business~~ licensees for the purpose of promoting business ownership
 4532 and economic growth by communities that have been disproportionately impacted by the prohibition of
 4533 cannabis. ~~The~~ *For the purposes of issuing loans*, the Authority ~~shall~~ *may* select and work in collaboration
 4534 with a CDFI ~~to assist in administering the Program and carrying out the purposes of the Fund.~~ *The* ~~If the~~
 4535 *Authority utilizes a CDFI for issuing loans*, the CDFI selected by the Authority shall have (i) a statewide
 4536 presence in Virginia, (ii) experience in business lending, (iii) a proven track record of working with
 4537 disadvantaged communities, and (iv) the capability to dedicate sufficient staff to manage the Program.
 4538 ~~Working with the selected CDFI, the~~ *The* Authority shall establish monitoring and accountability
 4539 mechanisms for *micro* businesses receiving funding and shall report annually the number of businesses
 4540 funded; the geographic distribution of the businesses; the costs of the Program; and the outcomes, including
 4541 the number and types of jobs created.

4542 B. The Program shall:

4543 1. Identify ~~social equity qualified cannabis micro business~~ licensees who are in need of capital *or other*
 4544 *supports and services* for the start-up of a cannabis business properly licensed pursuant to the provisions of
 4545 this subtitle;

4546 2. Provide loans, *grants*, *and other supports and services* for the purposes described in subsection A *and*
 4547 *§ 4.1-1501*;

4548 3. Provide technical assistance; and

4549 4. Bring together community partners to sustain the Program.

4550 **§ 4.1-1601. Certification for use of cannabis for treatment.**

4551 A. A practitioner in the course of his professional practice may issue a written certification for the use of
 4552 cannabis products for treatment or to alleviate the symptoms of any diagnosed condition or disease
 4553 determined by the practitioner to benefit from such use. The practitioner shall use his professional judgment
 4554 to determine the manner and frequency of patient care and evaluation and may employ the use of
 4555 telemedicine, provided that the use of telemedicine includes the delivery of patient care through real-time
 4556 interactive audiovisual technology. No practitioner may issue a written certification while such practitioner is
 4557 on the premises of a pharmaceutical processor or cannabis dispensing facility. A pharmaceutical processor
 4558 shall not endorse or promote any practitioner who issues certifications to patients. If a practitioner determines
 4559 it is consistent with the standard of care to dispense botanical cannabis to a minor, the written certification
 4560 shall specifically authorize such dispensing. If not specifically included on the initial written certification,
 4561 authorization for botanical cannabis may be communicated verbally or in writing to the pharmacist at the
 4562 time of dispensing. A practitioner who issues written certifications shall not directly or indirectly accept,
 4563 solicit, or receive anything of value from a pharmaceutical processor, cannabis dispensing facility, or any
 4564 person associated with a pharmaceutical processor, cannabis dispensing facility, or provider of paraphernalia,
 4565 excluding information on products or educational materials on the benefits and risks of cannabis products.

4566 B. The written certification shall be on a form provided by the Authority. Such written certification shall
 4567 contain the name, address, and telephone number of the practitioner, the name and address of the patient
 4568 issued the written certification, the date on which the written certification was made, and the signature or
 4569 authentic electronic signature of the practitioner. Such written certification issued pursuant to subsection A
 4570 shall expire one year after its issuance unless the practitioner provides in such written certification an earlier
 4571 expiration. A written certification shall not be issued to a patient by more than one practitioner during any
 4572 given time period.

4573 C. No practitioner shall be prosecuted under *Chapter 11 (§ 4.1-1100 et seq.)* or § 18.2-248 ~~or 18.2-248.1~~
 4574 for the issuance of a certification for the use of cannabis products for the treatment or to alleviate the
 4575 symptoms of a patient's diagnosed condition or disease pursuant to a written certification issued pursuant to
 4576 subsection A. Nothing in this section shall preclude a practitioner's professional licensing board from
 4577 sanctioning the practitioner for failing to properly evaluate or treat a patient's medical condition or otherwise
 4578 violating the applicable standard of care for evaluating or treating medical conditions.

4579 D. A practitioner who issues a written certification to a patient pursuant to this section (i) shall hold

4580 sufficient education and training to exercise appropriate professional judgment in the certification of patients;
 4581 (ii) shall not offer a discount or any other thing of value to a patient or a patient's parent, guardian, or
 4582 registered agent that is contingent on or encourages the person's decision to use a particular pharmaceutical
 4583 processor or cannabis product; (iii) shall not issue a certification to himself or his family members,
 4584 employees, or coworkers; (iv) shall not provide product samples containing cannabis other than those
 4585 approved by the U.S. Food and Drug Administration; and (v) shall not accept compensation from a
 4586 pharmaceutical processor or cannabis dispensing facility. The Board shall not limit the number of patients to
 4587 whom a practitioner may issue a written certification. The Board may report information to the applicable
 4588 licensing board on unusual patterns of certifications issued by a practitioner.

4589 E. No patient shall be required to physically present the written certification after the initial dispensing by
 4590 any pharmaceutical processor or cannabis dispensing facility under each written certification, provided that
 4591 the pharmaceutical processor or cannabis dispensing facility maintains an electronic copy of the written
 4592 certification. Pharmaceutical processors and cannabis dispensing facilities shall electronically transmit on a
 4593 monthly basis all new written certifications received by the pharmaceutical processor or cannabis dispensing
 4594 facility to the Authority.

4595 F. A patient, or, if such patient is a minor or a vulnerable adult as defined in § 18.2-369, such patient's
 4596 parent or legal guardian, may designate an individual to act as his registered agent for the purposes of
 4597 receiving cannabis products pursuant to a valid written certification. Such designated individual shall register
 4598 with the Board unless the individual's name listed on the patient's written certification. An individual may, on
 4599 the basis of medical need and in the discretion of the patient's registered practitioner, be listed on the patient's
 4600 written certification upon the patient's request. The Board may set a limit on the number of patients for whom
 4601 any individual is authorized to act as a registered agent.

4602 G. Upon delivery of a cannabis product by a pharmaceutical processor or cannabis dispensing facility to a
 4603 designated caregiver facility, any employee or contractor of a designated caregiver facility who is licensed or
 4604 registered by a health regulatory board and who is authorized to possess, distribute, or administer medications
 4605 may accept delivery of the cannabis product on behalf of a patient or resident for subsequent delivery to the
 4606 patient or resident and may assist in the administration of the cannabis product to the patient or resident as
 4607 necessary.

4608 H. Information obtained under the patient certification or agent registration process shall be confidential
 4609 and shall not be subject to the disclosure provisions of the Virginia Freedom of Information Act (§ 2.2-3700
 4610 et seq.). However, reasonable access to registry information shall be provided to (i) the Chairmen of the
 4611 House and Senate Committees for Courts of Justice, (ii) state and federal agencies or local law enforcement
 4612 for the purpose of investigating or prosecuting a specific individual for a specific violation of law, (iii)
 4613 licensed practitioners or pharmacists, or their agents, for the purpose of providing patient care and drug
 4614 therapy management and monitoring of drugs obtained by a patient, (iv) a pharmaceutical processor or
 4615 cannabis dispensing facility involved in the treatment of a patient, or (v) a patient's registered agent, but only
 4616 with respect to information related to such patient.

4617 **§ 4.1-1604. Criminal liability; exceptions.**

4618 No agent or employee of a pharmaceutical processor or cannabis dispensing facility shall be prosecuted
 4619 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
 4620 marijuana or for possession, manufacture, or distribution of cannabis products, subject to any civil penalty,
 4621 denied any right or privilege, or subject to any disciplinary action by a professional licensing board if such
 4622 agent or employee (i) possessed or manufactured such marijuana for the purposes of producing cannabis
 4623 products in accordance with the provisions of this chapter and Board regulations or (ii) possessed,
 4624 manufactured, or distributed such cannabis products that are consistent with generally accepted cannabis
 4625 industry standards in accordance with the provisions of this chapter and Board regulations.

4626 **§ 5.1-13. Operation of aircraft while under influence of intoxicating liquors or drugs; reckless**
 4627 **operation.**

4628 Any person who ~~shall operate~~ *operates* any aircraft within the airspace over, above, or upon the lands or
 4629 waters of ~~this the~~ Commonwealth, while under the influence of intoxicating liquor or of any narcotic *or*
 4630 *marijuana* or any habit-forming drugs ~~shall be~~ *is* guilty of a felony and shall be confined in a state
 4631 correctional facility not less than one nor more than five years, or, in the discretion of the court or jury trying
 4632 the case, be confined in jail not exceeding ~~twelve~~ *12* months and fined not exceeding \$500, or both such fine
 4633 and imprisonment.

4634 Any person who ~~shall operate~~ *operates* any aircraft within the airspace over, above, or upon the lands or
 4635 waters of ~~this the~~ Commonwealth carelessly or heedlessly in willful or wanton disregard of the rights or
 4636 safety of others, or without due caution and circumspection and in a manner so as to endanger any person or
 4637 property, ~~shall be~~ *is* guilty of a misdemeanor.

4638 **§ 6.2-107.1. Financial services for licensed marijuana establishments.**

4639 A. As used in this section, "licensed" has the same meaning as provided in § 4.1-600 and "marijuana
 4640 establishment" has the same meaning as provided in § 4.1-100.

4641 B. A bank or credit union that provides a financial service to a licensed marijuana establishment, and the

4642 *officers, directors, and employees of that bank or credit union, shall not be held liable pursuant to any state*
 4643 *law or regulation solely for providing such a financial service or for further investing any income derived*
 4644 *from such a financial service.*

4645 *C. Nothing in this section shall require a bank or credit union to provide financial services to a licensed*
 4646 *marijuana establishment.*

4647 **§ 9.1-101. (Effective July 1, 2026) Definitions.**

4648 As used in this chapter or in Chapter 23 (§ 19.2-387 et seq.) of Title 19.2, unless the context requires a
 4649 different meaning:

4650 "Administration of criminal justice" means performance of any activity directly involving the detection,
 4651 apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional
 4652 supervision, or rehabilitation of accused persons or criminal offenders or the collection, storage, and
 4653 dissemination of criminal history record information.

4654 "Board" means the Criminal Justice Services Board.

4655 "Conviction data" means information in the custody of any criminal justice agency relating to a judgment
 4656 of conviction, and the consequences arising therefrom, in any court.

4657 "Correctional status information" means records and data concerning each condition of a convicted
 4658 person's custodial status, including probation, confinement, work release, study release, escape, or
 4659 termination of custody through expiration of sentence, parole, pardon, or court decision.

4660 "Criminal history record information" means records and data collected by criminal justice agencies on
 4661 adult individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments,
 4662 informations, or other formal charges, and any disposition arising therefrom. The term shall not include
 4663 juvenile record information which is controlled by Chapter 11 (§ 16.1-226 et seq.) of Title 16.1, criminal
 4664 justice intelligence information, criminal justice investigative information, or correctional status information.

4665 "Criminal justice agency" means (i) a court or any other governmental agency or subunit thereof which as
 4666 its principal function performs the administration of criminal justice and any other agency or subunit thereof
 4667 which performs criminal justice activities, but only to the extent that it does so; (ii) for the purposes of
 4668 Chapter 23 (§ 19.2-387 et seq.) of Title 19.2, any private corporation or agency which, within the context of
 4669 its criminal justice activities, employs special conservators of the peace appointed under Chapter 2 (§ 19.2-12
 4670 et seq.) of Title 19.2, provided that (a) such private corporation or agency requires its officers or special
 4671 conservators to meet compulsory training standards established by the Criminal Justice Services Board and
 4672 submits reports of compliance with the training standards and (b) the private corporation or agency complies
 4673 with the provisions of Article 3 (§ 9.1-126 et seq.), but only to the extent that the private corporation or
 4674 agency so designated as a criminal justice agency performs criminal justice activities; and (iii) the Office of
 4675 the Attorney General, for all criminal justice activities otherwise permitted under clause (i) and for the
 4676 purpose of performing duties required by the Civil Commitment of Sexually Violent Predators Act
 4677 (§ 37.2-900 et seq.).

4678 "Criminal justice agency" includes any program certified by the Commission on VASAP pursuant to
 4679 § 18.2-271.2.

4680 "Criminal justice agency" includes the Department of Criminal Justice Services.

4681 "Criminal justice agency" includes the Virginia Criminal Sentencing Commission.

4682 "Criminal justice agency" includes the Virginia State Crime Commission.

4683 "Criminal justice information system" means a system including the equipment, facilities, procedures,
 4684 agreements, and organizations thereof, for the collection, processing, preservation, or dissemination of
 4685 criminal history record information. The operations of the system may be performed manually or by using
 4686 electronic computers or other automated data processing equipment.

4687 "Department" means the Department of Criminal Justice Services.

4688 "Dissemination" means any transfer of information, whether orally, in writing, or by electronic means.
 4689 The term shall not include access to the information by officers or employees of a criminal justice agency
 4690 maintaining the information who have both a need and right to know the information.

4691 "Law-enforcement officer" means any full-time or part-time employee of a police department or sheriff's
 4692 office which is a part of or administered by the Commonwealth or any political subdivision thereof, or any
 4693 full-time or part-time employee of a private police department, and who is responsible for the prevention and
 4694 detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth, and shall
 4695 include any (i) special agent of the Virginia Alcoholic Beverage *and Cannabis* Control Authority; (ii) police
 4696 agent appointed under the provisions of § 56-353; (iii) officer of the Virginia Marine Police; (iv) conservation
 4697 police officer who is a full-time sworn member of the enforcement division of the Department of Wildlife
 4698 Resources; (v) investigator who is a sworn member of the security division of the Virginia Lottery; (vi)
 4699 conservation officer of the Department of Conservation and Recreation commissioned pursuant to
 4700 § 10.1-115; (vii) full-time sworn member of the enforcement division of the Department of Motor Vehicles
 4701 appointed pursuant to § 46.2-217; (viii) animal protection police officer employed under § 15.2-632 or
 4702 15.2-836.1; (ix) campus police officer appointed under Article 3 (§ 23.1-809 et seq.) of Chapter 8 of Title
 4703 23.1; (x) member of the investigations unit designated by the State Inspector General pursuant to § 2.2-311 to

4704 investigate allegations of criminal behavior affecting the operations of a state or nonstate agency; (xi)
 4705 employee with internal investigations authority designated by the Department of Corrections pursuant to
 4706 subdivision 11 of § 53.1-10 or by the Department of Juvenile Justice pursuant to subdivision A 7 of § 66-3;
 4707 (xii) private police officer employed by a private police department; or (xiii) person designated as a sworn
 4708 unit investigator by the Attorney General pursuant to subsection A of § 32.1-320.1. Part-time employees are
 4709 those compensated officers who are not full-time employees as defined by the employing police department,
 4710 sheriff's office, or private police department.

4711 "Private police department" means any police department, other than a department that employs police
 4712 agents under the provisions of § 56-353, that employs private police officers operated by an entity authorized
 4713 by statute or an act of assembly to establish a private police department or such entity's successor in interest,
 4714 provided it complies with the requirements set forth herein. No entity is authorized to operate a private police
 4715 department or represent that it is a private police department unless such entity has been authorized by statute
 4716 or an act of assembly or such entity is the successor in interest of an entity that has been authorized pursuant
 4717 to this section, provided it complies with the requirements set forth herein. The authority of a private police
 4718 department shall be limited to real property owned, leased, or controlled by the entity and, if approved by the
 4719 local chief of police or sheriff, any contiguous property; such authority shall not supersede the authority,
 4720 duties, or jurisdiction vested by law with the local police department or sheriff's office including as provided
 4721 in §§ 15.2-1609 and 15.2-1704. The chief of police or sheriff who is the chief local law-enforcement officer
 4722 shall enter into a memorandum of understanding with the private police department that addresses the duties
 4723 and responsibilities of the private police department and the chief law-enforcement officer in the conduct of
 4724 criminal investigations. Private police departments and private police officers shall be subject to and comply
 4725 with the Constitution of the United States; the Constitution of Virginia; the laws governing municipal police
 4726 departments, including the provisions of §§ 9.1-600, 15.2-1705 through 15.2-1708, 15.2-1719, 15.2-1721,
 4727 15.2-1721.1, and 15.2-1722; and any regulations adopted by the Board that the Department designates as
 4728 applicable to private police departments. An authorized private police department may use the word "police"
 4729 to describe its sworn officers and may join a regional criminal justice academy created pursuant to Article 5
 4730 (§ 15.2-1747 et seq.) of Chapter 17 of Title 15.2. Any private police department in existence on January 1,
 4731 2013, that was not otherwise established by statute or an act of assembly and whose status as a private police
 4732 department was recognized by the Department at that time is hereby validated and may continue to operate as
 4733 a private police department as may such entity's successor in interest, provided it complies with the
 4734 requirements set forth herein.

4735 "Private police officer" means a law-enforcement officer who is employed by a private police department
 4736 that has entered into a memorandum of understanding with a police department or sheriff's office and who
 4737 may exercise the power and duties conferred by law upon such police officers on real property owned, leased,
 4738 or controlled by the employing entity and, if approved by the local chief of police or sheriff, any contiguous
 4739 property. Any person employed as a private police officer pursuant to this section shall meet all requirements,
 4740 including the minimum compulsory training requirements, for law-enforcement officers pursuant to this
 4741 chapter. A private police officer is not entitled to benefits under the Virginia Retirement System, is not a
 4742 "qualified law enforcement officer" or "qualified retired law enforcement officer" within the meaning of the
 4743 federal Law Enforcement Officers Safety Act, 18 U.S.C. § 926B et seq., and shall not be deemed an
 4744 employee of the Commonwealth or any locality.

4745 "School resource officer" means a certified law-enforcement officer hired by the local law-enforcement
 4746 agency to provide law-enforcement and security services to Virginia public elementary and secondary
 4747 schools.

4748 "School security officer" means an individual who is employed by the local school board or a private or
 4749 religious school for the singular purpose of maintaining order and discipline, preventing crime, investigating
 4750 violations of the policies of the school board or the private or religious school, and detaining students
 4751 violating the law or the policies of the school board or the private or religious school on school property,
 4752 school buses, or at school-sponsored events and who is responsible solely for ensuring the safety, security,
 4753 and welfare of all students, faculty, staff, and visitors in the assigned school.

4754 "Sealing" means to prohibit public access to records relating to an arrest, charge, or conviction, including
 4755 any ancillary matter ordered to be sealed, in the possession of (i) the Central Criminal Records Exchange; (ii)
 4756 any court; (iii) any police department, sheriff's office, or campus police department; or (iv) the Department of
 4757 Motor Vehicles unless dissemination is authorized for one or more of the purposes set forth in § 19.2-392.13
 4758 and pursuant to the rules and regulations adopted pursuant to § 9.1-128 and the procedures adopted pursuant
 4759 to § 9.1-134.

4760 "Unapplied criminal history record information" means information pertaining to criminal offenses
 4761 submitted to the Central Criminal Records Exchange that cannot be applied to the criminal history record of
 4762 an arrested or convicted person (i) because such information is not supported by fingerprints or other
 4763 accepted means of positive identification or (ii) due to an inconsistency, error, or omission within the content
 4764 of the submitted information.

4765 **§ 9.1-101. (Effective until July 1, 2026) Definitions.**

4766 As used in this chapter or in Chapter 23 (§ 19.2-387 et seq.) of Title 19.2, unless the context requires a
4767 different meaning:

4768 "Administration of criminal justice" means performance of any activity directly involving the detection,
4769 apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional
4770 supervision, or rehabilitation of accused persons or criminal offenders or the collection, storage, and
4771 dissemination of criminal history record information.

4772 "Board" means the Criminal Justice Services Board.

4773 "Conviction data" means information in the custody of any criminal justice agency relating to a judgment
4774 of conviction, and the consequences arising therefrom, in any court.

4775 "Correctional status information" means records and data concerning each condition of a convicted
4776 person's custodial status, including probation, confinement, work release, study release, escape, or
4777 termination of custody through expiration of sentence, parole, pardon, or court decision.

4778 "Criminal history record information" means records and data collected by criminal justice agencies on
4779 adult individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments,
4780 informations, or other formal charges, and any disposition arising therefrom. The term shall not include
4781 juvenile record information which is controlled by Chapter 11 (§ 16.1-226 et seq.) of Title 16.1, criminal
4782 justice intelligence information, criminal justice investigative information, or correctional status information.

4783 "Criminal justice agency" means (i) a court or any other governmental agency or subunit thereof which as
4784 its principal function performs the administration of criminal justice and any other agency or subunit thereof
4785 which performs criminal justice activities, but only to the extent that it does so; (ii) for the purposes of
4786 Chapter 23 (§ 19.2-387 et seq.) of Title 19.2, any private corporation or agency which, within the context of
4787 its criminal justice activities, employs special conservators of the peace appointed under Chapter 2 (§ 19.2-12
4788 et seq.) of Title 19.2, provided that (a) such private corporation or agency requires its officers or special
4789 conservators to meet compulsory training standards established by the Criminal Justice Services Board and
4790 submits reports of compliance with the training standards and (b) the private corporation or agency complies
4791 with the provisions of Article 3 (§ 9.1-126 et seq.), but only to the extent that the private corporation or
4792 agency so designated as a criminal justice agency performs criminal justice activities; and (iii) the Office of
4793 the Attorney General, for all criminal justice activities otherwise permitted under clause (i) and for the
4794 purpose of performing duties required by the Civil Commitment of Sexually Violent Predators Act
4795 (§ 37.2-900 et seq.).

4796 "Criminal justice agency" includes any program certified by the Commission on VASAP pursuant to
4797 § 18.2-271.2.

4798 "Criminal justice agency" includes the Department of Criminal Justice Services.

4799 "Criminal justice agency" includes the Virginia Criminal Sentencing Commission.

4800 "Criminal justice agency" includes the Virginia State Crime Commission.

4801 "Criminal justice information system" means a system including the equipment, facilities, procedures,
4802 agreements, and organizations thereof, for the collection, processing, preservation, or dissemination of
4803 criminal history record information. The operations of the system may be performed manually or by using
4804 electronic computers or other automated data processing equipment.

4805 "Department" means the Department of Criminal Justice Services.

4806 "Dissemination" means any transfer of information, whether orally, in writing, or by electronic means.
4807 The term shall not include access to the information by officers or employees of a criminal justice agency
4808 maintaining the information who have both a need and right to know the information.

4809 "Law-enforcement officer" means any full-time or part-time employee of a police department or sheriff's
4810 office which is a part of or administered by the Commonwealth or any political subdivision thereof, or any
4811 full-time or part-time employee of a private police department, and who is responsible for the prevention and
4812 detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth, and shall
4813 include any (i) special agent of the Virginia Alcoholic Beverage *and Cannabis* Control Authority; (ii) police
4814 agent appointed under the provisions of § 56-353; (iii) officer of the Virginia Marine Police; (iv) conservation
4815 police officer who is a full-time sworn member of the enforcement division of the Department of Wildlife
4816 Resources; (v) investigator who is a sworn member of the security division of the Virginia Lottery; (vi)
4817 conservation officer of the Department of Conservation and Recreation commissioned pursuant to
4818 § 10.1-115; (vii) full-time sworn member of the enforcement division of the Department of Motor Vehicles
4819 appointed pursuant to § 46.2-217; (viii) animal protection police officer employed under § 15.2-632 or
4820 15.2-836.1; (ix) campus police officer appointed under Article 3 (§ 23.1-809 et seq.) of Chapter 8 of Title
4821 23.1; (x) member of the investigations unit designated by the State Inspector General pursuant to § 2.2-311 to
4822 investigate allegations of criminal behavior affecting the operations of a state or nonstate agency; (xi)
4823 employee with internal investigations authority designated by the Department of Corrections pursuant to
4824 subdivision 11 of § 53.1-10 or by the Department of Juvenile Justice pursuant to subdivision A 7 of § 66-3;
4825 (xii) private police officer employed by a private police department; or (xiii) person designated as a sworn
4826 unit investigator by the Attorney General pursuant to subsection A of § 32.1-320.1. Part-time employees are
4827 those compensated officers who are not full-time employees as defined by the employing police department,

4828 sheriff's office, or private police department.

4829 "Private police department" means any police department, other than a department that employs police
 4830 agents under the provisions of § 56-353, that employs private police officers operated by an entity authorized
 4831 by statute or an act of assembly to establish a private police department or such entity's successor in interest,
 4832 provided it complies with the requirements set forth herein. No entity is authorized to operate a private police
 4833 department or represent that it is a private police department unless such entity has been authorized by statute
 4834 or an act of assembly or such entity is the successor in interest of an entity that has been authorized pursuant
 4835 to this section, provided it complies with the requirements set forth herein. The authority of a private police
 4836 department shall be limited to real property owned, leased, or controlled by the entity and, if approved by the
 4837 local chief of police or sheriff, any contiguous property; such authority shall not supersede the authority,
 4838 duties, or jurisdiction vested by law with the local police department or sheriff's office including as provided
 4839 in §§ 15.2-1609 and 15.2-1704. The chief of police or sheriff who is the chief local law-enforcement officer
 4840 shall enter into a memorandum of understanding with the private police department that addresses the duties
 4841 and responsibilities of the private police department and the chief law-enforcement officer in the conduct of
 4842 criminal investigations. Private police departments and private police officers shall be subject to and comply
 4843 with the Constitution of the United States; the Constitution of Virginia; the laws governing municipal police
 4844 departments, including the provisions of §§ 9.1-600, 15.2-1705 through 15.2-1708, 15.2-1719, 15.2-1721,
 4845 15.2-1721.1, and 15.2-1722; and any regulations adopted by the Board that the Department designates as
 4846 applicable to private police departments. An authorized private police department may use the word "police"
 4847 to describe its sworn officers and may join a regional criminal justice academy created pursuant to Article 5
 4848 (§ 15.2-1747 et seq.) of Chapter 17 of Title 15.2. Any private police department in existence on January 1,
 4849 2013, that was not otherwise established by statute or an act of assembly and whose status as a private police
 4850 department was recognized by the Department at that time is hereby validated and may continue to operate as
 4851 a private police department as may such entity's successor in interest, provided it complies with the
 4852 requirements set forth herein.

4853 "Private police officer" means a law-enforcement officer who is employed by a private police department
 4854 that has entered into a memorandum of understanding with a police department or sheriff's office and who
 4855 may exercise the power and duties conferred by law upon such police officers on real property owned, leased,
 4856 or controlled by the employing entity and, if approved by the local chief of police or sheriff, any contiguous
 4857 property. Any person employed as a private police officer pursuant to this section shall meet all requirements,
 4858 including the minimum compulsory training requirements, for law-enforcement officers pursuant to this
 4859 chapter. A private police officer is not entitled to benefits under the Virginia Retirement System, is not a
 4860 "qualified law enforcement officer" or "qualified retired law enforcement officer" within the meaning of the
 4861 federal Law Enforcement Officers Safety Act, 18 U.S.C. § 926B et seq., and shall not be deemed an
 4862 employee of the Commonwealth or any locality.

4863 "School resource officer" means a certified law-enforcement officer hired by the local law-enforcement
 4864 agency to provide law-enforcement and security services to Virginia public elementary and secondary
 4865 schools.

4866 "School security officer" means an individual who is employed by the local school board or a private or
 4867 religious school for the singular purpose of maintaining order and discipline, preventing crime, investigating
 4868 violations of the policies of the school board or the private or religious school, and detaining students
 4869 violating the law or the policies of the school board or the private or religious school on school property,
 4870 school buses, or at school-sponsored events and who is responsible solely for ensuring the safety, security,
 4871 and welfare of all students, faculty, staff, and visitors in the assigned school.

4872 "Unapplied criminal history record information" means information pertaining to criminal offenses
 4873 submitted to the Central Criminal Records Exchange that cannot be applied to the criminal history record of
 4874 an arrested or convicted person (i) because such information is not supported by fingerprints or other
 4875 accepted means of positive identification or (ii) due to an inconsistency, error, or omission within the content
 4876 of the submitted information.

4877 **§ 9.1-102. Powers and duties of the Board and the Department.**

4878 The Department, under the direction of the Board, which shall be the policy-making body for carrying out
 4879 the duties and powers hereunder, shall have the power and duty to:

4880 1. Adopt regulations, pursuant to the Administrative Process Act (§ 2.2-4000 et seq.), for the
 4881 administration of this chapter including the authority to require the submission of reports and information by
 4882 law-enforcement officers within the Commonwealth. Any proposed regulations concerning the privacy,
 4883 confidentiality, and security of criminal justice information shall be submitted for review and comment to any
 4884 board, commission, or committee or other body which may be established by the General Assembly to
 4885 regulate the privacy, confidentiality, and security of information collected and maintained by the
 4886 Commonwealth or any political subdivision thereof;

4887 2. Establish compulsory minimum training standards subsequent to employment as a law-enforcement
 4888 officer in (i) permanent positions and (ii) temporary or probationary status and establish the time required for
 4889 completion of such training. Such compulsory minimum training standards shall include crisis intervention

4890 training in accordance with clause (i) of § 9.1-188;

4891 3. Establish minimum training standards and qualifications for certification and recertification for law-
4892 enforcement officers serving as field training officers;

4893 4. Establish compulsory minimum curriculum requirements for in-service and advanced courses and
4894 programs for schools, whether located in or outside the Commonwealth, which are operated for the specific
4895 purpose of training law-enforcement officers;

4896 5. Establish (i) compulsory minimum training standards for law-enforcement officers who utilize radar or
4897 an electrical or microcomputer device to measure the speed of motor vehicles as provided in § 46.2-882 and
4898 establish the time required for completion of the training and (ii) compulsory minimum qualifications for
4899 certification and recertification of instructors who provide such training;

4900 6. [Repealed];

4901 7. Establish compulsory minimum entry-level, in-service and advanced training standards for those
4902 persons designated to provide courthouse and courtroom security pursuant to the provisions of § 53.1-120,
4903 and to establish the time required for completion of such training;

4904 8. Establish compulsory minimum entry-level, in-service and advanced training standards for deputy
4905 sheriffs designated to serve process pursuant to the provisions of § 8.01-293, and establish the time required
4906 for the completion of such training;

4907 9. Establish compulsory minimum entry-level, in-service, and advanced training standards, as well as the
4908 time required for completion of such training, for persons employed as deputy sheriffs and jail officers by
4909 local criminal justice agencies and correctional officers employed by the Department of Corrections under the
4910 provisions of Title 53.1. For deputy sheriffs and jail officers who are employees of local or regional
4911 correctional facilities and correctional officers employed by the Department of Corrections, such standards
4912 shall include training on the general care of pregnant women, the impact of restraints on pregnant inmates
4913 and fetuses, the impact of being placed in restrictive housing or solitary confinement on pregnant inmates,
4914 and the impact of body cavity searches on pregnant inmates;

4915 10. Establish compulsory minimum training standards for all dispatchers employed by or in any local or
4916 state government agency, whose duties include the dispatching of law-enforcement personnel. Such training
4917 standards shall apply only to dispatchers hired on or after July 1, 1988. Such training shall include training in
4918 the identification of, communication with, and facilitation of the safe return of individuals diagnosed with
4919 Alzheimer's disease and dementia, which shall include (i) techniques for respectful and effective
4920 communication with individuals with Alzheimer's disease and dementia and their caregivers; (ii) techniques
4921 for addressing the behavioral symptoms of Alzheimer's disease and dementia, including alternatives to
4922 physical restraint; (iii) protocols for identifying and reporting incidents of abuse, neglect, and exploitation of
4923 individuals with Alzheimer's disease and dementia to adult protective services; (iv) protocols for contacting
4924 caregivers when an individual with Alzheimer's disease or dementia is found wandering or during an
4925 emergency or crisis situation; (v) a reference list of local resources available for individuals with Alzheimer's
4926 disease and dementia; and (vi) a reference list of local and national organizations that assist law-enforcement
4927 personnel with locating missing and wandering individuals with Alzheimer's disease and dementia and
4928 returning them to their caregivers;

4929 11. Establish compulsory minimum training standards for all auxiliary police officers employed by or in
4930 any local or state government agency. Such training shall be graduated and based on the type of duties to be
4931 performed by the auxiliary police officers. Such training standards shall not apply to auxiliary police officers
4932 exempt pursuant to § 15.2-1731;

4933 12. Consult and cooperate with counties, municipalities, agencies of the Commonwealth, other state and
4934 federal governmental agencies, and institutions of higher education within or outside the Commonwealth,
4935 concerning the development of police training schools and programs or courses of instruction;

4936 13. Approve institutions, curricula and facilities, whether located in or outside the Commonwealth, for
4937 school operation for the specific purpose of training law-enforcement officers; but this shall not prevent the
4938 holding of any such school whether approved or not;

4939 14. Establish and maintain police training programs through such agencies and institutions as the Board
4940 deems appropriate;

4941 15. Establish compulsory minimum qualifications of certification and recertification for instructors in
4942 criminal justice training academies approved by the Department;

4943 16. Conduct and stimulate research by public and private agencies which shall be designed to improve
4944 police administration and law enforcement;

4945 17. Make recommendations concerning any matter within its purview pursuant to this chapter;

4946 18. Coordinate its activities with those of any interstate system for the exchange of criminal history record
4947 information, nominate one or more of its members to serve upon the council or committee of any such
4948 system, and participate when and as deemed appropriate in any such system's activities and programs;

4949 19. Conduct inquiries and investigations it deems appropriate to carry out its functions under this chapter
4950 and, in conducting such inquiries and investigations, may require any criminal justice agency to submit
4951 information, reports, and statistical data with respect to its policy and operation of information systems or

4952 with respect to its collection, storage, dissemination, and usage of criminal history record information and
 4953 correctional status information, and such criminal justice agencies shall submit such information, reports, and
 4954 data as are reasonably required;

4955 20. Conduct audits as required by § 9.1-131;

4956 21. Conduct a continuing study and review of questions of individual privacy and confidentiality of
 4957 criminal history record information and correctional status information;

4958 22. Advise criminal justice agencies and initiate educational programs for such agencies with respect to
 4959 matters of privacy, confidentiality, and security as they pertain to criminal history record information and
 4960 correctional status information;

4961 23. Maintain a liaison with any board, commission, committee, or other body which may be established
 4962 by law, executive order, or resolution to regulate the privacy and security of information collected by the
 4963 Commonwealth or any political subdivision thereof;

4964 24. Adopt regulations establishing guidelines and standards for the collection, storage, and dissemination
 4965 of criminal history record information and correctional status information, and the privacy, confidentiality,
 4966 and security thereof necessary to implement state and federal statutes, regulations, and court orders;

4967 25. Operate a statewide criminal justice research center, which shall maintain an integrated criminal
 4968 justice information system, produce reports, provide technical assistance to state and local criminal justice
 4969 data system users, and provide analysis and interpretation of criminal justice statistical information;

4970 26. Develop a comprehensive, statewide, long-range plan for strengthening and improving law
 4971 enforcement and the administration of criminal justice throughout the Commonwealth, and periodically
 4972 update that plan;

4973 27. Cooperate with, and advise and assist, all agencies, departments, boards and institutions of the
 4974 Commonwealth, and units of general local government, or combinations thereof, including planning district
 4975 commissions, in planning, developing, and administering programs, projects, comprehensive plans, and other
 4976 activities for improving law enforcement and the administration of criminal justice throughout the
 4977 Commonwealth, including allocating and subgranting funds for these purposes;

4978 28. Define, develop, organize, encourage, conduct, coordinate, and administer programs, projects and
 4979 activities for the Commonwealth and units of general local government, or combinations thereof, in the
 4980 Commonwealth, designed to strengthen and improve law enforcement and the administration of criminal
 4981 justice at every level throughout the Commonwealth;

4982 29. Review and evaluate programs, projects, and activities, and recommend, where necessary, revisions or
 4983 alterations to such programs, projects, and activities for the purpose of improving law enforcement and the
 4984 administration of criminal justice;

4985 30. Coordinate the activities and projects of the state departments, agencies, and boards of the
 4986 Commonwealth and of the units of general local government, or combination thereof, including planning
 4987 district commissions, relating to the preparation, adoption, administration, and implementation of
 4988 comprehensive plans to strengthen and improve law enforcement and the administration of criminal justice;

4989 31. Do all things necessary on behalf of the Commonwealth and its units of general local government, to
 4990 determine and secure benefits available under the Omnibus Crime Control and Safe Streets Act of 1968 (P.L.
 4991 90-351, 82 Stat. 197), as amended, and under any other federal acts and programs for strengthening and
 4992 improving law enforcement, the administration of criminal justice, and delinquency prevention and control;

4993 32. Receive, administer, and expend all funds and other assistance available to the Board and the
 4994 Department for carrying out the purposes of this chapter and the Omnibus Crime Control and Safe Streets Act
 4995 of 1968, as amended;

4996 33. Apply for and accept grants from the United States government or any other source in carrying out the
 4997 purposes of this chapter and accept any and all donations both real and personal, and grants of money from
 4998 any governmental unit or public agency, or from any institution, person, firm or corporation, and may
 4999 receive, utilize and dispose of the same. Any arrangements pursuant to this section shall be detailed in the
 5000 annual report of the Board. Such report shall include the identity of the donor, the nature of the transaction,
 5001 and the conditions, if any. Any moneys received pursuant to this section shall be deposited in the state
 5002 treasury to the account of the Department. To these ends, the Board shall have the power to comply with
 5003 conditions and execute such agreements as may be necessary;

5004 34. Make and enter into all contracts and agreements necessary or incidental to the performance of its
 5005 duties and execution of its powers under this chapter, including but not limited to, contracts with the United
 5006 States, units of general local government or combinations thereof, in Virginia or other states, and with
 5007 agencies and departments of the Commonwealth;

5008 35. Adopt and administer reasonable regulations for the planning and implementation of programs and
 5009 activities and for the allocation, expenditure and subgranting of funds available to the Commonwealth and to
 5010 units of general local government, and for carrying out the purposes of this chapter and the powers and duties
 5011 set forth herein;

5012 36. Certify and decertify law-enforcement officers in accordance with §§ 15.2-1706 and 15.2-1707 and
 5013 provide for a decertification review process in accordance with § 15.2-1708;

- 5014 37. Establish training standards and publish and periodically update model policies for law-enforcement
5015 personnel in the following subjects:
- 5016 a. The handling of family abuse, domestic violence, sexual assault, and stalking cases, including standards
5017 for determining the predominant physical aggressor in accordance with § 19.2-81.3. The Department shall
5018 provide technical support and assistance to law-enforcement agencies in carrying out the requirements set
5019 forth in subsection A of § 9.1-1301;
- 5020 b. The identification of, communication with, and facilitation of the safe return of individuals diagnosed
5021 with Alzheimer's disease and dementia, which shall include (i) techniques for respectful and effective
5022 communication with individuals with Alzheimer's disease and dementia and their caregivers; (ii) techniques
5023 for addressing the behavioral symptoms of Alzheimer's disease and dementia, including alternatives to
5024 physical restraint; (iii) protocols for identifying and reporting incidents of abuse, neglect, and exploitation of
5025 individuals with Alzheimer's disease and dementia to adult protective services; (iv) protocols for contacting
5026 caregivers when an individual with Alzheimer's disease or dementia is found wandering or during an
5027 emergency or crisis situation; (v) a reference list of local resources available for individuals with Alzheimer's
5028 disease and dementia; and (vi) a reference list of local and national organizations that assist law-enforcement
5029 personnel with locating missing and wandering individuals with Alzheimer's disease and dementia and
5030 returning them to their caregivers;
- 5031 c. Sensitivity to and awareness of systemic and individual racism, cultural diversity, and the potential for
5032 racially biased policing and bias-based profiling as defined in § 52-30.1, which shall include recognizing
5033 implicit biases in interacting with persons who have a mental illness, substance use disorder, or
5034 developmental or cognitive disability;
- 5035 d. Protocols for local and regional sexual assault and human trafficking response teams;
- 5036 e. Communication of death notifications;
- 5037 f. The questioning of individuals suspected of driving while intoxicated concerning the physical location
5038 of such individual's last consumption of an alcoholic beverage and the communication of such information to
5039 the Virginia Alcoholic Beverage *and Cannabis* Control Authority;
- 5040 g. Vehicle patrol duties that embody current best practices for pursuits and for responding to emergency
5041 calls;
- 5042 h. Criminal investigations that embody current best practices for conducting photographic and live
5043 lineups;
- 5044 i. Sensitivity to and awareness of human trafficking offenses and the identification of victims of human
5045 trafficking offenses for personnel involved in criminal investigations or assigned to vehicle or street patrol
5046 duties;
- 5047 j. The recognition, prevention, and reporting of human trafficking;
- 5048 k. Missing children, missing adults, and search and rescue protocol;
- 5049 l. The handling and use of tear gas or other gases and kinetic impact munitions, as defined in § 19.2-83.3,
5050 that embody current best practices for using such items as a crowd control measure or during an arrest or
5051 detention of another person; and
- 5052 m. The use of naloxone or other opioid antagonists to prevent opioid overdose deaths, in coordination
5053 with statewide naloxone training programs developed by the Department of Behavioral Health and
5054 Developmental Services and the Virginia Department of Health;
- 5055 38. Establish compulsory training standards for basic training and the recertification of law-enforcement
5056 officers to ensure (i) sensitivity to and awareness of systemic and individual racism, cultural diversity, and
5057 the potential for racially biased policing and bias-based profiling as defined in § 52-30.1, which shall include
5058 recognizing implicit biases in interacting with persons who have a mental illness, substance use disorder, or
5059 developmental or cognitive disability; (ii) training in de-escalation techniques; and (iii) training in the lawful
5060 use of force, including the use of deadly force, as defined in § 19.2-83.3, only when necessary to protect the
5061 law-enforcement officer or another person;
- 5062 39. Review and evaluate community-policing programs in the Commonwealth, and recommend where
5063 necessary statewide operating procedures, guidelines, and standards that strengthen and improve such
5064 programs, including sensitivity to and awareness of systemic and individual racism, cultural diversity, and the
5065 potential for racially biased policing and bias-based profiling as defined in § 52-30.1, which shall include
5066 recognizing implicit biases in interacting with persons who have a mental illness, substance use disorder, or
5067 developmental or cognitive disability;
- 5068 40. Establish a Virginia Law-Enforcement Accreditation Center. The Center may, in cooperation with
5069 Virginia law-enforcement agencies, provide technical assistance and administrative support, including
5070 staffing, for the establishment of voluntary state law-enforcement accreditation standards. The Center may
5071 provide accreditation assistance and training, resource material, and research into methods and procedures
5072 that will assist the Virginia law-enforcement community efforts to obtain Virginia accreditation status;
- 5073 41. Promote community policing philosophy and practice throughout the Commonwealth by providing
5074 community policing training and technical assistance statewide to all law-enforcement agencies, community
5075 groups, public and private organizations and citizens; developing and distributing innovative policing

5076 curricula and training tools on general community policing philosophy and practice and contemporary critical
 5077 issues facing Virginia communities; serving as a consultant to Virginia organizations with specific
 5078 community policing needs; facilitating continued development and implementation of community policing
 5079 programs statewide through discussion forums for community policing leaders, development of law-
 5080 enforcement instructors; promoting a statewide community policing initiative; and serving as a statewide
 5081 information source on the subject of community policing including, but not limited to periodic newsletters, a
 5082 website and an accessible lending library;

5083 42. Establish, in consultation with the Department of Education and the Virginia State Crime
 5084 Commission, compulsory minimum standards for employment and job-entry and in-service training curricula
 5085 and certification requirements for school security officers, including school security officers described in
 5086 clause (b) of § 22.1-280.2:1, which training and certification shall be administered by the Virginia Center for
 5087 School and Campus Safety (VCSCS) pursuant to § 9.1-184. Such training standards shall be specific to the
 5088 role and responsibility of school security officers and shall include (i) relevant state and federal laws; (ii)
 5089 school and personal liability issues; (iii) security awareness in the school environment; (iv) mediation and
 5090 conflict resolution, including de-escalation techniques such as a physical alternative to restraint; (v) disaster
 5091 and emergency response; (vi) awareness of systemic and individual racism, cultural diversity, and implicit
 5092 bias; (vii) working with students with disabilities, mental health needs, substance use disorders, and past
 5093 traumatic experiences; and (viii) student behavioral dynamics, including child and adolescent development
 5094 and brain research. The Department shall establish an advisory committee consisting of local school board
 5095 representatives, principals, superintendents, and school security personnel to assist in the development of the
 5096 standards and certification requirements in this subdivision. The Department shall require any school security
 5097 officer who carries a firearm in the performance of his duties to provide proof that he has completed a
 5098 training course provided by a federal, state, or local law-enforcement agency that includes training in active
 5099 shooter emergency response, emergency evacuation procedure, and threat assessment;

5100 43. License and regulate property bail bondsmen and surety bail bondsmen in accordance with Article 11
 5101 (§ 9.1-185 et seq.);

5102 44. License and regulate bail enforcement agents in accordance with Article 12 (§ 9.1-186 et seq.);

5103 45. In conjunction with the Virginia State Police and the State Compensation Board, advise criminal
 5104 justice agencies regarding the investigation, registration, and dissemination of information requirements as
 5105 they pertain to the Sex Offender and Crimes Against Minors Registry Act (§ 9.1-900 et seq.);

5106 46. Establish minimum standards for (i) employment, (ii) job-entry and in-service training curricula, and
 5107 (iii) certification requirements for campus security officers. Such training standards shall include, but not be
 5108 limited to, the role and responsibility of campus security officers, relevant state and federal laws, school and
 5109 personal liability issues, security awareness in the campus environment, and disaster and emergency
 5110 response. The Department shall provide technical support and assistance to campus police departments and
 5111 campus security departments on the establishment and implementation of policies and procedures, including
 5112 but not limited to: the management of such departments, investigatory procedures, judicial referrals, the
 5113 establishment and management of databases for campus safety and security information sharing, and
 5114 development of uniform record keeping for disciplinary records and statistics, such as campus crime logs,
 5115 judicial referrals and Clery Act statistics. The Department shall establish an advisory committee consisting of
 5116 college administrators, college police chiefs, college security department chiefs, and local law-enforcement
 5117 officials to assist in the development of the standards and certification requirements and training pursuant to
 5118 this subdivision;

5119 47. Assess and report, in accordance with § 9.1-190, the crisis intervention team programs established
 5120 pursuant to § 9.1-187;

5121 48. In conjunction with the Office of the Attorney General, advise law-enforcement agencies and
 5122 attorneys for the Commonwealth regarding the identification, investigation, and prosecution of human
 5123 trafficking offenses using the common law and existing criminal statutes in the Code of Virginia;

5124 49. Register tow truck drivers in accordance with § 46.2-116 and carry out the provisions of § 46.2-117;

5125 50. Administer the activities of the Virginia Sexual and Domestic Violence Program Professional
 5126 Standards Committee by providing technical assistance and administrative support, including staffing, for the
 5127 Committee;

5128 51. In accordance with § 9.1-102.1, design and approve the issuance of photo-identification cards to
 5129 private security services registrants registered pursuant to Article 4 (§ 9.1-138 et seq.);

5130 52. In consultation with the State Council of Higher Education for Virginia and the Virginia Association
 5131 of Campus Law Enforcement Administrators, develop multidisciplinary curricula on trauma-informed sexual
 5132 assault investigation;

5133 53. In consultation with the Department of Behavioral Health and Developmental Services, develop a
 5134 model addiction recovery program that may be administered by sheriffs, deputy sheriffs, jail officers,
 5135 administrators, or superintendents in any local or regional jail. Such program shall be based on any existing
 5136 addiction recovery programs that are being administered by any local or regional jails in the Commonwealth.
 5137 Participation in the model addiction recovery program shall be voluntary, and such program may address

5138 aspects of the recovery process, including medical and clinical recovery, peer-to-peer support, availability of
5139 mental health resources, family dynamics, and aftercare aspects of the recovery process;

5140 54. Establish compulsory minimum training standards for certification and recertification of law-
5141 enforcement officers serving as school resource officers. Such training shall be specific to the role and
5142 responsibility of a law-enforcement officer working with students in a school environment and shall include
5143 (i) relevant state and federal laws; (ii) school and personal liability issues; (iii) security awareness in the
5144 school environment; (iv) mediation and conflict resolution, including de-escalation techniques; (v) disaster
5145 and emergency response; (vi) awareness of systemic and individual racism, cultural diversity, and implicit
5146 bias; (vii) working with students with disabilities, mental health needs, substance use disorders, or past
5147 traumatic experiences; and (viii) student behavioral dynamics, including current child and adolescent
5148 development and brain research;

5149 55. Establish a model policy for the operation of body-worn camera systems as defined in § 15.2-1723.1
5150 that also addresses the storage and maintenance of body-worn camera system records;

5151 56. Establish compulsory minimum training standards for detector canine handlers employed by the
5152 Department of Corrections, standards for the training and retention of detector canines used by the
5153 Department of Corrections, and a central database on the performance and effectiveness of such detector
5154 canines that requires the Department of Corrections to submit comprehensive information on each canine
5155 handler and detector canine, including the number and types of calls and searches, substances searched for
5156 and whether or not detected, and the number of false positives, false negatives, true positives, and true
5157 negatives;

5158 57. Establish compulsory training standards for basic training of law-enforcement officers for recognizing
5159 and managing stress, self-care techniques, and resiliency;

5160 58. Establish guidelines and standards for psychological examinations conducted pursuant to subsection C
5161 of § 15.2-1705;

5162 59. Establish compulsory in-service training standards, to include frequency of retraining, for
5163 law-enforcement officers in the following subjects: (i) relevant state and federal laws; (ii) awareness of
5164 cultural diversity and the potential for bias-based profiling as defined in § 52-30.1; (iii) de-escalation
5165 techniques; (iv) working with individuals with disabilities, mental health needs, or substance use disorders;
5166 and (v) the lawful use of force, including the use of deadly force, as defined in § 19.2-83.3, only when
5167 necessary to protect the law-enforcement officer or another person;

5168 60. Develop a model curriculum and lesson plans for the compulsory minimum entry-level, in-service,
5169 and advanced training standards to be employed by criminal justice training academies approved by the
5170 Department when conducting training;

5171 61. Adopt statewide professional standards of conduct applicable to all certified law-enforcement officers
5172 and certified jail officers and appropriate due process procedures for decertification based on serious
5173 misconduct in violation of those standards and provide for a decertification review process in accordance
5174 with § 15.2-1708;

5175 62. Establish and administer a waiver process, in accordance with §§ 2.2-5515 and 15.2-1721.1, for
5176 law-enforcement agencies to use certain military property. Any waivers granted by the Criminal Justice
5177 Services Board shall be published by the Department on the Department's website;

5178 63. Establish compulsory training standards for basic training and the recertification of law-enforcement
5179 officers to include crisis intervention training in accordance with clause (ii) of § 9.1-188;

5180 64. Advise and assist the Department of Behavioral Health and Developmental Services, and support local
5181 law-enforcement cooperation, with the development and implementation of the Marcus alert system, as
5182 defined in § 37.2-311.1, including the establishment of local protocols for law-enforcement participation in
5183 the Marcus alert system pursuant to § 9.1-193 and for reporting requirements pursuant to §§ 9.1-193 and
5184 37.2-311.1;

5185 65. Develop an online course to train hotel proprietors and their employees to recognize and report
5186 instances of suspected human trafficking;

5187 66. Develop an online course to train unarmed security officers, armed security officers, couriers, security
5188 canine handlers, and alarm respondents to recognize and report instances of suspected human trafficking to
5189 meet the compulsory minimum, entry-level, and in-service training standards as required by § 9.1-141;

5190 67. Establish standards and procedures for when the Board may grant a petition for reinstatement of
5191 certification of a decertified officer pursuant to subsection E of § 15.2-1708;

5192 68. Establish compulsory minimum and in-service training standards for law-enforcement officers on
5193 communicating with individuals with an intellectual disability or a developmental disability as defined in
5194 § 37.2-100, such as autism spectrum disorder as defined in the most recent edition of the Diagnostic and
5195 Statistical Manual of Mental Disorders of the American Psychiatric Association, which shall include (i) an
5196 overview and behavioral recognition of autism spectrum disorder, (ii) best practices for crisis prevention and
5197 de-escalation techniques, (iii) an objective review of any relevant tools and technology available to assist in
5198 communication, and (iv) education on law-enforcement agency and community resources for the autism
5199 community on future crisis prevention. Such training standards shall be established in consultation with at

5200 least one individual with autism spectrum disorder, one family member of an individual with autism spectrum
 5201 disorder, one specialist who works with individuals with autism spectrum disorder, one representative from
 5202 the Department of Behavioral Health and Developmental Services, and one representative from a state or
 5203 local law-enforcement agency;

5204 69. Develop an online course for the Virginia Alcoholic Beverage Control Authority to offer to retail
 5205 licensees and their employees to train such licensees and employees to recognize and report instances of
 5206 suspected human trafficking;

5207 70. Establish a model policy for best practices for law-enforcement officers responding to or investigating
 5208 an overdose, when prescriber information has been obtained during the course of such response or
 5209 investigation, to notify the prescriber of any controlled substance found to be in the possession of or believed
 5210 to have been ingested by the victim that such prescription of a controlled substance was involved in an
 5211 overdose. Such model policy shall include that a notification to a prescriber of a controlled substance shall
 5212 not be required if such notification would jeopardize an active law-enforcement investigation;

5213 71. Establish a training curriculum for law-enforcement agencies, law-enforcement officers, and special
 5214 conservators of the peace on the discretion such officers can exercise regarding arrests as provided in Chapter
 5215 7 (§ 19.2-71 et seq.) of Title 19.2. Such training shall include (i) instruction on the scope and nature of
 5216 law-enforcement officer discretion in arrest decisions, with particular emphasis on encounters with
 5217 individuals experiencing a mental health crisis, including individuals currently subject to an emergency
 5218 custody order pursuant to § 37.2-808, a temporary detention order pursuant to § 37.2-809, or an involuntary
 5219 admission order pursuant to § 37.2-817, and (ii) instruction on the immediate and long-term effects of arrests
 5220 on individuals in need of mental health services due to a mental health crisis, including impacts on treatment
 5221 outcomes as identified in substantially accepted peer-reviewed research literature;

5222 72. Establish a model policy for the provision of security at nonprofit institutions that serve individuals
 5223 and communities at risk of hate crimes as defined in § 52-8.5 within the Commonwealth, incorporating
 5224 relevant information about various traditions, services, or activities that any law-enforcement officer,
 5225 unarmed security officer, or armed security officer providing such security may encounter; and

5226 73. Perform such other acts as may be necessary or convenient for the effective performance of its duties.

5227 **§ 9.1-400. Title of chapter; definitions.**

5228 A. This chapter shall be known and designated as the Line of Duty Act.

5229 B. As used in this chapter, unless the context requires a different meaning:

5230 "Beneficiary" means the spouse of a deceased person and such persons as are entitled to take under the
 5231 will of a deceased person if testate, or as his heirs at law if intestate.

5232 "Contributing nonprofit private institution of higher education" means a nonprofit private institution of
 5233 higher education, as defined in § 23.1-100, that has (i) established a campus police department pursuant to
 5234 § 23.1-810 and (ii) made an irrevocable election to provide the benefits under this chapter and to fund the
 5235 cost by participating in the Fund.

5236 "Contributing private police department" means a private police department that has made an irrevocable
 5237 election to provide the benefits under this chapter and to fund the cost by participating in the Fund.

5238 "Deceased person" means any individual whose death occurs on or after April 8, 1972, in the line of duty
 5239 as the direct or proximate result of the performance of his duty, including the presumptions under §§ 27-40.1,
 5240 27-40.2, 51.1-813, 65.2-402, and 65.2-402.1 if his position is covered by the applicable statute, as (i) a
 5241 law-enforcement officer of the Commonwealth or any of its political subdivisions, except employees
 5242 designated pursuant to § 53.1-10 to investigate allegations of criminal behavior affecting the operations of the
 5243 Department of Corrections, employees designated pursuant to § 66-3 to investigate allegations of criminal
 5244 behavior affecting the operations of the Department of Juvenile Justice, and members of the investigations
 5245 unit of the State Inspector General designated pursuant to § 2.2-311 to investigate allegations of criminal
 5246 behavior affecting the operations of a state or nonstate agency; (ii) a correctional officer as defined in
 5247 § 53.1-1; (iii) a jail officer; (iv) a regional jail or jail farm superintendent; (v) a sheriff, deputy sheriff, or city
 5248 sergeant or deputy city sergeant of the City of Richmond; (vi) a police chaplain; (vii) a member of any fire
 5249 company or department or emergency medical services agency that has been recognized by an ordinance or a
 5250 resolution of the governing body of any county, city, or town of the Commonwealth as an integral part of the
 5251 official safety program of such county, city, or town, including a person with a recognized membership status
 5252 with such fire company or department who is enrolled in a Fire Service Training course offered by the
 5253 Virginia Department of Fire Programs or any fire company or department training required in pursuit of
 5254 qualification to become a certified firefighter; (viii) a member of any fire company providing fire protection
 5255 services for facilities of the Virginia National Guard or the Virginia Air National Guard; (ix) a member of the
 5256 Virginia National Guard or the Virginia Defense Force while such member is serving in the Virginia National
 5257 Guard or the Virginia Defense Force on official state duty or federal duty under Title 32 of the United States
 5258 Code; (x) a special agent of the Virginia Alcoholic Beverage *and Cannabis* Control Authority; (xi) a regular
 5259 or special conservation police officer who receives compensation from a county, city, or town or from the
 5260 Commonwealth appointed pursuant to the provisions of § 29.1-200; (xii) a commissioned forest warden
 5261 appointed under the provisions of § 10.1-1135; (xiii) a member or employee of the Virginia Marine

5262 Resources Commission granted the power of arrest pursuant to § 28.2-900; (xiv) a Department of Emergency
5263 Management hazardous materials officer, and any other employee of the Department of Emergency
5264 Management who is performing official duties of the agency, when those duties are related to a major disaster
5265 or emergency, as defined in § 44-146.16, that has been or is later declared to exist under the authority of the
5266 Governor in accordance with § 44-146.28; (xv) an employee of any county, city, or town performing official
5267 emergency management or emergency services duties in cooperation with the Department of Emergency
5268 Management, when those duties are related to a major disaster or emergency, as defined in § 44-146.16, that
5269 has been or is later declared to exist under the authority of the Governor in accordance with § 44-146.28 or a
5270 local emergency, as defined in § 44-146.16, declared by a local governing body; (xvi) a nonfirefighter
5271 regional hazardous materials emergency response team member; (xvii) a conservation officer of the
5272 Department of Conservation and Recreation commissioned pursuant to § 10.1-115; (xviii) a full-time sworn
5273 member of the enforcement division of the Department of Motor Vehicles appointed pursuant to § 46.2-217;
5274 (xix) a campus police officer employed by a contributing nonprofit private institution of higher education; or
5275 (xx) a private police officer employed by a contributing private police department.

5276 "Disabled person" means any individual who has been determined to be mentally or physically
5277 incapacitated so as to prevent the further performance of his duties at the time of his disability where such
5278 incapacity is likely to be permanent, and whose incapacity occurs in the line of duty as the direct or
5279 proximate result of the performance of his duty, including the presumptions under §§ 27-40.1, 27-40.2,
5280 51.1-813, 65.2-402, and 65.2-402.1 if his position is covered by the applicable statute, in any position listed
5281 in the definition of deceased person in this section. "Disabled person" does not include any individual who
5282 has been determined to be no longer disabled pursuant to subdivision A 2 of § 9.1-404. "Disabled person"
5283 includes any state employee included in the definition of a deceased person who was disabled on or after
5284 January 1, 1966.

5285 "Eligible dependent" for purposes of continued health insurance pursuant to § 9.1-401 means the natural
5286 or adopted child or children of a deceased person or disabled person or of a deceased or disabled person's
5287 eligible spouse, provided that any such natural child is born as the result of a pregnancy that occurred prior to,
5288 or no later than six months after, the time of the employee's death or disability and that any such adopted
5289 child is (i) adopted prior to, or no later than six months after, the time of the employee's death or disability or
5290 (ii) adopted more than six months after the employee's death or disability if the adoption is pursuant to a
5291 preadoptive agreement entered into prior to, or no later than six months after, the death or disability.
5292 Notwithstanding the foregoing, "eligible dependent" shall also include the natural or adopted child or children
5293 of a deceased person or disabled person born as the result of a pregnancy or adoption that occurred after the
5294 time of the employee's death or disability, but prior to July 1, 2017. Eligibility will continue until the end of
5295 the year in which the eligible dependent reaches age 26 or when the eligible dependent ceases to be eligible
5296 based on the Virginia Administrative Code or administrative guidance as determined by the Department of
5297 Human Resource Management.

5298 "Eligible spouse" for purposes of continued health insurance pursuant to § 9.1-401 means the spouse of a
5299 deceased person or a disabled person at the time of the death or disability. Eligibility will continue until the
5300 eligible spouse dies, ceases to be married to a disabled person, or in the case of the spouse of a deceased
5301 person, dies, remarries on or after July 1, 2017, or otherwise ceases to be eligible based on the Virginia
5302 Administrative Code or administrative guidance as determined by the Department of Human Resource
5303 Management.

5304 "Employee" means any person who would be covered or whose spouse, dependents, or beneficiaries
5305 would be covered under the benefits of this chapter if the person became a disabled person or a deceased
5306 person.

5307 "Employer" means (i) the employer of a person who is a covered employee or (ii) in the case of a
5308 volunteer who is a member of any fire company or department or rescue squad described in the definition of
5309 "deceased person," the county, city, or town that by ordinance or resolution recognized such fire company or
5310 department or rescue squad as an integral part of the official safety program of such locality.

5311 "Fund" means the Line of Duty Death and Health Benefits Trust Fund established pursuant to § 9.1-400.1.

5312 "Line of duty" means any action the deceased or disabled person was obligated or authorized to perform
5313 by rule, regulation, condition of employment or service, or law.

5314 "LODA Health Benefit Plans" means the separate health benefits plans established pursuant to § 9.1-401.

5315 "Nonparticipating employer" means any employer that is a political subdivision of the Commonwealth
5316 that elected to directly fund the cost of benefits provided under this chapter and not participate in the Fund.

5317 "Participating employer" means any employer that is a state agency or is a political subdivision of the
5318 Commonwealth that did not make an election to become a nonparticipating employer.

5319 "Private police officer" means the same as that term is defined in § 9.1-101.

5320 "Private police department" means the same as that term is defined in § 9.1-101.

5321 "VRS" means the Virginia Retirement System.

5322 C. Nothing in this chapter shall be construed as applying to any nonprofit private institution of higher
5323 education, as defined in § 23.1-100, that is not a contributing nonprofit private institution of higher education

5324 or any private police department that is not a contributing private police department.

5325 **§ 9.1-500. Definitions.**

5326 As used in this chapter, unless the context requires a different meaning:

5327 "Agency" means the Department of State Police, the Division of Capitol Police, the Virginia Marine
5328 Resources Commission, the Virginia Port Authority, the Department of Wildlife Resources, the Virginia
5329 Alcoholic Beverage *and Cannabis* Control Authority, the Department of Conservation and Recreation, or the
5330 Department of Motor Vehicles; or the political subdivision or the campus police department of any public
5331 institution of higher education of the Commonwealth employing the law-enforcement officer.

5332 "Law-enforcement officer" means any person, other than a Chief of Police or the Superintendent of the
5333 Department of State Police, who, in his official capacity, is (i) authorized by law to make arrests and (ii) a
5334 nonprobationary officer of one of the following agencies:

5335 a. The Department of State Police, the Division of Capitol Police, the Virginia Marine Resources
5336 Commission, the Virginia Port Authority, the Department of Wildlife Resources, the Virginia Alcoholic
5337 Beverage *and Cannabis* Control Authority, the Department of Motor Vehicles, or the Department of
5338 Conservation and Recreation;

5339 b. The police department, bureau or force of any political subdivision or the campus police department of
5340 any public institution of higher education of the Commonwealth where such department, bureau or force has
5341 three or more law-enforcement officers; or

5342 c. Any conservation police officer as defined in § 9.1-101.

5343 For the purposes of this chapter, "law-enforcement officer" shall not include the sheriff's department of
5344 any city or county.

5345 **§ 9.1-801. Public safety officer defined.**

5346 As used in this chapter, the term "public safety officer" includes a law-enforcement officer of the
5347 Commonwealth or any of its political subdivisions; a correctional officer as defined in § 53.1-1; a
5348 correctional officer employed at a juvenile correctional facility as the term is defined in § 66-25.3; a jail
5349 officer; a regional jail or jail farm superintendent; a member of any fire company or department or nonprofit
5350 or volunteer emergency medical services agency that has been recognized by an ordinance or resolution of
5351 the governing body of any county, city, or town of the Commonwealth as an integral part of the official safety
5352 program of such county, city, or town; an arson investigator; a member of the Virginia National Guard or the
5353 Virginia Defense Force while such a member is serving in the Virginia National Guard or the Virginia
5354 Defense Force on official state duty or federal duty under Title 32 of the United States Code; any special
5355 agent of the Virginia Alcoholic Beverage *and Cannabis* Control Authority; any police agent appointed under
5356 the provisions of § 56-353; any regular or special conservation police officer who receives compensation
5357 from a county, city, or town or from the Commonwealth appointed pursuant to § 29.1-200; any
5358 commissioned forest warden appointed pursuant to § 10.1-1135; any member or employee of the Virginia
5359 Marine Resources Commission granted the power to arrest pursuant to § 28.2-900; any Department of
5360 Emergency Management hazardous materials officer; any nonfirefighter regional hazardous materials
5361 emergency response team member; any investigator who is a full-time sworn member of the security division
5362 of the Virginia Lottery; any full-time sworn member of the enforcement division of the Department of Motor
5363 Vehicles meeting the Department of Criminal Justice Services qualifications, when fulfilling duties pursuant
5364 to § 46.2-217; any campus police officer appointed under the provisions of Article 3 (§ 23.1-809 et seq.) of
5365 Chapter 8 of Title 23.1; and any conservation officer of the Department of Conservation and Recreation
5366 commissioned pursuant to § 10.1-115.

5367 **§ 9.1-1101. Powers and duties of the Department.**

5368 A. It shall be the responsibility of the Department to provide forensic laboratory services upon request of
5369 the Superintendent of State Police; the Chief Medical Examiner, the Assistant Chief Medical Examiners, and
5370 local medical examiners; any attorney for the Commonwealth; any chief of police, sheriff, or sergeant
5371 responsible for law enforcement in the jurisdiction served by him; any local fire department; the head of any
5372 private police department that has been designated as a criminal justice agency by the Department of
5373 Criminal Justice Services as defined by § 9.1-101; or any state agency in any criminal matter. The
5374 Department shall provide such services to any federal investigatory agency within available resources.

5375 B. The Department shall:

5376 1. Provide forensic laboratory services to all law-enforcement agencies throughout the Commonwealth
5377 and provide laboratory services, research, and scientific investigations for agencies of the Commonwealth as
5378 needed;

5379 2. Establish and maintain a DNA testing program in accordance with Article 1.1 (§ 19.2-310.2 et seq.) of
5380 Chapter 18 of Title 19.2 to determine identification characteristics specific to an individual; and

5381 3. Test the accuracy of equipment used to test the blood alcohol content of breath at least once every six
5382 months. Only equipment found to be accurate shall be used to test the blood alcohol content of breath; *and*

5383 4. *Determine the proper methods for detecting the concentration of tetrahydrocannabinol (THC) in*
5384 *substances for the purposes of Subtitle II of Title 4.1 and §§ 54.1-3401 and 54.1-3446. The testing*
5385 *methodology shall use post-decarboxylation testing or other equivalent method and shall consider the*

5386 *potential conversion of tetrahydrocannabinol acid (THC-A) into THC. The test result shall include the total*
 5387 *available THC derived from the sum of the THC and THC-A content.*

5388 C. The Department shall have the power and duty to:

5389 1. Receive, administer, and expend all funds and other assistance available for carrying out the purposes
 5390 of this chapter;

5391 2. Make and enter into all contracts and agreements necessary or incidental to the performance of its
 5392 duties and execution of its powers under this chapter including, but not limited to, contracts with the United
 5393 States, units of general local government or combinations thereof in Virginia or other states, and with
 5394 agencies and departments of the Commonwealth; and

5395 3. Perform such other acts as may be necessary or convenient for the effective performance of its duties.

5396 D. The Director may appoint and employ a deputy director and such other personnel as are needed to
 5397 carry out the duties and responsibilities conferred by this chapter.

5398 **§ 15.2-2288.3. Licensed farm wineries; local regulation of certain activities.**

5399 A. It is the policy of the Commonwealth to preserve the economic vitality of the Virginia wine industry
 5400 while maintaining appropriate land use authority to protect the health, safety, and welfare of the citizens of
 5401 the Commonwealth and to permit the reasonable expectation of uses in specific zoning categories. Local
 5402 restriction upon such activities and events of farm wineries licensed in accordance with Title 4.1 to market
 5403 and sell their products shall be reasonable and shall take into account the economic impact on the farm
 5404 winery of such restriction, the agricultural nature of such activities and events, and whether such activities
 5405 and events are usual and customary for farm wineries throughout the Commonwealth. Usual and customary
 5406 activities and events at farm wineries shall be permitted without local regulation unless there is a substantial
 5407 impact on the health, safety, or welfare of the public. No local ordinance regulating noise, other than outdoor
 5408 amplified music, arising from activities and events at farm wineries shall be more restrictive than that in the
 5409 general noise ordinance. In authorizing outdoor amplified music at a farm winery, the locality shall consider
 5410 the effect on adjacent property owners and nearby residents.

5411 B, C. [Expired.]

5412 D. No locality may treat private personal gatherings held by the owner of a licensed farm winery who
 5413 resides at the farm winery or on property adjacent thereto that is owned or controlled by such owner at which
 5414 gatherings wine is not sold or marketed and for which no consideration is received by the farm winery or its
 5415 agents differently from private personal gatherings by other citizens.

5416 E. No locality shall regulate any of the following activities of a farm winery licensed in accordance with
 5417 subdivision 6 of § 4.1-206.1:

5418 1. The production and harvesting of fruit and other agricultural products and the manufacturing of wine;

5419 2. The on-premises sale, tasting, or consumption of wine during regular business hours within the normal
 5420 course of business of the licensed farm winery;

5421 3. The direct sale and shipment of wine by common carrier to consumers in accordance with Title 4.1 and
 5422 regulations of the Board of Directors of the Virginia Alcoholic Beverage *and Cannabis* Control Authority;

5423 4. The sale and shipment of wine to the Virginia Alcoholic Beverage *and Cannabis* Control Authority,
 5424 licensed wholesalers, and out-of-state purchasers in accordance with Title 4.1, regulations of the Board of
 5425 Directors of the Virginia Alcoholic Beverage *and Cannabis* Control Authority, and federal law;

5426 5. The storage, warehousing, and wholesaling of wine in accordance with Title 4.1, regulations of the
 5427 Board of Directors of the Virginia Alcoholic Beverage *and Cannabis* Control Authority, and federal law; or

5428 6. The sale of wine-related items that are incidental to the sale of wine.

5429 **§ 15.2-2288.3:1. Limited brewery license; local regulation of certain activities.**

5430 A. It is the policy of the Commonwealth to preserve the economic vitality of the Virginia beer industry
 5431 while maintaining appropriate land use authority to protect the health, safety, and welfare of the citizens of
 5432 the Commonwealth and to permit the reasonable expectation of uses in specific zoning categories. Local
 5433 restriction upon such activities and public events of breweries licensed pursuant to subdivision 4 of
 5434 § 4.1-206.1 to market and sell their products shall be reasonable and shall take into account the economic
 5435 impact on such licensed brewery of such restriction, the agricultural nature of such activities and events, and
 5436 whether such activities and events are usual and customary for such licensed breweries. Usual and customary
 5437 activities and events at such licensed breweries shall be permitted unless there is a substantial impact on the
 5438 health, safety, or welfare of the public. No local ordinance regulating noise, other than outdoor amplified
 5439 music, arising from activities and events at such licensed breweries shall be more restrictive than that in the
 5440 general noise ordinance. In authorizing outdoor amplified music at such licensed brewery, the locality shall
 5441 consider the effect on adjacent property owners and nearby residents.

5442 B. No locality shall regulate any of the following activities of a brewery licensed under subdivision 4 of
 5443 § 4.1-206.1:

5444 1. The production and harvesting of barley, other grains, hops, fruit, or other agricultural products and the
 5445 manufacturing of beer;

5446 2. The on-premises sale, tasting, or consumption of beer during regular business hours within the normal
 5447 course of business of such licensed brewery;

5448 3. The direct sale and shipment of beer in accordance with Title 4.1 and regulations of the Board of
5449 Directors of the Alcoholic Beverage *and Cannabis* Control Authority;

5450 4. The sale and shipment of beer to licensed wholesalers and out-of-state purchasers in accordance with
5451 Title 4.1, regulations of the Board of Directors of the Alcoholic Beverage *and Cannabis* Control Authority,
5452 and federal law;

5453 5. The storage and warehousing of beer in accordance with Title 4.1, regulations of the Board of Directors
5454 of the Alcoholic Beverage *and Cannabis* Control Authority, and federal law; or

5455 6. The sale of beer-related items that are incidental to the sale of beer.

5456 C. Any locality may exempt any brewery licensed in accordance with subdivision 4 of § 4.1-206.1 on land
5457 zoned agricultural from any local regulation of minimum parking, road access, or road upgrade requirements.

5458 **§ 15.2-2288.3:2. Limited distiller's license; local regulation of certain activities.**

5459 A. Local restriction upon activities of distilleries licensed pursuant to subdivision 2 of § 4.1-206.1 to
5460 market and sell their products shall be reasonable and shall take into account the economic impact on such
5461 licensed distillery of such restriction, the agricultural nature of such activities and events, and whether such
5462 activities and events are usual and customary for such licensed distilleries. Usual and customary activities and
5463 events at such licensed distilleries shall be permitted unless there is a substantial impact on the health, safety,
5464 or welfare of the public.

5465 B. No locality shall regulate any of the following activities of a distillery licensed under subdivision 2 of
5466 § 4.1-206.1:

5467 1. The production and harvesting of agricultural products and the manufacturing of alcoholic beverages
5468 other than wine or beer;

5469 2. The on-premises sale, tasting, or consumption of alcoholic beverages other than wine or beer during
5470 regular business hours in accordance with a contract between a distillery and the Alcoholic Beverage *and*
5471 *Cannabis* Control Board pursuant to the provisions of subsection D of § 4.1-119;

5472 3. The sale and shipment of alcoholic beverages other than wine or beer to licensed wholesalers and
5473 out-of-state purchasers in accordance with Title 4.1, regulations of the Alcoholic Beverage *and Cannabis*
5474 Control Board, and federal law;

5475 4. The storage and warehousing of alcoholic beverages other than wine or beer in accordance with Title
5476 4.1, regulations of the Alcoholic Beverage *and Cannabis* Control Board, and federal law; or

5477 5. The sale of items related to alcoholic beverages other than wine or beer that are incidental to the sale of
5478 such alcoholic beverages.

5479 C. Any locality may exempt any distillery licensed in accordance with subdivision 2 of § 4.1-206.1 on
5480 land zoned agricultural from any local regulation of minimum parking, road access, or road upgrade
5481 requirements.

5482 **§ 15.2-2820. Definitions.**

5483 As used in this chapter, unless the context requires a different meaning:

5484 "Bar or lounge area" means any establishment or portion of an establishment devoted to the sale and
5485 service of alcoholic beverages for consumption on the premises and where the sale or service of food or
5486 meals is incidental to the consumption of the alcoholic beverages.

5487 "Educational facility" means any building used for instruction of enrolled students, including but not
5488 limited to any day-care center, nursery school, public or private school, institution of higher education,
5489 medical school, law school, or career and technical education school.

5490 "Health care facility" means any institution, place, building, or agency required to be licensed under
5491 Virginia law, including but not limited to any hospital, nursing facility or nursing home, boarding home,
5492 assisted living facility, supervised living facility, or ambulatory medical and surgical center.

5493 "Private club" means an organization, whether incorporated or not, that (i) is the owner, lessee, or
5494 occupant of a building or portion thereof used exclusively for club purposes, including club or member
5495 sponsored events; (ii) is operated solely for recreational, fraternal, social, patriotic, political, benevolent, or
5496 athletic purposes, and only sells alcoholic beverages incidental to its operation; (iii) has established bylaws, a
5497 constitution, or both that govern its activities; and (iv) the affairs and management of which are conducted by
5498 a board of directors, executive committee, or similar body chosen by the members at an annual meeting.

5499 "Private function" means any gathering of persons for the purpose of deliberation, education, instruction,
5500 entertainment, amusement, or dining that is not intended to be open to the public and for which membership
5501 or specific invitation is a prerequisite to entry.

5502 "Private work place" means any office or work area that is not open to the public in the normal course of
5503 business except by individual invitation.

5504 "Proprietor" means the owner or lessee of the public place, who ultimately controls the activities within
5505 the public place. The term "proprietor" includes corporations, associations, or partnerships as well as
5506 individuals.

5507 "Public conveyance" or "public vehicle" means any air, land, or water vehicle used for the mass
5508 transportation of persons in intrastate travel for compensation, including but not limited to any airplane, train,
5509 bus, or boat that is not subject to federal smoking regulations.

5510 "Public place" means any enclosed, indoor area used by the general public, including but not limited to
 5511 any building owned or leased by the Commonwealth or any agency thereof or any locality, public
 5512 conveyance or public vehicle, educational facility, hospital, nursing facility or nursing home, other health
 5513 care facility, library, retail store of 15,000 square feet or more, auditorium, arena, theater, museum, concert
 5514 hall, or other area used for a performance or an exhibit of the arts or sciences, or any meeting room.

5515 "Recreational facility" means any enclosed, indoor area used by the general public and used as a stadium,
 5516 arena, skating rink, video game facility, or senior citizen recreational facility.

5517 "Restaurant" means any place where food is prepared for service to the public on or off the premises, or
 5518 any place where food is served. Examples of such places include but are not limited to lunchrooms, short
 5519 order places, cafeterias, coffee shops, cafes, taverns, delicatessens, dining accommodations of public or
 5520 private clubs, kitchen facilities of hospitals and nursing homes, dining accommodations of public and private
 5521 schools and colleges, and kitchen areas of local correctional facilities subject to standards adopted under
 5522 § 53.1-68. "Restaurant" shall not include (i) places where packaged or canned foods are manufactured and
 5523 then distributed to grocery stores or other similar food retailers for sale to the public, (ii) mobile points of
 5524 service to the general public that are outdoors, or (iii) mobile points of service where such service and
 5525 consumption occur in a private residence or in any location that is not a public place. "Restaurant" shall
 5526 include any bar or lounge area that is part of such restaurant.

5527 "Smoke" or "smoking" means the carrying or holding of any lighted pipe, cigar, or cigarette of any kind,
 5528 including *marijuana*, or any other lighted smoking equipment, or the lighting, inhaling, or exhaling of smoke
 5529 from a pipe, cigar, or cigarette of any kind, including *marijuana*.

5530 "Theater" means any indoor facility or auditorium, open to the public, which is primarily used or designed
 5531 for the purpose of exhibiting any motion picture, stage production, musical recital, dance, lecture, or other
 5532 similar performance.

5533 **§ 16.1-69.40:1. Traffic infractions within authority of traffic violations clerk; schedule of fines;
 5534 prepayment of local ordinances.**

5535 A. The Supreme Court shall by rule, which may from time to time be amended, supplemented or repealed,
 5536 but which shall be uniform in its application throughout the Commonwealth, designate the traffic infractions
 5537 for which a pretrial waiver of appearance, plea of guilty and fine payment may be accepted. Such designated
 5538 infractions shall include violations of §§ 46.2-830.1, 46.2-878.2 and 46.2-1242 or any parallel local
 5539 ordinances. Notwithstanding any rule of the Supreme Court, a person charged with a traffic offense that is
 5540 listed as prepayable in the Uniform Fine Schedule may prepay his fines and costs without court appearance
 5541 whether or not he was involved in an accident. The prepayable fine amount for a violation of § 46.2-878.2
 5542 shall be \$200 plus an amount per mile-per-hour in excess of posted speed limits, as authorized in
 5543 § 46.2-878.3.

5544 Such infractions shall not include:

5545 1. Indictable offenses;

5546 2. [Repealed.]

5547 3. Operation of a motor vehicle while under the influence of intoxicating liquor, *marijuana*, or a narcotic
 5548 or habit-producing drug, or permitting another person, who is under the influence of intoxicating liquor,
 5549 *marijuana*, or a narcotic or habit-producing drug, to operate a motor vehicle owned by the defendant or in his
 5550 custody or control;

5551 4. Reckless driving;

5552 5. Leaving the scene of an accident;

5553 6. Driving while under suspension or revocation of driving privileges;

5554 7. Driving without being licensed to drive.

5555 8. [Repealed.]

5556 B. An appearance may be made in person or in writing by mail to a clerk of court or in person before a
 5557 magistrate, prior to any date fixed for trial in court. Any person so appearing may enter a waiver of trial and a
 5558 plea of guilty and pay the fine and any civil penalties established for the offense charged, with costs. He shall,
 5559 prior to the plea, waiver, and payment, be informed of his right to stand trial, that his signature to a plea of
 5560 guilty will have the same force and effect as a judgment of court, and that the record of conviction will be
 5561 sent to the Commissioner of the Department of Motor Vehicles.

5562 C. The Supreme Court, upon the recommendation of the Committee on District Courts, shall establish a
 5563 schedule, within the limits prescribed by law, of the amounts of fines and any civil penalties to be imposed,
 5564 designating each infraction specifically. The schedule, which may from time to time be amended,
 5565 supplemented or repealed, shall be uniform in its application throughout the Commonwealth. Such schedule
 5566 shall not be construed or interpreted so as to limit the discretion of any trial judge trying individual cases at
 5567 the time fixed for trial. The rule of the Supreme Court establishing the schedule shall be prominently posted
 5568 in the place where the fines are paid. Fines and costs shall be paid in accordance with the provisions of this
 5569 Code or any rules or regulations promulgated thereunder.

5570 D. Fines imposed under local traffic infraction ordinances that do not parallel provisions of state law and
 5571 fulfill the criteria set out in subsection A may be prepayable in the manner set forth in subsection B if such

ordinances appear in a schedule entered by order of the local circuit courts. The chief judge of each circuit may establish a schedule of the fines, within the limits prescribed by local ordinances, to be imposed for prepayment of local ordinances designating each offense specifically. Upon the entry of such order it shall be forwarded within 10 days to the Supreme Court of Virginia by the clerk of the local circuit court. The schedule, which from time to time may be amended, supplemented or repealed, shall be uniform in its application throughout the circuit. Such schedule shall not be construed or interpreted so as to limit the discretion of any trial judge trying individual cases at the time fixed for trial. This schedule shall be prominently posted in the place where fines are paid. Fines and costs shall be paid in accordance with the provisions of this Code or any rules or regulations promulgated thereunder.

§ 16.1-260. Intake; petition; investigation.

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

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

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

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

If a juvenile is alleged to be a truant pursuant to a complaint filed in accordance with § 22.1-258 and the attendance officer has provided documentation to the intake officer that the relevant school division has complied with the provisions of § 22.1-258, then the intake officer shall file a petition with the court. The intake officer may defer filing the petition and proceed informally by developing a truancy plan, provided

5634 that (1) the juvenile has not previously been proceeded against informally or adjudicated in need of
5635 supervision on more than two occasions for failure to comply with compulsory school attendance as provided
5636 in § 22.1-254 and (2) the immediately previous informal action or adjudication occurred at least three
5637 calendar years prior to the current complaint. The juvenile and his parent or parents, guardian, or other person
5638 standing in loco parentis must agree, in writing, for the development of a truancy plan. The truancy plan may
5639 include requirements that the juvenile and his parent or parents, guardian, or other person standing in loco
5640 parentis participate in such programs, cooperate in such treatment, or be subject to such conditions and
5641 limitations as necessary to ensure the juvenile's compliance with compulsory school attendance as provided
5642 in § 22.1-254. The intake officer may refer the juvenile to the appropriate public agency for the purpose of
5643 developing a truancy plan using an interagency interdisciplinary team approach. The team may include
5644 qualified personnel who are reasonably available from the appropriate department of social services,
5645 community services board, local school division, court service unit, and other appropriate and available
5646 public and private agencies and may be the family assessment and planning team established pursuant to
5647 § 2.2-5207. If at the end of the deferral period the juvenile has not successfully completed the truancy plan or
5648 the truancy program, then the intake officer shall file the petition.

5649 Whenever informal action is taken as provided in this subsection on a complaint alleging that a child is in
5650 need of services, in need of supervision, or delinquent, the intake officer shall (A) develop a plan for the
5651 juvenile, which may include restitution, the performance of community service, or on a complaint alleging
5652 that a child has committed a delinquent act other than an act that would be a felony or a Class 1 misdemeanor
5653 if committed by an adult and with the consent of the juvenile's parent or legal guardian, referral to a youth
5654 justice diversion program established pursuant to § 16.1-309.11, based upon community resources and the
5655 circumstances which resulted in the complaint, (B) create an official record of the action taken by the intake
5656 officer and file such record in the juvenile's case file, and (C) advise the juvenile and the juvenile's parent,
5657 guardian, or other person standing in loco parentis and the complainant that any subsequent complaint
5658 alleging that the child is in need of supervision or delinquent based upon facts which may be sufficient to
5659 invoke the jurisdiction of the court pursuant to § 16.1-241, or in the case of a referral to a youth justice
5660 diversion program established pursuant to § 16.1-309.11, that any subsequent report from the youth justice
5661 diversion program alleging that the juvenile failed to comply with the youth justice diversion program's
5662 sentence within 180 days of the sentencing date, may result in the filing of a petition with the court.

5663 C. The intake officer shall accept and file a petition in which it is alleged that (i) the custody, visitation, or
5664 support of a child is the subject of controversy or requires determination, (ii) a person has deserted,
5665 abandoned, or failed to provide support for any person in violation of law, (iii) a child or such child's parent,
5666 guardian, legal custodian, or other person standing in loco parentis is entitled to treatment, rehabilitation, or
5667 other services which are required by law, (iv) family abuse has occurred and a protective order is being
5668 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
5669 occurred, a protective order is being sought pursuant to § 19.2-152.8, 19.2-152.9, or 19.2-152.10, and either
5670 the alleged victim or the respondent is a juvenile. If any such complainant does not file a petition, the intake
5671 officer may file it. In cases in which a child is alleged to be abused, neglected, in need of services, in need of
5672 supervision, or delinquent, if the intake officer believes that probable cause does not exist, or that the
5673 authorization of a petition will not be in the best interest of the family or juvenile or that the matter may be
5674 effectively dealt with by some agency other than the court, he may refuse to authorize the filing of a petition.
5675 The intake officer shall provide to a person seeking a protective order pursuant to § 16.1-253.1, 16.1-253.4,
5676 or 16.1-279.1 a written explanation of the conditions, procedures and time limits applicable to the issuance of
5677 protective orders pursuant to § 16.1-253.1, 16.1-253.4, or 16.1-279.1. If the person is seeking a protective
5678 order pursuant to § 19.2-152.8, 19.2-152.9, or 19.2-152.10, the intake officer shall provide a written
5679 explanation of the conditions, procedures, and time limits applicable to the issuance of protective orders
5680 pursuant to § 19.2-152.8, 19.2-152.9, or 19.2-152.10.

5681 D. Prior to the filing of any petition alleging that a child is in need of supervision, the matter shall be
5682 reviewed by an intake officer who shall determine whether the petitioner and the child alleged to be in need
5683 of supervision have utilized or attempted to utilize treatment and services available in the community and
5684 have exhausted all appropriate nonjudicial remedies which are available to them. When the intake officer
5685 determines that the parties have not attempted to utilize available treatment or services or have not exhausted
5686 all appropriate nonjudicial remedies which are available, he shall refer the petitioner and the child alleged to
5687 be in need of supervision to the appropriate agency, treatment facility, or individual to receive treatment or
5688 services, and a petition shall not be filed. Only after the intake officer determines that the parties have made a
5689 reasonable effort to utilize available community treatment or services may he permit the petition to be filed.

5690 E. If the intake officer refuses to authorize a petition relating to an offense that if committed by an adult
5691 would be punishable as a Class 1 misdemeanor or as a felony, when such refusal is based solely upon a
5692 finding that no probable cause exists, the complainant shall be notified in writing at that time of the
5693 complainant's right to apply to a magistrate for a warrant. The application for a warrant to the magistrate shall
5694 be filed within 10 days of the issuance of the written notification. The written notification shall indicate that
5695 the intake officer made a finding that no probable cause exists and shall provide notice that the complainant

5696 has 10 days to apply for a warrant to the magistrate. The complainant shall provide the magistrate with a copy
 5697 of the written notification upon application to the magistrate. If a magistrate determines that probable cause
 5698 exists, he shall issue a warrant returnable to the juvenile and domestic relations district court. The warrant
 5699 shall be delivered forthwith to the juvenile court, and the intake officer shall accept and file a petition
 5700 founded upon the warrant. If the court is closed and the magistrate finds that the criteria for detention or
 5701 shelter care set forth in § 16.1-248.1 have been satisfied, the juvenile may be detained pursuant to the warrant
 5702 issued in accordance with this subsection. If the intake officer refuses to authorize a petition relating to a
 5703 child in need of services or in need of supervision, a status offense, or a misdemeanor other than Class 1, his
 5704 decision is final. If the intake officer refuses to authorize a petition relating to an offense that if committed by
 5705 an adult would be punishable as a Class 1 misdemeanor or as a felony when such refusal is based upon a
 5706 finding that (i) probable cause exists, but that (ii) the matter is appropriate for diversion, his decision is final
 5707 and the complainant shall not have a right to apply to a magistrate for a warrant.

5708 Upon delivery to the juvenile court of a warrant issued pursuant to subdivision 2 of § 16.1-256, the intake
 5709 officer shall accept and file a petition founded upon the warrant.

5710 F. The intake officer shall notify the attorney for the Commonwealth of the filing of any petition which
 5711 alleges facts of an offense which would be a felony if committed by an adult.

5712 G. Notwithstanding the provisions of Article 12 (§ 16.1-299 et seq.), the intake officer shall file a report
 5713 with the division superintendent of the school division in which any student who is the subject of a petition
 5714 alleging that such student who is a juvenile has committed an act, wherever committed, which would be a
 5715 crime if committed by an adult, or that such student who is an adult has committed a crime and is alleged to
 5716 be within the jurisdiction of the court. The report shall notify the division superintendent of the filing of the
 5717 petition and the nature of the offense, if the violation involves:

5718 1. A firearm offense pursuant to Article 4 (§ 18.2-279 et seq.), 5 (§ 18.2-288 et seq.), 6 (§ 18.2-299 et
 5719 seq.), 6.1 (§ 18.2-307.1 et seq.), or 7 (§ 18.2-308.1 et seq.) of Chapter 7 of Title 18.2;

5720 2. Homicide, pursuant to Article 1 (§ 18.2-30 et seq.) of Chapter 4 of Title 18.2;

5721 3. Felonious assault and bodily wounding, pursuant to Article 4 (§ 18.2-51 et seq.) of Chapter 4 of Title
 5722 18.2;

5723 4. Criminal sexual assault, pursuant to Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2;

5724 5. Manufacture, sale, gift, distribution or possession of Schedule I or II controlled substances, pursuant to
 5725 Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2;

5726 6. Manufacture, sale or distribution of marijuana pursuant to ~~Article 1 (§ 18.2-247 et seq.) of Chapter 7 of~~
 5727 ~~Title 18.2 Subtitle II of Title 4.1;~~

5728 7. Arson and related crimes, pursuant to Article 1 (§ 18.2-77 et seq.) of Chapter 5 of Title 18.2;

5729 8. Burglary and related offenses, pursuant to §§ 18.2-89 through 18.2-93;

5730 9. Robbery pursuant to § 18.2-58;

5731 10. Prohibited criminal street gang activity pursuant to § 18.2-46.2;

5732 11. Recruitment of other juveniles for a criminal street gang activity pursuant to § 18.2-46.3;

5733 12. An act of violence by a mob pursuant to § 18.2-42.1;

5734 13. Abduction of any person pursuant to § 18.2-47 or 18.2-48; or

5735 14. A threat pursuant to § 18.2-60.

5736 The failure to provide information regarding the school in which the student who is the subject of the
 5737 petition may be enrolled shall not be grounds for refusing to file a petition.

5738 The information provided to a division superintendent pursuant to this section may be disclosed only as
 5739 provided in § 16.1-305.2.

5740 H. The filing of a petition shall not be necessary:

5741 1. In the case of violations of the traffic laws, including offenses involving bicycles, hitchhiking and other
 5742 pedestrian offenses, game and fish laws, or a violation of the ordinance of any city regulating surfing or any
 5743 ordinance establishing curfew violations, animal control violations, or littering violations. In such cases the
 5744 court may proceed on a summons issued by the officer investigating the violation in the same manner as
 5745 provided by law for adults. Additionally, an officer investigating a motor vehicle accident may, at the scene
 5746 of the accident or at any other location where a juvenile who is involved in such an accident may be located,
 5747 proceed on a summons in lieu of filing a petition.

5748 2. In the case of seeking consent to apply for the issuance of a work permit pursuant to subsection H of
 5749 § 16.1-241.

5750 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
 5751 other alcohol-related offense, provided that the juvenile is released to the custody of a parent or legal
 5752 guardian pending the initial court date. The officer releasing a juvenile to the custody of a parent or legal
 5753 guardian shall issue a summons to the juvenile and shall also issue a summons requiring the parent or legal
 5754 guardian to appear before the court with the juvenile. Disposition of the charge shall be in the manner
 5755 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
 5756 § 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
 5757 samples of both blood and breath for chemical analysis pursuant to §§ 18.2-268.1 through 18.2-268.12 or

5758 29.1-738.2, the provisions of these sections shall be followed except that the magistrate shall authorize
 5759 execution of the warrant as a summons. The summons shall be served on a parent or legal guardian and the
 5760 juvenile, and a copy of the summons shall be forwarded to the court in which the violation is to be tried.
 5761 When a violation of § 4.1-305 *or* 4.1-1105 is charged by summons, the juvenile shall be entitled to have the
 5762 charge referred to intake for consideration of informal proceedings pursuant to subsection B, provided that
 5763 such right is exercised by written notification to the clerk not later than 10 days prior to trial. At the time such
 5764 summons alleging a violation of § 4.1-305 *or* 4.1-1105 is served, the officer shall also serve upon the juvenile
 5765 written notice of the right to have the charge referred to intake on a form approved by the Supreme Court and
 5766 make return of such service to the court. If the officer fails to make such service or return, the court shall
 5767 dismiss the summons without prejudice.

5768 4. In the case of offenses, *other than marijuana-related offenses*, which, if committed by an adult, would
 5769 be punishable as a Class 3 or Class 4 misdemeanor. In such cases the court may direct that an intake officer
 5770 proceed as provided in § 16.1-237 on a summons issued by the officer investigating the violation in the same
 5771 manner as provided by law for adults provided that notice of the summons to appear is mailed by the
 5772 investigating officer within five days of the issuance of the summons to a parent or legal guardian of the
 5773 juvenile.

5774 I. Failure to comply with the procedures set forth in this section shall not divest the juvenile court of the
 5775 jurisdiction granted it in § 16.1-241.

5776 **§ 16.1-273. Court may require investigation of social history and preparation of victim impact**
 5777 **statement.**

5778 A. When a juvenile and domestic relations district court or circuit court has adjudicated any case
 5779 involving a child subject to the jurisdiction of the court hereunder, except for a traffic violation, a violation of
 5780 the game and fish law, or a violation of any city ordinance regulating surfing or establishing curfew
 5781 violations, the court before final disposition thereof may require an investigation, which (i) shall include a
 5782 drug screening and (ii) may, and for the purposes of subdivision A 14 or 17 of § 16.1-278.8 shall, include a
 5783 social history of the physical, mental, and social conditions, including an assessment of any affiliation with a
 5784 criminal street gang as defined in § 18.2-46.1, and personality of the child and the facts and circumstances
 5785 surrounding the violation of law. However, in the case of a juvenile adjudicated delinquent on the basis of an
 5786 act committed on or after January 1, 2000, which would be (a) a felony if committed by an adult, ~~or~~ (b) a
 5787 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
 5788 and such offense would be punishable as a Class 1 or Class 2 misdemeanor if committed by an adult, *or* (c) a
 5789 violation of § 4.1-1105, the court shall order the juvenile to undergo a drug screening. If the drug screening
 5790 indicates that the juvenile has a substance abuse or dependence problem, an assessment shall be completed by
 5791 a certified substance abuse counselor as defined in § 54.1-3500 employed by the Department of Juvenile
 5792 Justice or by a locally operated court services unit or by an individual employed by or currently under
 5793 contract to such agencies and who is specifically trained to conduct such assessments under the supervision
 5794 of such counselor.

5795 B. The court also shall, on motion of the attorney for the Commonwealth with the consent of the victim,
 5796 or may in its discretion, require the preparation of a victim impact statement in accordance with the
 5797 provisions of § 19.2-299.1 if the court determines that the victim may have suffered significant physical,
 5798 psychological, or economic injury as a result of the violation of law.

5799 **§ 16.1-278.9. Delinquent children; loss of driving privileges for alcohol, firearm, and drug offenses;**
 5800 **truancy.**

5801 A. If a court has found facts which would justify a finding that a child at least 13 years of age at the time
 5802 of the offense is delinquent and such finding involves (i) a violation of § 18.2-266 or of a similar ordinance of
 5803 any county, city, or town; (ii) a refusal to take a breath test in violation of § 18.2-268.2; (iii) a felony violation
 5804 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
 5805 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*
 5806 *of § 4.1-1105*; (v) the unlawful purchase, possession, or consumption of alcohol in violation of § 4.1-305 or
 5807 the unlawful drinking or possession of alcoholic beverages in or on public school grounds in violation of
 5808 § 4.1-309; (vi) public intoxication in violation of § 18.2-388 or a similar ordinance of a county, city, or town;
 5809 (vii) the unlawful use or possession of a handgun or possession of a "streetsweeper" as defined below; or
 5810 (viii) a violation of § 18.2-83, the court shall order, in addition to any other penalty that it may impose as
 5811 provided by law for the offense, that the child be denied a driver's license. In addition to any other penalty
 5812 authorized by this section, if the offense involves a violation designated under clause (i) and the child was
 5813 transporting a person 17 years of age or younger, the court shall impose the additional fine and order
 5814 community service as provided in § 18.2-270. If the offense involves a violation designated under clause (i),
 5815 (ii), (iii), or (viii), the denial of a driver's license shall be for a period of one year or until the juvenile reaches
 5816 the age of 17, whichever is longer, for a first such offense or for a period of one year or until the juvenile
 5817 reaches the age of 18, whichever is longer, for a second or subsequent such offense. If the offense involves a
 5818 violation designated under clause (iv), (v), or (vi) the denial of driving privileges shall be for a period of six
 5819 months unless the offense is committed by a child under the age of 16 years and three months, in which case

5820 the child's ability to apply for a driver's license shall be delayed for a period of six months following the date
 5821 he reaches the age of 16 and three months. If the offense involves a first violation designated under clause (v)
 5822 or (vi), the court shall impose the license sanction and may enter a judgment of guilt or, without entering a
 5823 judgment of guilt, may defer disposition of the delinquency charge until such time as the court disposes of the
 5824 case pursuant to subsection F. If the offense involves a violation designated under clause (iii) or (iv), the
 5825 court shall impose the license sanction and shall dispose of the delinquency charge pursuant to the provisions
 5826 of this chapter or § 18.2-251. If the offense involves a violation designated under clause (vii), the denial of
 5827 driving privileges shall be for a period of not less than 30 days, except when the offense involves possession
 5828 of a concealed handgun or a striker 12, commonly called a "streetsweeper," or any semi-automatic folding
 5829 stock shotgun of like kind with a spring tension drum magazine capable of holding 12 shotgun shells, in
 5830 which case the denial of driving privileges shall be for a period of two years unless the offense is committed
 5831 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
 5832 license shall be delayed for a period of two years following the date he reaches the age of 16 and three
 5833 months.

5834 A1. If a court finds that a child at least 13 years of age has failed to comply with school attendance and
 5835 meeting requirements as provided in § 22.1-258, the court shall order the denial of the child's driving
 5836 privileges for a period of not less than 30 days. If such failure to comply involves a child under the age of 16
 5837 years and three months, the child's ability to apply for a driver's license shall be delayed for a period of not
 5838 less than 30 days following the date he reaches the age of 16 and three months.

5839 If the court finds a second or subsequent such offense, it may order the denial of a driver's license for a
 5840 period of one year or until the juvenile reaches the age of 18, whichever is longer, or delay the child's ability
 5841 to apply for a driver's license for a period of one year following the date he reaches the age of 16 and three
 5842 months, as may be appropriate.

5843 A2. If a court finds that a child at least 13 years of age has refused to take a blood test in violation of
 5844 § 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
 5845 the juvenile reaches the age of 17, whichever is longer, for a first such offense or for a period of one year or
 5846 until the juvenile reaches the age of 18, whichever is longer, for a second or subsequent such offense.

5847 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
 5848 provided in subsection A1 or A2 shall be ordered to surrender his driver's license, which shall be held in the
 5849 physical custody of the court during any period of license denial.

5850 C. The court shall report any order issued under this section to the Department of Motor Vehicles, which
 5851 shall preserve a record thereof. The report and the record shall include a statement as to whether the child was
 5852 represented by or waived counsel or whether the order was issued pursuant to subsection A1 or A2.
 5853 Notwithstanding the provisions of Article 12 (§ 16.1-299 et seq.) or the provisions of Title 46.2, this record
 5854 shall be available only to all law-enforcement officers, attorneys for the Commonwealth and courts. No other
 5855 record of the proceeding shall be forwarded to the Department of Motor Vehicles unless the proceeding
 5856 results in an adjudication of guilt pursuant to subsection F.

5857 The Department of Motor Vehicles shall refuse to issue a driver's license to any child denied a driver's
 5858 license until such time as is stipulated in the court order or until notification by the court of withdrawal of the
 5859 order of denial under subsection E.

5860 D. If the finding as to the child involves a violation designated under clause (i), (ii), (iii) or (vi) of
 5861 subsection A or a violation designated under subsection A2, the child may be referred to a certified alcohol
 5862 safety action program in accordance with § 18.2-271.1 upon such terms and conditions as the court may set
 5863 forth. If the finding as to such child involves a violation designated under clause (iii), (iv), (v), (vii) or (viii)
 5864 of subsection A, such child may be referred to appropriate rehabilitative or educational services upon such
 5865 terms and conditions as the court may set forth.

5866 The court, in its discretion and upon a demonstration of hardship, may authorize the use of a restricted
 5867 permit to operate a motor vehicle by any child who has a driver's license at the time of the offense or at the
 5868 time of the court's finding as provided in subsection A1 or A2 for any of the purposes set forth in subsection
 5869 E of § 18.2-271.1 or for travel to and from school, except that no restricted license shall be issued for travel to
 5870 and from home and school when school-provided transportation is available and no restricted license shall be
 5871 issued if the finding as to such child involves a violation designated under clause (iii) or (iv) of subsection A,
 5872 or if it involves a second or subsequent violation of any offense designated in subsection A, a second finding
 5873 by the court of failure to comply with school attendance and meeting requirements as provided in subsection
 5874 A1, or a second or subsequent finding by the court of a refusal to take a blood test as provided in subsection
 5875 A2. The issuance of the restricted permit shall be set forth within the court order, a copy of which shall be
 5876 provided to the child, and shall specifically enumerate the restrictions imposed and contain such information
 5877 regarding the child as is reasonably necessary to identify him. The child may operate a motor vehicle under
 5878 the court order in accordance with its terms. Any child who operates a motor vehicle in violation of any
 5879 restrictions imposed pursuant to this section is guilty of a violation of § 46.2-301.

5880 E. Upon petition made at least 90 days after issuance of the order, the court may review and withdraw any
 5881 order of denial of a driver's license if for a first such offense or finding as provided in subsection A1 or A2.

5882 For a second or subsequent such offense or finding, the order may not be reviewed and withdrawn until one
5883 year after its issuance.

5884 F. If the finding as to such child involves a first violation designated under clause (vii) of subsection A,
5885 upon fulfillment of the terms and conditions prescribed by the court and after the child's driver's license has
5886 been restored, the court shall or, in the event the violation resulted in the injury or death of any person or if
5887 the finding involves a violation designated under clause (i), (ii), (v), or (vi) of subsection A, may discharge
5888 the child and dismiss the proceedings against him. Discharge and dismissal under these provisions shall be
5889 without an adjudication of guilt but a record of the proceeding shall be retained for the purpose of applying
5890 this section in subsequent proceedings. Failure of the child to fulfill such terms and conditions shall result in
5891 an adjudication of guilt. If the finding as to such child involves a violation designated under clause (iii) or (iv)
5892 of subsection A, the charge shall not be dismissed pursuant to this subsection but shall be disposed of
5893 pursuant to the provisions of this chapter or § 18.2-251. If the finding as to such child involves a second
5894 violation under clause (v), (vi) or (vii) of subsection A, the charge shall not be dismissed pursuant to this
5895 subsection but shall be disposed of under § 16.1-278.8.

5896 **§ 17.1-276. Fee allowed for providing secure remote access to land records.**

5897 A. A clerk of the circuit court who provides secure remote access to land records pursuant to § 17.1-294
5898 may charge a fee as provided in this section. The fee shall be paid to the clerk's office and deposited by the
5899 clerk into the clerk's nonreverting local fund to be used to cover operational expenses as defined in
5900 § 17.1-295. The clerk may charge a flat clerk's fee to be assessed for each subscriber, as defined in
5901 § 17.1-295, in an amount not to exceed \$50 per month and a separate fee per image downloaded in an amount
5902 not to exceed the fee provided in subdivision A 8 of § 17.1-275. The clerk's fees shall be used to cover
5903 operational expenses as defined in § 17.1-295.

5904 The Office of the Attorney General, the Division of Debt Collection, the Department of Transportation,
5905 the Virginia Outdoors Foundation, the Department of Historic Resources, the Department of General
5906 Services, the Department of Conservation and Recreation, the Department of Forestry, the Virginia Alcoholic
5907 Beverage *and Cannabis* Control Authority, the Department of Rail and Public Transportation, and the State
5908 Corporation Commission shall be exempt from paying any fee for remote access to land records. If any clerk
5909 contracts with an outside vendor to provide remote access to land records to subscribers, such contract shall
5910 contain a provision exempting the Office of the Attorney General, the Division of Debt Collection, the
5911 Department of Transportation, the Virginia Outdoors Foundation, the Department of Historic Resources, the
5912 Department of General Services, the Department of Conservation and Recreation, the Department of
5913 Forestry, the Virginia Alcoholic Beverage *and Cannabis* Control Authority, the Department of Rail and
5914 Public Transportation, and the State Corporation Commission from paying any access or subscription fee.

5915 B. The circuit court clerk shall enter into an agreement with each person whom the clerk authorizes to
5916 have remote access, in accordance with the security standards established by the Virginia Information
5917 Technologies Agency. Any such agreement between a state agency or employee thereof acting in the
5918 employee's official capacity and the clerk or an outside vendor contracted by the clerk to provide remote
5919 access to land records to subscribers, or such an agreement between a state agency or employee thereof acting
5920 in the employee's official capacity and both the clerk and the outside vendor, shall not contain any provision
5921 requiring the state agency or employee thereof acting in the employee's official capacity to indemnify the
5922 clerk or the vendor. Any such agreement between a state agency and the clerk or an outside vendor shall
5923 provide that the state agency is required to monitor its employees' activity under such agreement to ensure
5924 compliance with its terms.

5925 C. The clerk may establish a program under which the clerk assesses a reasonable convenience fee that
5926 shall not exceed \$2 per transaction for remote access to land records and a separate fee per image downloaded
5927 in an amount not to exceed the fee provided in subdivision A 8 of § 17.1-275.

5928 D. Nothing herein shall be construed to require the use by the general public of the secure remote access
5929 to land records made available by the clerk, and such records may continue to be accessed in person in the
5930 clerk's office.

5931 **§ 18.2-46.1. Definitions.**

5932 As used in this article, unless the context requires a different meaning:

5933 "Act of violence" means those felony offenses described in subsection C of § 17.1-805 or subsection A of
5934 § 19.2-297.1.

5935 "Criminal street gang" means any ongoing organization, association, or group of three or more persons,
5936 whether formal or informal, (i) which has as one of its primary objectives or activities the commission of one
5937 or more criminal activities; (ii) which has an identifiable name or identifying sign or symbol; and (iii) whose
5938 members individually or collectively have engaged in the commission of, attempt to commit, conspiracy to
5939 commit, or solicitation of two or more predicate criminal acts, at least one of which is an act of violence,
5940 provided such acts were not part of a common act or transaction.

5941 "Predicate criminal act" means (i) an act of violence; (ii) any violation of § 18.2-42, 18.2-46.3, 18.2-56.1,
5942 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,
5943 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,

5944 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
 5945 § 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~~
 5946 ~~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
 5947 violation of a local ordinance adopted pursuant to § 15.2-1812.2; or (vi) any substantially similar offense
 5948 under the laws of another state or territory of the United States, the District of Columbia, or the United States.

5949 **§ 18.2-57. Assault and battery; penalty.**

5950 A. Any person who commits a simple assault or assault and battery is guilty of a Class 1 misdemeanor,
 5951 and if the person intentionally selects the person against whom a simple assault is committed because of his
 5952 race, religious conviction, gender, disability, gender identity, sexual orientation, color, or ethnic or national
 5953 origin, the penalty upon conviction shall include a term of confinement of at least six months.

5954 B. However, if a person intentionally selects the person against whom an assault and battery resulting in
 5955 bodily injury is committed because of his race, religious conviction, gender, disability, gender identity, sexual
 5956 orientation, color, or ethnic or national origin, the person is guilty of a Class 6 felony, and the penalty upon
 5957 conviction shall include a term of confinement of at least six months.

5958 C. In addition, if any person commits an assault or an assault and battery against another knowing or
 5959 having reason to know that such other person is a judge, a magistrate, a law-enforcement officer as defined in
 5960 subsection H, a correctional officer as defined in § 53.1-1, a person directly involved in the care, treatment, or
 5961 supervision of inmates in the custody of the Department of Corrections or an employee of a local or regional
 5962 correctional facility directly involved in the care, treatment, or supervision of inmates in the custody of the
 5963 facility, a person directly involved in the care, treatment, or supervision of persons in the custody of or under
 5964 the supervision of the Department of Juvenile Justice, an employee or other individual who provides control,
 5965 care, or treatment of sexually violent predators committed to the custody of the Department of Behavioral
 5966 Health and Developmental Services, a firefighter as defined in § 65.2-102, or a volunteer firefighter or any
 5967 emergency medical services personnel member who is employed by or is a volunteer of an emergency
 5968 medical services agency or as a member of a bona fide volunteer fire department or volunteer emergency
 5969 medical services agency, regardless of whether a resolution has been adopted by the governing body of a
 5970 political subdivision recognizing such firefighters or emergency medical services personnel as employees,
 5971 engaged in the performance of his public duties anywhere in the Commonwealth, such person is guilty of a
 5972 Class 6 felony, and, upon conviction, the sentence of such person shall include a mandatory minimum term of
 5973 confinement of six months.

5974 Nothing in this subsection shall be construed to affect the right of any person charged with a violation of
 5975 this section from asserting and presenting evidence in support of any defenses to the charge that may be
 5976 available under common law.

5977 D. In addition, if any person commits a battery against another knowing or having reason to know that
 5978 such other person is a full-time or part-time employee of any public or private elementary or secondary
 5979 school and is engaged in the performance of his duties as such, he is guilty of a Class 1 misdemeanor and the
 5980 sentence of such person upon conviction shall include a sentence of 15 days in jail, two days of which shall
 5981 be a mandatory minimum term of confinement. However, if the offense is committed by use of a firearm or
 5982 other weapon prohibited on school property pursuant to § 18.2-308.1, the person shall serve a mandatory
 5983 minimum sentence of confinement of six months.

5984 E. In addition, any person who commits a battery against another knowing or having reason to know that
 5985 such individual is a health care provider as defined in § 8.01-581.1 who is engaged in the performance of his
 5986 duties in a hospital or in an emergency room on the premises of any clinic or other facility rendering
 5987 emergency medical care is guilty of a Class 1 misdemeanor. The sentence of such person, upon conviction,
 5988 shall include a term of confinement of 15 days in jail, two days of which shall be a mandatory minimum term
 5989 of confinement.

5990 F. In addition, any person who commits an assault or an assault and battery against another knowing or
 5991 having reason to know that such individual is an operator of a vehicle operated by a public transportation
 5992 service as defined in § 18.2-160.2 who is engaged in the performance of his duties is guilty of a Class 1
 5993 misdemeanor. The sentence of such person, upon conviction, shall also prohibit such person from entering or
 5994 riding in any vehicle operated by the public transportation service that employed such operator for a period of
 5995 not less than six months as a term and condition of such sentence.

5996 G. In addition, any person who commits a battery against another knowing or having reason to know that
 5997 such individual is a sports official for an entity sponsoring an interscholastic or intercollegiate sports event or
 5998 any person performing services as a sports official for a public entity or a private, nonprofit organization that
 5999 sponsors an amateur sports event who (i) is engaged in the performance of his duties or (ii) is on the premises
 6000 of such event prior to engaging in his duties or upon conclusion of his duties is guilty of a Class 1
 6001 misdemeanor. The sentence of such person, upon conviction, may also prohibit such person from attending
 6002 any such sports event operated by the entity or organization that employed such sports official for a period of
 6003 not less than six months as a term and condition of such sentence.

6004 H. As used in this section:

6005 "Disability" means a physical or mental impairment that substantially limits one or more of a person's

6006 major life activities.

6007 "Hospital" means a public or private institution licensed pursuant to Chapter 5 (§ 32.1-123 et seq.) of Title
6008 32.1 or Article 2 (§ 37.2-403 et seq.) of Chapter 4 of Title 37.2.

6009 "Judge" means any justice or judge of a court of record of the Commonwealth including a judge
6010 designated under § 17.1-105, a judge under temporary recall under § 17.1-106, or a judge pro tempore under
6011 § 17.1-109, any member of the State Corporation Commission, or of the Virginia Workers' Compensation
6012 Commission, and any judge of a district court of the Commonwealth or any substitute judge of such district
6013 court.

6014 "Law-enforcement officer" means any full-time or part-time employee of a police department or sheriff's
6015 office that is part of or administered by the Commonwealth or any political subdivision thereof who is
6016 responsible for the prevention or detection of crime and the enforcement of the penal, traffic or highway laws
6017 of the Commonwealth, any conservation officer of the Department of Conservation and Recreation
6018 commissioned pursuant to § 10.1-115, any special agent of the Virginia Alcoholic Beverage *and Cannabis*
6019 Control Authority, conservation police officers appointed pursuant to § 29.1-200, full-time sworn members of
6020 the enforcement division of the Department of Motor Vehicles appointed pursuant to § 46.2-217, and any
6021 employee with internal investigations authority designated by the Department of Corrections pursuant to
6022 subdivision 11 of § 53.1-10, and such officer also includes jail officers in local and regional correctional
6023 facilities, all deputy sheriffs, whether assigned to law-enforcement duties, court services or local jail
6024 responsibilities, auxiliary police officers appointed or provided for pursuant to §§ 15.2-1731 and 15.2-1733,
6025 auxiliary deputy sheriffs appointed pursuant to § 15.2-1603, police officers of the Metropolitan Washington
6026 Airports Authority pursuant to § 5.1-158, and fire marshals appointed pursuant to § 27-30 when such fire
6027 marshals have police powers as set out in §§ 27-34.2 and 27-34.2:1.

6028 "School security officer" means the same as that term is defined in § 9.1-101.

6029 "Sports official" includes an umpire, referee, judge, scorekeeper, timekeeper, or other person who is a
6030 neutral participant in a sports event.

6031 I. "Simple assault" or "assault and battery" shall not be construed to include the use of, by any school
6032 security officer or full-time or part-time employee of any public or private elementary or secondary school
6033 while acting in the course and scope of his official capacity, any of the following: (i) incidental, minor or
6034 reasonable physical contact or other actions designed to maintain order and control; (ii) reasonable and
6035 necessary force to quell a disturbance or remove a student from the scene of a disturbance that threatens
6036 physical injury to persons or damage to property; (iii) reasonable and necessary force to prevent a student
6037 from inflicting physical harm on himself; (iv) reasonable and necessary force for self-defense or the defense
6038 of others; or (v) reasonable and necessary force to obtain possession of weapons or other dangerous objects or
6039 controlled substances or associated paraphernalia that are upon the person of the student or within his control.

6040 In determining whether a person was acting within the exceptions provided in this subsection, due
6041 deference shall be given to reasonable judgments that were made by a school security officer or full-time or
6042 part-time employee of any public or private elementary or secondary school at the time of the event.

6043 **§ 18.2-246.6. Definitions.**

6044 For purposes of this article:

6045 "Adult" means a person who is at least the legal minimum purchasing age.

6046 "Board" means the Board of Directors of the Virginia Alcoholic Beverage *and Cannabis* Control
6047 Authority.

6048 "Consumer" means an individual who is not permitted as a wholesaler pursuant to § 58.1-1011 or who is
6049 not a retailer.

6050 "Cigarette" means the same as that term is defined in § 3.2-4200.

6051 "Delivery sale" means any sale of cigarettes to a consumer in the Commonwealth regardless of whether
6052 the seller is located in the Commonwealth where either (i) the purchaser submits the order for such sale by
6053 means of a telephonic or other method of voice transmission, the mails or any other delivery service, or the
6054 Internet or other online service or (ii) the cigarettes are delivered by use of the mails or a delivery service. A
6055 sale of cigarettes not for personal consumption to a person who is a wholesale dealer or retail dealer, as such
6056 terms are defined in § 58.1-1000, shall not be a delivery sale.

6057 "Delivery service" means any person who is engaged in the commercial delivery of letters, packages, or
6058 other containers.

6059 "Legal minimum purchasing age" is the minimum age at which an individual may legally purchase
6060 cigarettes in the Commonwealth.

6061 "Mails" or "mailing" means the shipment of cigarettes through the United States Postal Service.

6062 "Shipping container" means a container in which cigarettes are shipped in connection with a delivery sale.

6063 "Shipping documents" means bills of lading, airbills, or any other documents used to evidence the
6064 undertaking by a delivery service to deliver letters, packages, or other containers.

6065 **§ 18.2-247. Use of terms "controlled substances," "Schedules I, II, III, IV, V, and VI," "imitation
6066 controlled substance," and "counterfeit controlled substance" in Title 18.2.**

6067 A. Wherever the terms "controlled substances" and "Schedules I, II, III, IV, V, and VI" are used in Title

6068 18.2, such terms refer to those terms as they are used or defined in the Drug Control Act (§ 54.1-3400 et
6069 seq.).

6070 B. The term "imitation controlled substance" when used in this article means (i) a counterfeit controlled
6071 substance or (ii) a pill, capsule, tablet, or substance in any form whatsoever ~~which~~ *that* is not a controlled
6072 substance subject to abuse, and:

6073 1. Which by overall dosage unit appearance, including color, shape, size, marking, and packaging or by
6074 representations made, would cause the likelihood that such a pill, capsule, tablet, or substance in any other
6075 form whatsoever will be mistaken for a controlled substance unless such substance was introduced into
6076 commerce prior to the initial introduction into commerce of the controlled substance which it is alleged to
6077 imitate; or

6078 2. Which by express or implied representations purports to act like a controlled substance as a stimulant or
6079 depressant of the central nervous system and which is not commonly used or recognized for use in that
6080 particular formulation for any purpose other than for such stimulant or depressant effect, unless marketed,
6081 promoted, or sold as permitted by the U.S. Food and Drug Administration.

6082 C. In determining whether a pill, capsule, tablet, or substance in any other form whatsoever, is an
6083 "imitation controlled substance," there shall be considered, in addition to all other relevant factors,
6084 comparisons with accepted methods of marketing for legitimate nonprescription drugs for medicinal purposes
6085 rather than for drug abuse or any similar nonmedicinal use, including consideration of the packaging of the
6086 drug and its appearance in overall finished dosage form, promotional materials or representations, oral or
6087 written, concerning the drug, and the methods of distribution of the drug and where and how it is sold to the
6088 public.

6089 D. The term "marijuana" when used in this article means any part of a plant of the genus *Cannabis*,
6090 whether growing or not, its seeds or resin; and every compound, manufacture, salt, derivative, mixture, or
6091 preparation of such plant, its seeds, its resin, or any extract containing one or more cannabinoids. "Marijuana"
6092 does not include (i) the mature stalks of such plant, fiber produced from such stalk, oil or cake made from the
6093 seed of such plant, unless such stalks, fiber, oil or cake is combined with other parts of plants of the genus
6094 *Cannabis*; (ii) industrial hemp, as defined in § 3.2-4112, that is possessed by a person registered pursuant to
6095 subsection A of § 3.2-4115 or his agent; (iii) industrial hemp, as defined in § 3.2-4112, that is possessed by a
6096 person who holds a hemp producer license issued by the U.S. Department of Agriculture pursuant to 7 C.F.R.
6097 Part 990; (iv) a hemp product, as defined in § 3.2-4112; (v) an industrial hemp extract, as defined in
6098 § 3.2-5145.1; or (vi) any substance containing a tetrahydrocannabinol isomer, ester, ether, salt or salts of such
6099 isomer, ester, or ether that has been placed by the Board of Pharmacy into one of the schedules set forth in the
6100 Drug Control Act (§ 54.1-3400 et seq.) pursuant to § 54.1-3443.

6101 E. The term "counterfeit controlled substance" means a controlled substance that, without authorization,
6102 bears, is packaged in a container or wrapper that bears, or is otherwise labeled to bear, the trademark, trade
6103 name, or other identifying mark, imprint or device or any likeness thereof, of a drug manufacturer, processor,
6104 packer, or distributor other than the manufacturer, processor, packer, or distributor who did in fact so
6105 manufacture, process, pack or distribute such drug.

6106 F. E. The term "tetrahydrocannabinol" means any naturally occurring or synthetic tetrahydrocannabinol,
6107 including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of
6108 isomers is possible within the specific chemical designation and any preparation, mixture, or substance
6109 containing, or mixed or infused with, any detectable amount of tetrahydrocannabinol. For the purposes of this
6110 definition, "isomer" means the optical, position, and geometric isomers.

6111 G. F. The term "total tetrahydrocannabinol" means the sum, after the application of any necessary
6112 conversion factor, of the percentage by weight of tetrahydrocannabinol and the percentage by weight of
6113 tetrahydrocannabinolic acid.

6114 H. G. The Department of Forensic Science shall determine the proper methods for detecting the
6115 concentration of tetrahydrocannabinol in substances for the purposes of this title, Chapter 11 (§ 4.1-1100 et
6116 seq.) of Title 4.1, and § 54.1-3401. The testing methodology shall use post-decarboxylation testing or other
6117 equivalent method and shall consider the potential conversion of tetrahydrocannabinolic acid into
6118 tetrahydrocannabinol.

6119 **§ 18.2-248. Manufacturing, selling, giving, distributing, or possessing with intent to manufacture,
6120 sell, give, or distribute a controlled substance or an imitation controlled substance prohibited;
6121 penalties.**

6122 A. Except as authorized in the Drug Control Act (§ 54.1-3400 et seq.), it ~~shall be~~ *is* unlawful for any
6123 person to manufacture, sell, give, distribute, or possess with intent to manufacture, sell, give or distribute a
6124 controlled substance or an imitation controlled substance.

6125 B. In determining whether any person intends to manufacture, sell, give or distribute an imitation
6126 controlled substance, the court may consider, in addition to all other relevant evidence, whether any
6127 distribution or attempted distribution of such pill, capsule, tablet or substance in any other form whatsoever
6128 included an exchange of or a demand for money or other property as consideration, and, if so, whether the
6129 amount of such consideration was substantially greater than the reasonable value of such pill, capsule, tablet

6130 or substance in any other form whatsoever, considering the actual chemical composition of such pill, capsule,
 6131 tablet or substance in any other form whatsoever and, where applicable, the price at which over-the-counter
 6132 substances of like chemical composition sell.

6133 C. Except as provided in subsection C1, any person who violates this section with respect to a controlled
 6134 substance classified in Schedule I or II shall upon conviction be imprisoned for not less than five nor more
 6135 than 40 years and fined not more than \$500,000. Upon a second conviction of such a violation, and it is
 6136 alleged in the warrant, indictment, or information that the person has been before convicted of such an
 6137 offense or of a substantially similar offense in any other jurisdiction, which offense would be a felony if
 6138 committed in the Commonwealth, and such prior conviction occurred before the date of the offense alleged in
 6139 the warrant, indictment, or information, any such person may, in the discretion of the court or jury imposing
 6140 the sentence, be sentenced to imprisonment for life or for any period not less than five years, three years of
 6141 which shall be a mandatory minimum term of imprisonment to be served consecutively with any other
 6142 sentence, and he shall be fined not more than \$500,000.

6143 When a person is convicted of a third or subsequent offense under this subsection and it is alleged in the
 6144 warrant, indictment or information that he has been before convicted of two or more such offenses or of
 6145 substantially similar offenses in any other jurisdiction which offenses would be felonies if committed in the
 6146 Commonwealth and such prior convictions occurred before the date of the offense alleged in the warrant,
 6147 indictment, or information, he shall be sentenced to imprisonment for life or for a period of not less than 10
 6148 years, 10 years of which shall be a mandatory minimum term of imprisonment to be served consecutively
 6149 with any other sentence, and he shall be fined not more than \$500,000.

6150 Any person who manufactures, sells, gives, distributes or possesses with the intent to manufacture, sell,
 6151 give, or distribute the following is guilty of a felony punishable by a fine of not more than \$1 million and
 6152 imprisonment for five years to life, five years of which shall be a mandatory minimum term of imprisonment
 6153 to be served consecutively with any other sentence:

- 6154 1. 100 grams or more of a mixture or substance containing a detectable amount of heroin;
- 6155 2. 500 grams or more of a mixture or substance containing a detectable amount of:
 - 6156 a. Coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and
 6157 derivatives of ecgonine or their salts have been removed;
 - 6158 b. Cocaine, its salts, optical and geometric isomers, and salts of isomers;
 - 6159 c. Cocaine base;
 - 6160 d. Ecgonine, its derivatives, their salts, isomers, and salts of isomers; or
 - 6161 e. Any compound, mixture, or preparation that contains any quantity of any of the substances referred to
 6162 in subdivisions 2a through 2d; or
- 6163 3. 10 grams or more of methamphetamine, its salts, isomers, or salts of its isomers or 20 grams or more of
 6164 a mixture or substance containing a detectable amount of methamphetamine, its salts, isomers, or salts of its
 6165 isomers.

6166 The mandatory minimum term of imprisonment to be imposed for a violation of this subsection shall not
 6167 be applicable if the court finds that:

- 6168 a. The person does not have a prior conviction for an offense listed in subsection C of § 17.1-805;
- 6169 b. The person did not use violence or credible threats of violence or possess a firearm or other dangerous
 6170 weapon in connection with the offense or induce another participant in the offense to do so;
- 6171 c. The offense did not result in death or serious bodily injury to any person;
- 6172 d. The person was not an organizer, leader, manager, or supervisor of others in the offense, and was not
 6173 engaged in a continuing criminal enterprise as defined in subsection I; and
- 6174 e. Not later than the time of the sentencing hearing, the person has truthfully provided to the
 6175 Commonwealth all information and evidence the person has concerning the offense or offenses that were part
 6176 of the same course of conduct or of a common scheme or plan, but the fact that the person has no relevant or
 6177 useful other information to provide or that the Commonwealth already is aware of the information shall not
 6178 preclude a determination by the court that the defendant has complied with this requirement.

6179 C1. Any person who violates this section with respect to the manufacturing of methamphetamine, its salts,
 6180 isomers, or salts of its isomers or less than 200 grams of a mixture or substance containing a detectable
 6181 amount of methamphetamine, its salts, isomers, or salts of its isomers shall, upon conviction, be imprisoned
 6182 for not less than 10 nor more than 40 years and fined not more than \$500,000. Upon a second conviction of
 6183 such a violation, any such person may, in the discretion of the court or jury imposing the sentence, be
 6184 sentenced to imprisonment for life or for any period not less than 10 years, and be fined not more than
 6185 \$500,000. When a person is convicted of a third or subsequent offense under this subsection and it is alleged
 6186 in the warrant, indictment, or information that he has been previously convicted of two or more such offenses
 6187 or of substantially similar offenses in any other jurisdiction, which offenses would be felonies if committed in
 6188 the Commonwealth and such prior convictions occurred before the date of the offense alleged in the warrant,
 6189 indictment, or information, he shall be sentenced to imprisonment for life or for a period not less than 10
 6190 years, three years of which shall be a mandatory minimum term of imprisonment to be served consecutively

6191 with any other sentence and he shall be fined not more than \$500,000.

6192 Upon conviction, in addition to any other punishment, a person found guilty of this offense shall be
 6193 ordered by the court to make restitution, as the court deems appropriate, to any innocent property owner
 6194 whose property is damaged, destroyed, or otherwise rendered unusable as a result of such methamphetamine
 6195 production. This restitution shall include the person's or his estate's estimated or actual expenses associated
 6196 with cleanup, removal, or repair of the affected property. If the property that is damaged, destroyed, or
 6197 otherwise rendered unusable as a result of such methamphetamine production is property owned in whole or
 6198 in part by the person convicted, the court shall order the person to pay to the Methamphetamine Cleanup
 6199 Fund authorized in § 18.2-248.04 the reasonable estimated or actual expenses associated with cleanup,
 6200 removal, or repair of the affected property or, if actual or estimated expenses cannot be determined, the sum
 6201 of \$10,000. The convicted person shall also pay the cost of certifying that any building that is cleaned up or
 6202 repaired pursuant to this section is safe for human occupancy according to the guidelines established pursuant
 6203 to § 32.1-11.7.

6204 D. If such person proves that he gave, distributed or possessed with intent to give or distribute a controlled
 6205 substance classified in Schedule I or II only as an accommodation to another individual who is not an inmate
 6206 in a community correctional facility, local correctional facility or state correctional facility as defined in
 6207 § 53.1-1 or in the custody of an employee thereof, and not with intent to profit thereby from any
 6208 consideration received or expected nor to induce the recipient or intended recipient of the controlled
 6209 substance to use or become addicted to or dependent upon such controlled substance, he ~~shall be~~ *is* guilty of a
 6210 Class 5 felony.

6211 E. If the violation of the provisions of this article consists of the filling by a pharmacist of the prescription
 6212 of a person authorized under this article to issue the same, which prescription has not been received in writing
 6213 by the pharmacist prior to the filling thereof, and such written prescription is in fact received by the
 6214 pharmacist within one week of the time of filling the same, or if such violation consists of a request by such
 6215 authorized person for the filling by a pharmacist of a prescription which has not been received in writing by
 6216 the pharmacist and such prescription is, in fact, written at the time of such request and delivered to the
 6217 pharmacist within one week thereof, either such offense shall constitute a Class 4 misdemeanor.

6218 E1. Any person who violates this section with respect to a controlled substance classified in Schedule III
 6219 except for an anabolic steroid classified in Schedule III, constituting a violation of § 18.2-248.5, ~~shall be~~ *is*
 6220 guilty of a Class 5 felony.

6221 E2. Any person who violates this section with respect to a controlled substance classified in Schedule IV
 6222 ~~shall be~~ *is* guilty of a Class 6 felony.

6223 E3. Any person who proves that he gave, distributed or possessed with the intent to give or distribute a
 6224 controlled substance classified in Schedule III or IV, except for an anabolic steroid classified in Schedule III,
 6225 constituting a violation of § 18.2-248.5, only as an accommodation to another individual who is not an inmate
 6226 in a community correctional facility, local correctional facility or state correctional facility as defined in
 6227 § 53.1-1 or in the custody of an employee thereof, and not with the intent to profit thereby from any
 6228 consideration received or expected nor to induce the recipient or intended recipient of the controlled
 6229 substance to use or become addicted to or dependent upon such controlled substance, is guilty of a Class 1
 6230 misdemeanor.

6231 F. Any person who violates this section with respect to a controlled substance classified in Schedule V or
 6232 Schedule VI or an imitation controlled substance ~~which that~~ imitates a controlled substance classified in
 6233 Schedule V or Schedule VI, ~~shall be~~ *is* guilty of a Class 1 misdemeanor.

6234 G. Any person who violates this section with respect to an imitation controlled substance ~~which that~~
 6235 imitates a controlled substance classified in Schedule I, II, III, or IV ~~shall be~~ *is* guilty of a Class 6 felony. In
 6236 any prosecution brought under this subsection, it is not a defense to a violation of this subsection that the
 6237 defendant believed the imitation controlled substance to actually be a controlled substance.

6238 H. Any person who manufactures, sells, gives, distributes or possesses with the intent to manufacture, sell,
 6239 give or distribute the following:

- 6240 1. 1.0 kilograms or more of a mixture or substance containing a detectable amount of heroin;
- 6241 2. 5.0 kilograms or more of a mixture or substance containing a detectable amount of:
 - 6242 a. Coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and
 6243 derivatives of ecgonine or their salts have been removed;
 - 6244 b. Cocaine, its salts, optical and geometric isomers, and salts of isomers;
 - 6245 c. Cocaine base;
 - 6246 d. Ecgonine, its derivatives, their salts, isomers, and salts of isomers; or
 - 6247 e. Any compound, mixture, or preparation ~~which that~~ contains any quantity of any of the substances
 6248 referred to in subdivisions a through d; *or*
- 6249 3. ~~100 kilograms or more of a mixture or substance containing a detectable amount of marijuana; or~~
- 6250 4. 100 grams or more of methamphetamine, its salts, isomers, or salts of its isomers or 200 grams or more
 6251 of a mixture or substance containing a detectable amount of methamphetamine, its salts, isomers, or salts of
 6252 its isomers ~~shall be~~ *is* guilty of a felony punishable by a fine of not more than \$1 million and imprisonment

6253 for 20 years to life, 20 years of which shall be a mandatory minimum sentence. Such mandatory minimum
 6254 sentence shall not be applicable if the court finds that (i) the person does not have a prior conviction for an
 6255 offense listed in subsection C of § 17.1-805; (ii) the person did not use violence or credible threats of
 6256 violence or possess a firearm or other dangerous weapon in connection with the offense or induce another
 6257 participant in the offense to do so; (iii) the offense did not result in death or serious bodily injury to any
 6258 person; (iv) the person was not an organizer, leader, manager, or supervisor of others in the offense, and was
 6259 not engaged in a continuing criminal enterprise as defined in subsection I of this section; and (v) not later
 6260 than the time of the sentencing hearing, the person has truthfully provided to the Commonwealth all
 6261 information and evidence the person has concerning the offense or offenses that were part of the same course
 6262 of conduct or of a common scheme or plan, but the fact that the person has no relevant or useful other
 6263 information to provide or that the Commonwealth already is aware of the information shall not preclude a
 6264 determination by the court that the defendant has complied with this requirement.

6265 H1. Any person who was the principal or one of several principal administrators, organizers or leaders of
 6266 a continuing criminal enterprise ~~shall be~~ *is* guilty of a felony if (i) the enterprise received at least \$100,000
 6267 but less than \$250,000 in gross receipts during any 12-month period of its existence from the manufacture,
 6268 importation, or distribution of heroin or cocaine or ecgonine or methamphetamine or the derivatives, salts,
 6269 isomers, or salts of isomers thereof ~~or marijuana~~ or (ii) the person engaged in the enterprise to manufacture,
 6270 sell, give, distribute or possess with the intent to manufacture, sell, give or distribute the following during any
 6271 12-month period of its existence:

6272 1. At least 1.0 kilograms but less than 5.0 kilograms of a mixture or substance containing a detectable
 6273 amount of heroin;

6274 2. At least 5.0 kilograms but less than 10 kilograms of a mixture or substance containing a detectable
 6275 amount of:

6276 a. Coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and
 6277 derivatives of ecgonine or their salts have been removed;

6278 b. Cocaine, its salts, optical and geometric isomers, and salts of isomers;

6279 c. Cocaine base;

6280 d. Ecgonine, its derivatives, their salts, isomers, and salts of isomers; or

6281 e. Any compound, mixture, or preparation ~~which~~ *that* contains any quantity of any of the substances
 6282 referred to in subdivisions a through d; *or*

6283 3. ~~At least 100 kilograms but less than 250 kilograms of a mixture or substance containing a detectable~~
 6284 ~~amount of marijuana; or~~

6285 4. At least 100 grams but less than 250 grams of methamphetamine, its salts, isomers, or salts of its
 6286 isomers or at least 200 grams but less than 1.0 kilograms of a mixture or substance containing a detectable
 6287 amount of methamphetamine, its salts, isomers, or salts of its isomers.

6288 A conviction under this section shall be punishable by a fine of not more than \$1 million and
 6289 imprisonment for 20 years to life, 20 years of which shall be a mandatory minimum sentence.

6290 H2. Any person who was the principal or one of several principal administrators, organizers or leaders of
 6291 a continuing criminal enterprise if (i) the enterprise received \$250,000 or more in gross receipts during any
 6292 12-month period of its existence from the manufacture, importation, or distribution of heroin or cocaine or
 6293 ecgonine or methamphetamine or the derivatives, salts, isomers, or salts of isomers thereof ~~or marijuana~~ or
 6294 (ii) the person engaged in the enterprise to manufacture, sell, give, distribute or possess with the intent to
 6295 manufacture, sell, give or distribute the following during any 12-month period of its existence:

6296 1. At least 5.0 kilograms of a mixture or substance containing a detectable amount of heroin;

6297 2. At least 10 kilograms of a mixture or substance containing a detectable amount of:

6298 a. Coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and
 6299 derivatives of ecgonine or their salts have been removed;

6300 b. Cocaine, its salts, optical and geometric isomers, and salts of isomers;

6301 c. Cocaine base;

6302 d. Ecgonine, its derivatives, their salts, isomers, and salts of isomers; or

6303 e. Any compound, mixture, or preparation ~~which~~ *that* contains any quantity of any of the substances
 6304 referred to in subdivisions a through d; *or*

6305 3. ~~At least 250 kilograms of a mixture or substance containing a detectable amount of marijuana; or~~

6306 4. At least 250 grams of methamphetamine, its salts, isomers, or salts of its isomers or at least 1.0
 6307 kilograms of a mixture or substance containing a detectable amount of methamphetamine, its salts, isomers,
 6308 or salts of its isomers ~~shall be~~ *is* guilty of a felony punishable by a fine of not more than \$1 million and
 6309 imprisonment for life, which shall be served with no suspension in whole or in part. Such punishment shall be
 6310 made to run consecutively with any other sentence. However, the court may impose a mandatory minimum
 6311 sentence of 40 years if the court finds that the defendant substantially cooperated with law-enforcement
 6312 authorities.

6313 I. For purposes of this section, a person is engaged in a continuing criminal enterprise if (i) he violates any
 6314 provision of this section, the punishment for which is a felony and either (ii) such violation is a part of a

6315 continuing series of violations of this section which are undertaken by such person in concert with five or
 6316 more other persons with respect to whom such person occupies a position of organizer, a supervisory
 6317 position, or any other position of management, and from which such person obtains substantial income or
 6318 resources or (iii) such violation is committed, with respect to methamphetamine or other controlled substance
 6319 classified in Schedule I or II, for the benefit of, at the direction of, or in association with any criminal street
 6320 gang as defined in § 18.2-46.1.

6321 J. Except as authorized in the Drug Control Act (§ 54.1-3400 et seq.), any person who possesses any two
 6322 or more different substances listed below with the intent to manufacture methamphetamine, methcathinone,
 6323 or amphetamine is guilty of a Class 6 felony: liquefied ammonia gas, ammonium nitrate, ether,
 6324 hypophosphorus acid solutions, hypophosphite salts, hydrochloric acid, iodine crystals or tincture of iodine,
 6325 phenylacetone, phenylacetic acid, red phosphorus, methylamine, methyl formamide, lithium, sodium metal,
 6326 sulfuric acid, sodium hydroxide, potassium dichromate, sodium dichromate, potassium permanganate,
 6327 chromium trioxide, methylbenzene, methamphetamine precursor drugs, trichloroethane, or 2-propanone.

6328 K. The term "methamphetamine precursor drug," when used in this article, means a drug or product
 6329 containing ephedrine, pseudoephedrine, or phenylpropanolamine or any of their salts, optical isomers, or salts
 6330 of optical isomers.

6331 **§ 18.2-248.01. Transporting controlled substances into the Commonwealth; penalty.**

6332 Except as authorized in the Drug Control Act (§ 54.1-3400 et seq.) it is unlawful for any person to
 6333 transport into the Commonwealth by any means with intent to sell or distribute one ounce or more of cocaine,
 6334 coca leaves or any salt, compound, derivative or preparation thereof as described in Schedule II of the Drug
 6335 Control Act or one ounce or more of any other Schedule I or II controlled substance ~~or five or more pounds~~
 6336 ~~of marijuana~~. A violation of this section shall constitute a separate and distinct felony. Upon conviction, the
 6337 person shall be sentenced to not less than five years nor more than 40 years imprisonment, three years of
 6338 which shall be a mandatory minimum term of imprisonment, and a fine not to exceed ~~\$1,000,000~~ *\$1 million*.
 6339 A second or subsequent conviction hereunder shall be punishable by a mandatory minimum term of
 6340 imprisonment of 10 years, which shall be served consecutively with any other sentence.

6341 **§ 18.2-251. Persons charged with first offense may be placed on probation; conditions; substance**
 6342 **abuse screening, assessment treatment and education programs or services; drug tests; costs and fees;**
 6343 **violations; discharge.**

6344 Whenever any person who has not previously been convicted of any criminal offense under this article or
 6345 under any statute of the United States or of any state relating to narcotic drugs, ~~marijuana~~, or stimulant,
 6346 depressant, or hallucinogenic drugs, ~~with the exception of any misdemeanor conviction for possession of~~
 6347 ~~marijuana~~, or has not previously had a proceeding against him for violation of such an offense dismissed as
 6348 provided in this section, ~~except a dismissal of a misdemeanor offense for possession of marijuana~~, pleads
 6349 guilty to or enters a plea of not guilty to possession of a controlled substance under § 18.2-250, the court,
 6350 upon such plea if the facts found by the court would justify a finding of guilt, without entering a judgment of
 6351 guilt and with the consent of the accused, may defer further proceedings and place him on probation upon
 6352 terms and conditions. If the court defers further proceedings, at that time the court shall determine whether
 6353 the clerk of court has been provided with the fingerprint identification information or fingerprints of the
 6354 person, taken by a law-enforcement officer pursuant to § 19.2-390, and, if not, shall order that the fingerprints
 6355 and photograph of the person be taken by a law-enforcement officer.

6356 As a term or condition, the court shall require the accused to undergo a substance abuse assessment
 6357 pursuant to § 18.2-251.01 or 19.2-299.2, as appropriate, and enter treatment and/or education program or
 6358 services, if available, such as, in the opinion of the court, may be best suited to the needs of the accused based
 6359 upon consideration of the substance abuse assessment. The program or services may be located in the judicial
 6360 district in which the charge is brought or in any other judicial district as the court may provide. The services
 6361 shall be provided by (i) a program licensed by the Department of Behavioral Health and Developmental
 6362 Services, by a similar program which is made available through the Department of Corrections, (ii) a local
 6363 community-based probation services agency established pursuant to § 9.1-174, or (iii) an ASAP program
 6364 certified by the Commission on VASAP.

6365 The court shall require the person entering such program under the provisions of this section to pay all or
 6366 part of the costs of the program, including the costs of the screening, assessment, testing, and treatment,
 6367 based upon the accused's ability to pay unless the person is determined by the court to be indigent.

6368 As a condition of probation, the court shall require the accused (a) to successfully complete treatment or
 6369 education program or services, (b) to remain drug and alcohol free during the period of probation and submit
 6370 to such tests during that period as may be necessary and appropriate to determine if the accused is drug and
 6371 alcohol free, (c) to make reasonable efforts to secure and maintain employment, and (d) to comply with a
 6372 plan of at least 100 hours of community service for a felony and up to 24 hours of community service for a
 6373 misdemeanor. Such testing shall be conducted by personnel of the supervising probation agency or personnel
 6374 of any program or agency approved by the supervising probation agency.

6375 Upon violation of a term or condition, the court may enter an adjudication of guilt and proceed as
 6376 otherwise provided. Upon fulfillment of the terms and conditions, and upon determining that the clerk of

6377 court has been provided with the fingerprint identification information or fingerprints of such person, the
 6378 court shall discharge the person and dismiss the proceedings against him. Discharge and dismissal under this
 6379 section shall be without adjudication of guilt and is a conviction only for the purposes of applying this section
 6380 in subsequent proceedings.

6381 Notwithstanding any other provision of this section, whenever a court places an individual on probation
 6382 upon terms and conditions pursuant to this section, such action shall be treated as a conviction for purposes of
 6383 § 22.1-315. The provisions of this paragraph shall not be applicable to any offense for which a juvenile has
 6384 had his license suspended or denied pursuant to § 16.1-278.9 for the same offense.

6385 **§ 18.2-251.03. Arrest and prosecution when experiencing or reporting an overdose or act of sexual**
 6386 **violence.**

6387 A. For purposes of this section:

6388 "Act of sexual violence" means an alleged violation of § 18.2-361, 18.2-370, or 18.2-370.1 or the laws
 6389 pertaining to criminal sexual assault pursuant to Article 7 (§ 18.2-61 et seq.) of Chapter 4.

6390 "Overdose" means a life-threatening condition resulting from the consumption or use of a controlled
 6391 substance, alcohol, or any combination of such substances.

6392 B. No individual shall be subject to arrest or prosecution for the unlawful purchase, possession, or
 6393 consumption of alcohol pursuant to § 4.1-305, unlawful purchase, possession, or consumption of marijuana
 6394 pursuant to § ~~4.1-1105.1~~ 4.1-1105, involuntary manslaughter pursuant to § 18.2-36.3, possession of a
 6395 controlled substance pursuant to § 18.2-250, intoxication in public pursuant to § 18.2-388, or possession of
 6396 controlled paraphernalia pursuant to § 54.1-3466 if:

6397 1. Such individual (i) in good faith, seeks or obtains emergency medical attention (a) for himself, if he is
 6398 experiencing an overdose, or (b) for another individual, if such other individual is experiencing an overdose;
 6399 (ii) is experiencing an overdose and another individual, in good faith, seeks or obtains emergency medical
 6400 attention for such individual, by contemporaneously reporting such overdose to a firefighter, as defined in
 6401 § 65.2-102, emergency medical services personnel, as defined in § 32.1-111.1, a law-enforcement officer, as
 6402 defined in § 9.1-101, or an emergency 911 system; or (iii) in good faith, renders emergency care or
 6403 assistance, including cardiopulmonary resuscitation (CPR) or the administration of naloxone or other opioid
 6404 antagonist for overdose reversal, to an individual experiencing an overdose while another individual seeks or
 6405 obtains emergency medical attention in accordance with this subdivision;

6406 2. Such individual remains at the scene of the overdose or at any alternative location to which he or the
 6407 person requiring emergency medical attention has been transported until a law-enforcement officer responds
 6408 to the report of an overdose. If no law-enforcement officer is present at the scene of the overdose or at the
 6409 alternative location, then such individual shall cooperate with law enforcement as otherwise set forth herein;

6410 3. Such individual identifies himself to the law-enforcement officer who responds to the report of the
 6411 overdose; and

6412 4. The evidence for the prosecution of an offense enumerated in this subsection was obtained as a result of
 6413 the individual seeking or obtaining emergency medical attention or rendering emergency care or assistance.

6414 C. No individual shall be subject to arrest or prosecution for the unlawful purchase, possession, or
 6415 consumption of alcohol pursuant to § 4.1-305, unlawful purchase, possession, or consumption of marijuana
 6416 pursuant to § ~~4.1-1105.1~~ 4.1-1105, possession of a controlled substance pursuant to § 18.2-250, intoxication
 6417 in public pursuant to § 18.2-388, or possession of controlled paraphernalia pursuant to § 54.1-3466 if:

6418 1. Such individual, in good faith, seeks or obtains assistance for himself or another individual from
 6419 emergency medical services personnel, as defined in § 32.1-111.1, a health care provider, as defined in
 6420 § 8.01-581.1, or a law-enforcement officer, as defined in § 9.1-101, and seeks to report an act of sexual
 6421 violence committed against himself or another individual;

6422 2. Such individual identifies himself to the law-enforcement officer who responds to the report of the act
 6423 of sexual violence; and

6424 3. The evidence for the prosecution of an offense enumerated in this subsection was obtained as a result of
 6425 the individual seeking or obtaining medical attention, rendering care or assistance, or reporting to law
 6426 enforcement.

6427 This subsection shall not apply to an individual who is alleged to have committed the act of sexual
 6428 violence.

6429 D. The provisions of this section shall not apply to any person who seeks or obtains emergency medical
 6430 attention for himself or another individual, to a person experiencing an overdose or who has experienced an
 6431 act of sexual violence when another individual seeks or obtains emergency medical attention for him, or to a
 6432 person who renders emergency care or assistance to an individual experiencing an overdose or who has
 6433 experienced an act of sexual violence while another person seeks or obtains emergency medical attention
 6434 during the execution of a search warrant or during the conduct of a lawful search or a lawful arrest.

6435 E. This section does not establish protection from arrest or prosecution for any individual or offense other
 6436 than those listed in subsection B or C. However, any individual immune to arrest or prosecution under this
 6437 section shall not have his bail, probation, furlough, supervised release, suspended sentence, or parole revoked
 6438 for the behavior immune from arrest or prosecution under the provisions of this section.

6439 F. No law-enforcement officer acting in good faith shall be found liable for false arrest if it is later
6440 determined that the person arrested was immune from prosecution under this section.

6441 **§ 18.2-251.1:1. Possession or distribution of cannabis oil; public schools.**

6442 No school nurse employed by a local school board, person employed by a local health department who is
6443 assigned to the public school pursuant to an agreement between the local health department and the school
6444 board, or other person employed by or contracted with a local school board to deliver health-related services
6445 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
6446 18.2-255 for the possession or distribution of cannabis oil for storing, dispensing, or administering cannabis
6447 oil, in accordance with a policy adopted by the local school board, to a student who has been issued a valid
6448 written certification for the use of cannabis oil in accordance with § 4.1-1601.

6449 **§ 18.2-251.1:2. Possession or distribution of cannabis oil; nursing homes and certified nursing
6450 facilities; hospice and hospice facilities; assisted living facilities.**

6451 No person employed by a nursing home, hospice, hospice facility, or assisted living facility and
6452 authorized to possess, distribute, or administer medications to patients or residents shall be prosecuted under
6453 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
6454 distribution of cannabis oil for the purposes of storing, dispensing, or administering cannabis oil to a patient
6455 or resident who has been issued a valid written certification for the use of cannabis oil in accordance with
6456 § 4.1-1601.

6457 **§ 18.2-251.1:3. Possession or distribution of cannabis oil, or industrial hemp; laboratories;
6458 Department of Agriculture and Consumer Services, Department of Law employees.**

6459 A. No person employed by an analytical laboratory to retrieve, deliver, or possess cannabis oil or
6460 industrial hemp samples from a permitted pharmaceutical processor, a registered industrial hemp grower, a
6461 federally licensed hemp producer, or a registered industrial hemp processor for the purpose of performing
6462 required testing shall be prosecuted under Chapter 11 (§ 4.1-1100 et seq.) of Title 4.1 or § 18.2-248,
6463 ~~18.2-248.1~~, 18.2-250, or 18.2-255 for the possession or distribution of cannabis oil or industrial hemp or for
6464 storing cannabis oil or industrial hemp for testing purposes in accordance with regulations promulgated by
6465 the Board of ~~Pharmacy~~ *of Directors of the Virginia Alcoholic Beverage and Cannabis Control Authority* and
6466 the Board of Agriculture and Consumer Services.

6467 B. No employee of the Department of Agriculture and Consumer Services or of the Department of Law
6468 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,
6469 ~~18.2-248.1~~, or 18.2-250 for the possession or distribution of industrial hemp or any substance containing
6470 tetrahydrocannabinol when possession of industrial hemp or any substance containing tetrahydrocannabinol
6471 is necessary in the performance of his duties.

6472 **§ 18.2-252. Suspended sentence conditioned upon substance abuse screening, assessment, testing,
6473 and treatment or education.**

6474 The trial judge or court trying the case of any person found guilty of a criminal violation of any law
6475 concerning the use, in any manner, of drugs, controlled substances, narcotics, ~~marijuana~~, noxious chemical
6476 substances and like substances shall condition any suspended sentence by first requiring such person to agree
6477 to undergo a substance abuse screening pursuant to § 18.2-251.01 and to submit to such periodic substance
6478 abuse testing, to include alcohol testing, as may be directed by the court. Such testing shall be conducted by
6479 the supervising probation agency or by personnel of any program or agency approved by the supervising
6480 probation agency. The cost of such testing ordered by the court shall be paid by the Commonwealth and taxed
6481 as a part of the costs of such proceedings. The judge or court shall order the person, as a condition of any
6482 suspended sentence, to undergo such treatment or education for substance abuse, if available, as the judge or
6483 court deems appropriate based upon consideration of the substance abuse assessment. The treatment or
6484 education shall be provided by a program or agency licensed by the Department of Behavioral Health and
6485 Developmental Services, by a similar program or services available through the Department of Corrections if
6486 the court imposes a sentence of one year or more or, if the court imposes a sentence of 12 months or less, by a
6487 similar program or services available through a local or regional jail, a local community-based probation
6488 services agency established pursuant to § 9.1-174, or an ASAP program certified by the Commission on
6489 VASAP.

6490 **§ 18.2-254. Commitment of convicted person for treatment for substance abuse.**

6491 A. Whenever any person who has not previously been convicted of any criminal offense under this article
6492 or under any statute of the United States or of any state relating to narcotic drugs, ~~marijuana~~, or stimulant,
6493 depressant, or hallucinogenic drugs or has not previously had a proceeding against him for violation of such
6494 an offense dismissed as provided in § 18.2-251 is found guilty of violating any law concerning the use, in any
6495 manner, of drugs, controlled substances, narcotics, ~~marijuana~~, noxious chemical substances, and like
6496 substances, the judge or court shall require such person to undergo a substance abuse screening pursuant to
6497 § 18.2-251.01 and to submit to such periodic substance abuse testing, to include alcohol testing, as may be
6498 directed by the court. The cost of such testing ordered by the court shall be paid by the Commonwealth and
6499 taxed as a part of the costs of the criminal proceedings. The judge or court shall also order the person to
6500 undergo such treatment or education for substance abuse, if available, as the judge or court deems appropriate

6501 based upon consideration of the substance abuse assessment. The treatment or education shall be provided by
 6502 a program or agency licensed by the Department of Behavioral Health and Developmental Services or by a
 6503 similar program or services available through the Department of Corrections if the court imposes a sentence
 6504 of one year or more or, if the court imposes a sentence of 12 months or less, by a similar program or services
 6505 available through a local or regional jail, a local community-based probation services agency established
 6506 pursuant to § 9.1-174, or an ASAP program certified by the Commission on VASAP.

6507 B. The court trying the case of any person alleged to have committed any criminal offense designated by
 6508 this article or by the Drug Control Act (§ 54.1-3400 et seq.) or in any other criminal case in which the
 6509 commission of the offense was motivated by or closely related to the use of drugs and determined by the
 6510 court, pursuant to a substance abuse screening and assessment, to be in need of treatment for the use of drugs
 6511 may commit, based upon a consideration of the substance abuse assessment, such person, upon his
 6512 conviction, to any facility for the treatment of persons with substance abuse, licensed by the Department of
 6513 Behavioral Health and Developmental Services, if space is available in such facility, for a period of time not
 6514 in excess of the maximum term of imprisonment specified as the penalty for conviction of such offense or, if
 6515 sentence was determined by a jury, not in excess of the term of imprisonment as set by such jury.
 6516 Confinement under such commitment shall be, in all regards, treated as confinement in a penal institution and
 6517 the person so committed may be convicted of escape if he leaves the place of commitment without authority.
 6518 A charge of escape may be prosecuted in either the jurisdiction where the treatment facility is located or the
 6519 jurisdiction where the person was sentenced to commitment. The court may revoke such commitment at any
 6520 time and transfer the person to an appropriate state or local correctional facility. Upon presentation of a
 6521 certified statement from the director of the treatment facility to the effect that the confined person has
 6522 successfully responded to treatment, the court may release such confined person prior to the termination of
 6523 the period of time for which such person was confined and may suspend the remainder of the term upon such
 6524 conditions as the court may prescribe.

6525 C. The court trying a case in which commission of the criminal offense was related to the defendant's
 6526 habitual abuse of alcohol and in which the court determines, pursuant to a substance abuse screening and
 6527 assessment, that such defendant is in need of treatment, may commit, based upon a consideration of the
 6528 substance abuse assessment, such person, upon his conviction, to any facility for the treatment of persons
 6529 with substance abuse licensed by the Department of Behavioral Health and Developmental Services, if space
 6530 is available in such facility, for a period of time not in excess of the maximum term of imprisonment
 6531 specified as the penalty for conviction. Confinement under such commitment shall be, in all regards, treated
 6532 as confinement in a penal institution and the person so committed may be convicted of escape if he leaves the
 6533 place of commitment without authority. The court may revoke such commitment at any time and transfer the
 6534 person to an appropriate state or local correctional facility. Upon presentation of a certified statement from
 6535 the director of the treatment facility to the effect that the confined person has successfully responded to
 6536 treatment, the court may release such confined person prior to the termination of the period of time for which
 6537 such person was confined and may suspend the remainder of the term upon such conditions as the court may
 6538 prescribe.

6539 **§ 18.2-255. Distribution of certain drugs to persons under 18 prohibited; penalty.**

6540 A. Except as authorized in the Drug Control Act, ~~Chapter 34~~ (§ 54.1-3400 et seq.) of ~~Title 54.1~~, it shall be
 6541 ~~is~~ unlawful for any person who is at least 18 years of age to knowingly or intentionally (i) distribute any drug
 6542 classified in Schedule I, II, III, or IV ~~or marijuana~~ to any person under 18 years of age who is at least three
 6543 years his junior or (ii) cause any person under 18 years of age to assist in such distribution of any drug
 6544 classified in Schedule I, II, III, or IV ~~or marijuana~~. Any person violating this provision shall upon conviction
 6545 be imprisoned in a state correctional facility for a period not less than 10 nor more than 50 years, and fined
 6546 not more than \$100,000. Five years of the sentence imposed for a conviction under this section involving a
 6547 Schedule I or II controlled substance ~~or one ounce or more of marijuana~~ shall be a mandatory minimum
 6548 sentence. ~~Two years of the sentence imposed for a conviction under this section involving less than one~~
 6549 ~~ounce of marijuana shall be a mandatory minimum sentence.~~

6550 B. It shall be ~~is~~ unlawful for any person who is at least 18 years of age to knowingly or intentionally (i)
 6551 distribute any imitation controlled substance to a person under 18 years of age who is at least three years his
 6552 junior or (ii) cause any person under 18 years of age to assist in such distribution of any imitation controlled
 6553 substance. Any person violating this provision shall be ~~is~~ guilty of a Class 6 felony.

6554 **§ 18.2-255.1. Distribution, sale or display of printed material advertising instruments for use in**
 6555 **administering controlled substances to minors; penalty.**

6556 It shall be ~~is~~ a Class 1 misdemeanor for any person knowingly to sell, distribute, or display for sale to a
 6557 minor any book, pamphlet, periodical, or other printed matter ~~which~~ *that* he knows advertises for sale any
 6558 instrument, device, article, or contrivance for advertised use in unlawfully ingesting, smoking, administering,
 6559 preparing, or growing ~~marijuana~~ or a controlled substance.

6560 **§ 18.2-255.2. Prohibiting the sale or manufacture of drugs on or near certain properties; penalty.**

6561 A. It shall be ~~is~~ unlawful for any person to manufacture, sell, or distribute or possess with intent to sell,
 6562 give, or distribute any controlled substance; ~~or~~ imitation controlled substance; ~~or~~ ~~marijuana~~ while:

6563 1. Upon the property, including buildings and grounds, of any public or private elementary or secondary
 6564 school, any institution of higher education, or any clearly marked licensed child day center as defined in
 6565 § 22.1-289.02;

6566 2. Upon public property or any property open to public use within 1,000 feet of the property described in
 6567 subdivision 1;

6568 3. On any school bus as defined in § 46.2-100;

6569 4. Upon a designated school bus stop, or upon either public property or any property open to public use
 6570 which is within 1,000 feet of such school bus stop, during the time when school children are waiting to be
 6571 picked up and transported to or are being dropped off from school or a school-sponsored activity;

6572 5. Upon the property, including buildings and grounds, of any publicly owned or publicly operated
 6573 recreation or community center facility or any public library; or

6574 6. Upon the property of any state facility as defined in § 37.2-100 or upon public property or property
 6575 open to public use within 1,000 feet of such ~~an institution facility~~. It is a violation of the provisions of this
 6576 section if the person possessed the controlled substance; *or* imitation controlled substance; ~~or marijuana~~ on
 6577 the property described in subdivisions 1 through 6, regardless of where the person intended to sell, give, or
 6578 distribute the controlled substance; *or* imitation controlled substance; ~~or marijuana~~. Nothing in this section
 6579 shall prohibit the authorized distribution of controlled substances.

6580 B. Violation of this section shall constitute a separate and distinct felony. Any person violating the
 6581 provisions of this section shall, upon conviction, be imprisoned for a term of not less than one year nor more
 6582 than five years and fined not more than \$100,000. A second or subsequent conviction hereunder for an
 6583 offense involving a controlled substance classified in Schedule I, II, or III of the Drug Control Act
 6584 (§ 54.1-3400 et seq.) ~~or more than one-half ounce of marijuana~~ shall be punished by a mandatory minimum
 6585 term of imprisonment of one year to be served consecutively with any other sentence. However, if such
 6586 person proves that he sold such controlled substance ~~or marijuana~~ only as an accommodation to another
 6587 individual and not with intent to profit thereby from any consideration received or expected nor to induce the
 6588 recipient or intended recipient of the controlled substance ~~or marijuana~~ to use or become addicted to or
 6589 dependent upon such controlled substance ~~or marijuana~~, he is guilty of a Class 1 misdemeanor.

6590 C. If a person commits an act violating the provisions of this section, and the same act also violates
 6591 another provision of law that provides for penalties greater than those provided for by this section, then
 6592 nothing in this section shall prohibit or bar any prosecution or proceeding under that other provision of law or
 6593 the imposition of any penalties provided for thereby.

6594 **§ 18.2-258. Certain premises deemed common nuisance; penalty.**

6595 Any office, store, shop, restaurant, dance hall, theater, poolroom, clubhouse, storehouse, warehouse,
 6596 dwelling house, apartment, building of any kind, vehicle, vessel, boat, or aircraft, which with the knowledge
 6597 of the owner, lessor, agent of any such lessor, manager, chief executive officer, operator, or tenant thereof, is
 6598 frequented by persons under the influence of illegally obtained controlled substances ~~or marijuana~~, as defined
 6599 in § 54.1-3401, or for the purpose of illegally obtaining possession of, manufacturing, or distributing
 6600 controlled substances ~~or marijuana~~, or is used for the illegal possession, manufacture, or distribution of
 6601 controlled substances ~~or marijuana~~ shall be deemed a common nuisance. Any such owner, lessor, agent of
 6602 any such lessor, manager, chief executive officer, operator, or tenant who knowingly permits, establishes,
 6603 keeps or maintains such a common nuisance is guilty of a Class 1 misdemeanor and, for a second or
 6604 subsequent offense, a Class 6 felony.

6605 **§ 18.2-258.02. Maintaining a fortified drug house; penalty.**

6606 Any office, store, shop, restaurant, dance hall, theater, poolroom, clubhouse, storehouse, warehouse,
 6607 dwelling house, apartment or building or structure of any kind ~~which that~~ is (i) substantially altered from its
 6608 original status by means of reinforcement with the intent to impede, deter or delay lawful entry by a
 6609 law-enforcement officer into such structure, (ii) being used for the purpose of manufacturing or distributing
 6610 controlled substances ~~or marijuana~~, and (iii) the object of a valid search warrant, shall be considered a
 6611 fortified drug house. Any person who maintains or operates a fortified drug house is guilty of a Class 5
 6612 felony.

6613 **§ 18.2-258.1. Obtaining drugs, procuring administration of controlled substances, etc., by fraud,
 6614 deceit or forgery.**

6615 A. It ~~shall be~~ *is* unlawful for any person to obtain or attempt to obtain any drug or procure or attempt to
 6616 procure the administration of any controlled substance ~~or marijuana~~: (i) by fraud, deceit, misrepresentation,
 6617 embezzlement, or subterfuge; (ii) by the forgery or alteration of a prescription or of any written order; (iii) by
 6618 the concealment of a material fact; or (iv) by the use of a false name or the giving of a false address.

6619 B. It ~~shall be~~ *is* unlawful for any person to furnish false or fraudulent information in or omit any
 6620 information from, or willfully make a false statement in, any prescription, order, report, record, or other
 6621 document required by ~~Chapter 34 the Drug Control Act~~ (§ 54.1-3400 et seq.) ~~of Title 54.1~~.

6622 C. It ~~shall be~~ *is* unlawful for any person to use in the course of the manufacture or distribution of a
 6623 controlled substance ~~or marijuana~~ a license number ~~which that~~ is fictitious, revoked, suspended, or issued to
 6624 another person.

6625 D. It ~~shall be~~ is unlawful for any person, for the purpose of obtaining any controlled substance ~~or~~
 6626 ~~marijuana~~, to falsely assume the title of, or represent himself to be, a manufacturer, wholesaler, pharmacist,
 6627 physician, dentist, veterinarian, or other authorized person.

6628 E. It ~~shall be~~ is unlawful for any person to make or utter any false or forged prescription or false or forged
 6629 written order.

6630 F. It ~~shall be~~ is unlawful for any person to affix any false or forged label to a package or receptacle
 6631 containing any controlled substance.

6632 G. This section shall not apply to officers and employees of the United States, of this Commonwealth or
 6633 of a political subdivision of this Commonwealth acting in the course of their employment, who obtain such
 6634 drugs for investigative, research or analytical purposes, or to the agents or duly authorized representatives of
 6635 any pharmaceutical manufacturer who obtain such drugs for investigative, research or analytical purposes and
 6636 who are acting in the course of their employment; provided that such manufacturer is licensed under the
 6637 provisions of the Federal Food, Drug and Cosmetic Act; and provided further, that such pharmaceutical
 6638 manufacturer, its agents and duly authorized representatives file with the Board such information as the
 6639 Board may deem appropriate.

6640 H. Except as otherwise provided in this subsection, any person who shall violate any provision herein
 6641 ~~shall be~~ is guilty of a Class 6 felony.

6642 Whenever any person who has not previously been convicted of any offense under this article or under
 6643 any statute of the United States or of any state relating to narcotic drugs, ~~marijuana~~, or stimulant, depressant,
 6644 or hallucinogenic drugs, or has not previously had a proceeding against him for violation of such an offense
 6645 dismissed, or reduced as provided in this section, pleads guilty to or enters a plea of not guilty to the court for
 6646 violating this section, upon such plea if the facts found by the court would justify a finding of guilt, the court
 6647 may place him on probation upon terms and conditions.

6648 As a term or condition, the court shall require the accused to be evaluated and enter a treatment and/or
 6649 education program, if available, such as, in the opinion of the court, may be best suited to the needs of the
 6650 accused. This program may be located in the judicial circuit in which the charge is brought or in any other
 6651 judicial circuit as the court may provide. The services shall be provided by a program certified or licensed by
 6652 the Department of Behavioral Health and Developmental Services. The court shall require the person entering
 6653 such program under the provisions of this section to pay all or part of the costs of the program, including the
 6654 costs of the screening, evaluation, testing and education, based upon the person's ability to pay unless the
 6655 person is determined by the court to be indigent.

6656 As a condition of supervised probation, the court shall require the accused to remain drug free during the
 6657 period of probation and submit to such tests during that period as may be necessary and appropriate to
 6658 determine if the accused is drug free. Such testing may be conducted by the personnel of any screening,
 6659 evaluation, and education program to which the person is referred or by the supervising agency.

6660 Unless the accused was fingerprinted at the time of arrest, the court shall order the accused to report to the
 6661 original arresting law-enforcement agency to submit to fingerprinting.

6662 Upon violation of a term or condition, the court may enter an adjudication of guilt upon the felony and
 6663 proceed as otherwise provided. Upon fulfillment of the terms and conditions of probation, the court shall find
 6664 the defendant guilty of a Class 1 misdemeanor.

6665 **§ 18.2-265.1. Definition.**

6666 As used in this article, "drug paraphernalia" means all equipment, products, and materials of any kind
 6667 which are either designed for use or which are intended by the person charged with violating § 18.2-265.3 for
 6668 use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting,
 6669 producing, processing, preparing, strength testing, analyzing, packaging, repackaging, storing, containing,
 6670 concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body ~~marijuana~~ or a
 6671 controlled substance. "Drug paraphernalia" includes:

6672 1. Kits intended for use or designed for use in planting, propagating, cultivating, growing, or harvesting
 6673 ~~marijuana~~ or any species of plant which is a controlled substance or from which a controlled substance can be
 6674 derived;

6675 2. Kits intended for use or designed for use in manufacturing, compounding, converting, producing,
 6676 processing, or preparing ~~marijuana~~ or controlled substances;

6677 3. Isomerization devices intended for use or designed for use in increasing the potency of ~~marijuana~~ or
 6678 any species of plant ~~which that~~ is a controlled substance;

6679 4. Testing equipment intended for use or designed for use in identifying or in analyzing the strength or
 6680 effectiveness of ~~marijuana~~ or controlled substances, other than drug checking products used to determine the
 6681 presence or concentration of a contaminant that can cause physical harm or death;

6682 5. Scales and balances intended for use or designed for use in weighing or measuring ~~marijuana~~ or
 6683 controlled substances;

6684 6. Diluents and adulterants, such as quinine hydrochloride, mannitol, or mannite, intended for use or
 6685 designed for use in cutting controlled substances;

6686 7. Separation gins and sifters intended for use or designed for use in removing twigs and seeds from, or in

6687 otherwise cleaning or refining, marijuana;
6688 8. Blenders, bowls, containers, spoons, and mixing devices intended for use or designed for use in
6689 compounding controlled substances;
6690 9. 8. Capsules, balloons, envelopes, and other containers intended for use or designed for use in packaging
6691 small quantities of marijuana or controlled substances;
6692 ~~10.~~ 9. Containers and other objects intended for use or designed for use in storing or concealing marijuana
6693 or controlled substances;
6694 ~~11.~~ 10. Hypodermic syringes, needles, and other objects intended for use or designed for use in
6695 parenterally injecting controlled substances into the human body;
6696 ~~12.~~ 11. Objects intended for use or designed for use in ingesting, inhaling, or otherwise introducing
6697 marijuana, cocaine, hashish, or hashish oil into the human body, such as:
6698 a. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent
6699 screens, hashish heads, or punctured metal bowls;
6700 b. Water pipes;
6701 c. Carburetion tubes and devices;
6702 d. Smoking and carburetion masks;
6703 e. Roach clips, meaning objects used to hold burning material, such as a marijuana cigarette, that has
6704 become too small or too short to be held in the hand;
6705 f. Miniature cocaine spoons, and cocaine vials;
6706 g. Chamber pipes;
6707 h. Carburetor pipes;
6708 i. Electric pipes;
6709 j. Air-driven pipes;
6710 k. Chillums;
6711 l. Bongs;
6712 m. Ice pipes or chillers.

6713 **§ 18.2-265.2. Evidence to be considered in cases under this article.**
6714 In determining whether an object is drug paraphernalia, the court may consider, in addition to all other
6715 relevant evidence, the following:
6716 1. Constitutionally admissible statements by the accused concerning the use of the object;
6717 2. The proximity of the object to marijuana or controlled substances, which proximity is actually known to
6718 the accused;
6719 3. Instructions, oral or written, provided with the object concerning its use;
6720 4. Descriptive materials accompanying the object which that explain or depict its use;
6721 5. National and local advertising within the actual knowledge of the accused concerning its use;
6722 6. The manner in which the object is displayed for sale;
6723 7. Whether the accused is a legitimate supplier of like or related items to the community, such as a
6724 licensed distributor or dealer of tobacco products;
6725 8. Evidence of the ratio of sales of the objects defined in § 18.2-265.1 to the total sales of the business
6726 enterprise;
6727 9. The existence and scope of legitimate uses for the object in the community;
6728 10. Expert testimony concerning its use or the purpose for which it was designed; and
6729 11. Relevant evidence of the intent of the accused to deliver it to persons who he knows, or should
6730 reasonably know, intend to use the object with an illegal drug. The innocence of an owner, or of anyone in
6731 control of the object, as to a direct violation of this article shall not prevent a finding that the object is
6732 intended for use or designed for use as drug paraphernalia.

6733 **§ 18.2-265.3. Penalties for sale, etc., of drug paraphernalia.**
6734 A. Any person who sells or possesses with intent to sell drug paraphernalia, knowing, or under
6735 circumstances where one reasonably should know, that it is either designed for use or intended by such
6736 person for use to illegally plant, propagate, cultivate, grow, harvest, manufacture, compound, convert,
6737 produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or
6738 otherwise introduce into the human body marijuana or a controlled substance, shall be is guilty of a Class 1
6739 misdemeanor.
6740 B. Any person ~~eighteen~~ 18 years of age or older who violates subsection A hereof by selling drug
6741 paraphernalia to a minor who is at least three years junior to the accused in age shall be is guilty of a Class 6
6742 felony.
6743 C. Any person ~~eighteen~~ 18 years of age or older who distributes drug paraphernalia to a minor shall be is
6744 guilty of a Class 1 misdemeanor.

6745 **§ 18.2-287.2. Wearing of body armor while committing a crime; penalty.**
6746 Any person who, while committing a crime of violence as defined in § 18.2-288 (2) or a felony violation
6747 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
6748 body armor designed to diminish the effect of the impact of a bullet or projectile shall be is guilty of a Class 4

6749 felony.

6750 **§ 18.2-308.03. Fees for concealed handgun permits.**

6751 A. The clerk shall charge a fee of \$10 for the processing of an application or issuing of a permit, including
 6752 his costs associated with the consultation with law-enforcement agencies. The local law-enforcement agency
 6753 conducting the background investigation may charge a fee not to exceed \$35 to cover the cost of conducting
 6754 an investigation pursuant to this article. The \$35 fee shall include any amount assessed by the U.S. Federal
 6755 Bureau of Investigation for providing criminal history record information, and the local law-enforcement
 6756 agency shall forward the amount assessed by the U.S. Federal Bureau of Investigation to the State Police with
 6757 the fingerprints taken from any nonresident applicant. The State Police may charge a fee not to exceed \$5 to
 6758 cover its costs associated with processing the application. The total amount assessed for processing an
 6759 application for a permit shall not exceed \$50, with such fees to be paid in one sum to the person who receives
 6760 the application. Payment may be made by any method accepted by that court for payment of other fees or
 6761 penalties. No payment shall be required until the application is received by the court as a complete
 6762 application.

6763 B. No fee shall be charged for the issuance of such permit to a person who has retired from service (i) as a
 6764 magistrate in the Commonwealth; (ii) as a special agent with the Virginia Alcoholic Beverage *and Cannabis*
 6765 Control Authority or as a law-enforcement officer with the Department of State Police, the Department of
 6766 Wildlife Resources, or a sheriff or police department, bureau, or force of any political subdivision of the
 6767 Commonwealth, after completing 15 years of service or after reaching age 55; (iii) as a law-enforcement
 6768 officer with the U.S. Federal Bureau of Investigation, Bureau of Alcohol, Tobacco and Firearms, Secret
 6769 Service Agency, Drug Enforcement Administration, United States Citizenship and Immigration Services,
 6770 U.S. Customs and Border Protection, Department of State Diplomatic Security Service, U.S. Marshals
 6771 Service, or Naval Criminal Investigative Service, after completing 15 years of service or after reaching age
 6772 55; (iv) as a law-enforcement officer with any police or sheriff's department within the United States, the
 6773 District of Columbia, or any of the territories of the United States, after completing 15 years of service; (v) as
 6774 a law-enforcement officer with any combination of the agencies listed in clauses (ii) through (iv), after
 6775 completing 15 years of service; (vi) as a designated boarding team member or boarding officer of the United
 6776 States Coast Guard, after completing 15 years of service or after reaching age 55; (vii) as a correctional
 6777 officer as defined in § 53.1-1, after completing 15 years of service; or (viii) as a probation and parole officer
 6778 authorized pursuant to § 53.1-143, after completing 15 years of service.

6779 **§ 18.2-308.012. Prohibited conduct.**

6780 A. Any person permitted to carry a concealed handgun who is under the influence of alcohol, *marijuana*,
 6781 or illegal drugs while carrying such handgun in a public place is guilty of a Class 1 misdemeanor. Conviction
 6782 of any of the following offenses shall be prima facie evidence, subject to rebuttal, that the person is "under
 6783 the influence" for purposes of this section: manslaughter in violation of § 18.2-36.1, maiming in violation of
 6784 § 18.2-51.4, driving while intoxicated in violation of § 18.2-266, public intoxication in violation of
 6785 § 18.2-388, or driving while intoxicated in violation of § 46.2-341.24. Upon such conviction that court shall
 6786 revoke the person's permit for a concealed handgun and promptly notify the issuing circuit court. A person
 6787 convicted of a violation of this subsection shall be ineligible to apply for a concealed handgun permit for a
 6788 period of five years.

6789 B. No person who carries a concealed handgun onto the premises of any restaurant or club as defined in
 6790 § 4.1-100 for which a license to sell and serve alcoholic beverages for on-premises consumption has been
 6791 granted by the Virginia Alcoholic Beverage *and Cannabis* Control Authority under Title 4.1 may consume an
 6792 alcoholic beverage while on the premises. A person who carries a concealed handgun onto the premises of
 6793 such a restaurant or club and consumes alcoholic beverages is guilty of a Class 2 misdemeanor. However,
 6794 nothing in this subsection shall apply to a federal, state, or local law-enforcement officer.

6795 **§ 18.2-308.016. Retired law-enforcement officers; carrying a concealed handgun.**

6796 A. Except as provided in subsection A of § 18.2-308.012, § 18.2-308 shall not apply to:

6797 1. Any State Police officer retired from the Department of State Police, any officer retired from the
 6798 Division of Capitol Police, any local law-enforcement officer, auxiliary police officer or animal control
 6799 officer retired from a police department or sheriff's office within the Commonwealth, any special agent
 6800 retired from the State Corporation Commission or the Virginia Alcoholic Beverage *and Cannabis* Control
 6801 Authority, any employee with internal investigations authority designated by the Department of Corrections
 6802 pursuant to subdivision 11 of § 53.1-10 retired from the Department of Corrections, any conservation police
 6803 officer retired from the Department of Wildlife Resources, any conservation officer retired from the
 6804 Department of Conservation and Recreation, any Virginia Marine Police officer retired from the Law
 6805 Enforcement Division of the Virginia Marine Resources Commission, any campus police officer appointed
 6806 under Article 3 (§ 23.1-809 et seq.) of Chapter 8 of Title 23.1 retired from a campus police department, any
 6807 retired member of the enforcement division of the Department of Motor Vehicles appointed pursuant to
 6808 § 46.2-217, and any retired investigator of the security division of the Virginia Lottery, other than an officer
 6809 or agent terminated for cause, (i) with a service-related disability; (ii) following at least 10 years of service
 6810 with any such law-enforcement agency, commission, board, or any combination thereof; (iii) who has

6811 reached 55 years of age; or (iv) who is on long-term leave from such law-enforcement agency or board due to
 6812 a service-related injury, provided such officer carries with him written proof of consultation with and
 6813 favorable review of the need to carry a concealed handgun issued by the chief law-enforcement officer of the
 6814 last such agency from which the officer retired or the agency that employs the officer or, in the case of special
 6815 agents, issued by the State Corporation Commission or the Virginia Alcoholic Beverage *and Cannabis*
 6816 Control Authority. A copy of the proof of consultation and favorable review shall be forwarded by the chief,
 6817 Commission, or Board to the Department of State Police for entry into the Virginia Criminal Information
 6818 Network. The chief law-enforcement officer shall not without cause withhold such written proof if the retired
 6819 law-enforcement officer otherwise meets the requirements of this section. An officer set forth in clause (iv)
 6820 who receives written proof of consultation to carry a concealed handgun shall surrender such proof of
 6821 consultation upon return to work as a law-enforcement officer or upon termination of employment with the
 6822 law-enforcement agency. Notice of the surrender shall be forwarded to the Department of State Police for
 6823 entry into the Virginia Criminal Information Network. However, if such officer retires on disability because
 6824 of the service-related injury, and would be eligible under clause (i) for written proof of consultation to carry a
 6825 concealed handgun, he may retain the previously issued written proof of consultation.

6826 2. Any person who is eligible for retirement with at least 20 years of service with a law-enforcement
 6827 agency, commission, or board mentioned in subdivision 1 who has resigned in good standing from such
 6828 law-enforcement agency, commission, or board to accept a position covered by a retirement system that is
 6829 authorized under Title 51.1, provided such person carries with him written proof of consultation with and
 6830 favorable review of the need to carry a concealed handgun issued by the chief law-enforcement officer of the
 6831 agency from which he resigned or, in the case of special agents, issued by the State Corporation Commission
 6832 or the Virginia Alcoholic Beverage *and Cannabis* Control Authority. A copy of the proof of consultation and
 6833 favorable review shall be forwarded by the chief, Commission, or Board to the Department of State Police for
 6834 entry into the Virginia Criminal Information Network. The chief law-enforcement officer shall not without
 6835 cause withhold such written proof if the law-enforcement officer otherwise meets the requirements of this
 6836 section.

6837 3. Any State Police officer who is a member of the organized reserve forces of any of the Armed Services
 6838 of the United States or National Guard, while such officer is called to active military duty, provided such
 6839 officer carries with him written proof of consultation with and favorable review of the need to carry a
 6840 concealed handgun issued by the Superintendent of State Police. The proof of consultation and favorable
 6841 review shall be valid as long as the officer is on active military duty and shall expire when the officer returns
 6842 to active law-enforcement duty. The issuance of the proof of consultation and favorable review shall be
 6843 entered into the Virginia Criminal Information Network. The Superintendent of State Police shall not without
 6844 cause withhold such written proof if the officer is in good standing and is qualified to carry a weapon while
 6845 on active law-enforcement duty.

6846 4. Any retired or resigned attorney for the Commonwealth or assistant attorney for the Commonwealth
 6847 who (i) was not terminated for cause and served at least 10 years prior to his retirement or resignation; (ii)
 6848 during the most recent 12-month period, has met, at his own expense, the standards for qualification in
 6849 firearms training for active law-enforcement officers in the Commonwealth; (iii) carries with him written
 6850 proof of consultation with and favorable review of the need to carry a concealed handgun issued by the
 6851 attorney for the Commonwealth from whose office he retired or resigned; and (iv) meets the requirements of
 6852 a "qualified retired law enforcement officer" pursuant to the federal Law Enforcement Officers Safety Act of
 6853 2004 (18 U.S.C. § 926C). A copy of the proof of consultation and favorable review shall be forwarded by the
 6854 attorney for the Commonwealth to the Department of State Police for entry into the Virginia Criminal
 6855 Information Network.

6856 B. For purposes of complying with the federal Law Enforcement Officers Safety Act of 2004, a retired or
 6857 resigned law-enforcement officer, including a retired or resigned attorney for the Commonwealth or assistant
 6858 attorney for the Commonwealth, who receives proof of consultation and review pursuant to this section shall
 6859 have the opportunity to annually participate, at the retired or resigned law-enforcement officer's expense, in
 6860 the same training and testing to carry firearms as is required of active law-enforcement officers in the
 6861 Commonwealth. If such retired or resigned law-enforcement officer meets the training and qualification
 6862 standards, the chief law-enforcement officer shall issue the retired or resigned officer certification, valid one
 6863 year from the date of issuance, indicating that the retired or resigned officer has met the standards of the
 6864 agency to carry a firearm.

6865 C. A retired or resigned law-enforcement officer, including a retired or resigned attorney for the
 6866 Commonwealth or assistant attorney for the Commonwealth, who receives proof of consultation and review
 6867 pursuant to this section may annually participate and meet the training and qualification standards to carry
 6868 firearms as is required of active law-enforcement officers in the Commonwealth. If such retired or resigned
 6869 law-enforcement officer meets the training and qualification standards, the chief law-enforcement officer
 6870 shall issue the retired or resigned officer certification, valid one year from the date of issuance, indicating that
 6871 the retired or resigned officer has met the standards of the Commonwealth to carry a firearm. A copy of the
 6872 certification indicating that the retired or resigned officer has met the standards of the Commonwealth to

6873 carry a firearm shall be forwarded by the chief, Commission, Board, or attorney for the Commonwealth to the
6874 Department of State Police for entry into the Virginia Criminal Information Network.

6875 D. For all purposes, including for the purpose of applying the reciprocity provisions of § 18.2-308.014,
6876 any person granted the privilege to carry a concealed handgun pursuant to this section, while carrying the
6877 proof of consultation and favorable review required, shall be deemed to have been issued a concealed
6878 handgun permit.

6879 **§ 18.2-308.4. Possession of firearms while in possession of certain substances.**

6880 A. It ~~shall be~~ *is* unlawful for any person unlawfully in possession of a controlled substance classified in
6881 Schedule I or II of the Drug Control Act (§ 54.1-3400 et seq.) of Title 54.1 to simultaneously with knowledge
6882 and intent possess any firearm. A violation of this subsection is a Class 6 felony and constitutes a separate
6883 and distinct felony.

6884 B. It ~~shall be~~ *is* unlawful for any person unlawfully in possession of a controlled substance classified in
6885 Schedule I or II of the Drug Control Act (§ 54.1-3400 et seq.) to simultaneously with knowledge and intent
6886 possess any firearm on or about his person. A violation of this subsection is a Class 6 felony and constitutes a
6887 separate and distinct felony and any person convicted hereunder shall be sentenced to a mandatory minimum
6888 term of imprisonment of two years. Such punishment shall be separate and apart from, and shall be made to
6889 run consecutively with, any punishment received for the commission of the primary felony.

6890 C. It ~~shall be~~ *is* unlawful for any person to possess, use, or attempt to use any pistol, shotgun, rifle, or
6891 other firearm or display such weapon in a threatening manner while committing or attempting to commit the
6892 illegal manufacture, sale, distribution, or the possession with the intent to manufacture, sell, or distribute a
6893 controlled substance classified in Schedule I or Schedule II of the Drug Control Act (§ 54.1-3400 et seq.) ~~or~~
6894 ~~more than one pound of marijuana~~. A violation of this subsection is a Class 6 felony, and constitutes a
6895 separate and distinct felony and any person convicted hereunder shall be sentenced to a mandatory minimum
6896 term of imprisonment of five years. Such punishment shall be separate and apart from, and shall be made to
6897 run consecutively with, any punishment received for the commission of the primary felony.

6898 **§ 18.2-371.2. Prohibiting purchase or possession of retail tobacco products and hemp products**
6899 **intended for smoking by a person under 21 years of age or sale of retail tobacco products and hemp**
6900 **products intended for smoking to persons under 21 years of age; civil penalties.**

6901 A. No person shall sell to, distribute to, purchase for, or knowingly permit the purchase by any person
6902 younger than 21 years of age, knowing or having reason to believe that such person is younger than 21 years
6903 of age, any retail tobacco product or hemp product intended for smoking.

6904 No person shall sell retail tobacco products or hemp products intended for smoking from a vending
6905 machine.

6906 B. No person shall sell a retail tobacco product or hemp product intended for smoking to any individual
6907 who does not demonstrate, by producing a driver's license or similar photo identification issued by a
6908 government agency, that the individual is at least 21 years of age.

6909 Before a retail dealer may sell retail tobacco products, other than cigar and pipe tobacco products as
6910 defined in § 58.1-1021.01, to any consumer, the person selling, offering for sale, giving, or furnishing the
6911 retail tobacco products shall verify that the consumer is of legal age by examining from any person who
6912 appears to be under 30 years of age a government-issued photographic identification that establishes that the
6913 person is of legal age or, if required pursuant to subdivision C 4 b of § 58.1-1021.04:1 or subdivision B 2 b of
6914 § 59.1-293.12, verifying the identification presented using identification fraud detection software,
6915 technology, or a scanner that confirms the authenticity of such identification.

6916 This subsection shall not apply to mail order or Internet sales, provided that the person offering the retail
6917 tobacco product or hemp product intended for smoking for sale through mail order or the Internet (i) prior to
6918 the sale of the retail tobacco product or hemp product intended for smoking verifies that the purchaser is at
6919 least 21 years of age through a commercially available database that is regularly used by businesses or
6920 governmental entities for the purpose of age and identity verification and (ii) uses a method of mailing,
6921 shipping, or delivery that requires the signature of a person at least 21 years of age before the retail tobacco
6922 product or hemp product intended for smoking will be released to the purchaser.

6923 C. A violation of subsection A or B by an individual or by a separate retail establishment is punishable by
6924 a civil penalty in the amount of \$500 for a first violation and a civil penalty in the amount of \$2,500 for a
6925 second or subsequent violation within a three-year period. If applicable, upon a second or subsequent
6926 violation within a three-year period, the Department of Taxation may suspend or revoke any approved
6927 license, permit, or registration issued pursuant to subsection C of § 58.1-1021.04:1.

6928 For any violation of this section by an employee of a retail establishment, (i) such penalty shall be
6929 assessed against the establishment and (ii) an additional penalty of \$100 shall be assessed against the
6930 employee.

6931 Any attorney for the Commonwealth of the county or city in which an alleged violation occurred may
6932 bring an action to recover the civil penalty, which shall be paid into the state treasury. Any law-enforcement
6933 officer may issue a summons for a violation of subsection A or B.

6934 D. 1. Cigarettes and hemp products intended for smoking shall be sold only in sealed packages provided

6935 by the manufacturer, with the required health warning. The proprietor of every retail establishment that offers
 6936 for sale any retail tobacco product or hemp product intended for smoking shall post in a conspicuous manner
 6937 and place a sign or signs indicating that the sale of retail tobacco products or hemp products intended for
 6938 smoking to any person under 21 years of age is prohibited by law. Any attorney for the county, city, or town
 6939 in which an alleged violation of this subsection occurred may enforce this subsection by civil action to
 6940 recover a civil penalty not to exceed \$500. The civil penalty shall be paid into the local treasury. No filing fee
 6941 or other fee or cost shall be charged to the county, city, or town which instituted the action.

6942 2. For the purpose of compliance with regulations of the Substance Abuse and Mental Health Services
 6943 Administration published at 61 Federal Register 1492, the Department of Agriculture and Consumer Services
 6944 may promulgate regulations which allow the Department to undertake the activities necessary to comply with
 6945 such regulations.

6946 3. Any attorney for the county, city, or town in which an alleged violation of this subsection occurred may
 6947 enforce this subsection by civil action to recover a civil penalty not to exceed \$500. The civil penalty shall be
 6948 paid into the local treasury. No filing fee or other fee or cost shall be charged to the county, city, or town
 6949 which instituted the action.

6950 E. Nothing in this section shall be construed to create a private cause of action.

6951 F. Agents of the Virginia Alcoholic Beverage *and Cannabis* Control Authority designated pursuant to
 6952 § 4.1-105 may issue a summons for any violation of this section. Additionally, any retailer selling retail
 6953 tobacco products shall be subject to the enforcement and compliance provisions of Chapter 23.2
 6954 (§ 59.1-293.10 et seq.) of Title 59.1.

6955 G. As used in this section:

6956 "Electronic smoking device" means any device that may be used to deliver any aerosolized or vaporized
 6957 substance to the person inhaling from the device, including an e-cigarette, e-cigar, e-pipe, vape pen, or e-
 6958 hookah. "Electronic smoking device" includes any component, part, or accessory of the device, whether or
 6959 not sold separately, and also includes any substance intended to be aerosolized or vaporized during the use of
 6960 the device, whether or not the substance contains nicotine. "Electronic smoking device" does not include any
 6961 (i) battery or battery charger when sold separately or (ii) device used for heated tobacco products. "Electronic
 6962 smoking device" does not include drugs or devices, as such terms are defined in 21 U.S.C. § 321, or
 6963 combination products, as such term is used in 21 U.S.C. § 353, if such drugs, devices, or combination
 6964 products are authorized for sale by the U.S. Food and Drug Administration.

6965 "Hemp product" and "hemp product intended for smoking" mean the same as those terms are defined in
 6966 § 3.2-4112.

6967 "Retail tobacco product" means (i) any product containing, made of, or derived from tobacco or that
 6968 contains nicotine that is intended for human consumption or is likely to be consumed, whether smoked,
 6969 heated, chewed, dissolved, inhaled, absorbed, or ingested by other means, including a cigarette, a heated
 6970 tobacco product, a cigar, pipe tobacco, chewing tobacco, snuff, or snus; (ii) any electronic smoking device
 6971 and any substances that may be aerosolized or vaporized by such device, whether or not the substance
 6972 contains nicotine; and (iii) any component, part, or accessory of a product described in clause (i) or (ii),
 6973 whether or not such component, part, or accessory contains tobacco or nicotine, including filters, rolling
 6974 papers, blunt or hemp wraps, and pipes. "Retail tobacco product" includes any nicotine vapor product as that
 6975 term is defined in § 58.1-1021.01. "Retail tobacco product" does not include drugs or devices, as such terms
 6976 are defined in 21 U.S.C. § 321, or combination products, as such term is used in 21 U.S.C. § 353, if such
 6977 drugs, devices, or combination products are authorized for sale by the U.S. Food and Drug Administration.

6978 "Wrappings" includes materials made or sold for covering or rolling tobacco or other materials for
 6979 smoking in a manner similar to a cigarette or cigar.

6980 **§ 18.2-460. Obstructing justice; resisting arrest; fleeing from a law-enforcement officer; penalties.**

6981 A. If any person without just cause knowingly obstructs a judge, magistrate, justice, juror, attorney for the
 6982 Commonwealth, witness, any law-enforcement officer, or animal control officer employed pursuant to
 6983 § 3.2-6555 in the performance of his duties as such or fails or refuses without just cause to cease such
 6984 obstruction when requested to do so by such judge, magistrate, justice, juror, attorney for the Commonwealth,
 6985 witness, law-enforcement officer, or animal control officer employed pursuant to § 3.2-6555, he is guilty of a
 6986 Class 1 misdemeanor.

6987 B. Except as provided in subsection C, any person who, by threats or force, knowingly attempts to
 6988 intimidate or impede a judge, magistrate, justice, juror, attorney for the Commonwealth, witness, any
 6989 law-enforcement officer, or an animal control officer employed pursuant to § 3.2-6555 lawfully engaged in
 6990 his duties as such, or to obstruct or impede the administration of justice in any court, is guilty of a Class 1
 6991 misdemeanor.

6992 C. If any person by threats of bodily harm or force knowingly attempts to intimidate or impede a judge,
 6993 magistrate, justice, juror, attorney for the Commonwealth, witness, ~~any~~ or law-enforcement officer, lawfully
 6994 engaged in the discharge of his duty, or to obstruct or impede the administration of justice in any court
 6995 relating to a violation of or conspiracy to violate § 18.2-248 or subdivision (a)(3), (b) or (c) of § 18.2-248.1,
 6996 or §, 18.2-46.2, or § 18.2-46.3, or relating to the violation of or conspiracy to violate any violent felony

6997 offense listed in subsection C of § 17.1-805, he is guilty of a Class 5 felony.

6998 D. Any person who knowingly and willfully makes any materially false statement or representation to a
6999 law-enforcement officer or an animal control officer employed pursuant to § 3.2-6555 who is in the course of
7000 conducting an investigation of a crime by another is guilty of a Class 1 misdemeanor.

7001 E. Any person who intentionally prevents or attempts to prevent a law-enforcement officer from lawfully
7002 arresting him, with or without a warrant, is guilty of a Class 1 misdemeanor. For purposes of this subsection,
7003 intentionally preventing or attempting to prevent a lawful arrest means fleeing from a law-enforcement
7004 officer when (i) the officer applies physical force to the person, or (ii) the officer communicates to the person
7005 that he is under arrest and (a) the officer has the legal authority and the immediate physical ability to place
7006 the person under arrest, and (b) a reasonable person who receives such communication knows or should know
7007 that he is not free to leave.

7008 **§ 18.2-474.1. Delivery of drugs, firearms, explosives, etc., to prisoners or committed persons.**

7009 Notwithstanding the provisions of § 18.2-474, any person who shall willfully in any manner deliver,
7010 attempt to deliver, or conspire with another to deliver to any prisoner confined under authority of the
7011 Commonwealth of Virginia, or of any political subdivision thereof, or to any person committed to the
7012 Department of Juvenile Justice in any juvenile correctional center, any drug ~~which~~ *that* is a controlled
7013 substance regulated by the Drug Control Act in Chapter 34 (§ 54.1-3400 et seq.) of Title 54.1 or marijuana is
7014 guilty of a Class 5 felony. Any person who shall willfully in any manner so deliver or attempt to deliver or
7015 conspire to deliver to any such prisoner or confined or committed person, firearms, ammunitions, or
7016 explosives of any nature is guilty of a Class 3 felony.

7017 Nothing herein contained shall be construed to repeal or amend § 18.2-473.

7018 **§ 19.2-66. When Attorney General or Chief Deputy Attorney General may apply for order**
7019 **authorizing interception of communications.**

7020 A. The Attorney General or Chief Deputy Attorney General, if the Attorney General so designates in
7021 writing, in any case where the Attorney General is authorized by law to prosecute or pursuant to a request in
7022 his official capacity of an attorney for the Commonwealth in any city or county, may apply to a judge of
7023 competent jurisdiction for an order authorizing the interception of wire, electronic or oral communications by
7024 the Department of State Police, when such interception may reasonably be expected to provide evidence of
7025 the commission of a felonious offense of extortion, bribery, kidnapping, murder, any felony violation of
7026 § 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
7027 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.),
7028 Article 5 (§ 18.2-58 et seq.), Article 6 (§ 18.2-59 et seq.) or any felonies that are not Class 6 felonies in
7029 Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, or any conspiracy to commit any of the foregoing
7030 offenses. The Attorney General or Chief Deputy Attorney General may apply for authorization for the
7031 observation or monitoring of the interception by a police department of a county or city, by a sheriff's office,
7032 or by law-enforcement officers of the United States. Such application shall be made, and such order may be
7033 granted, in conformity with the provisions of § 19.2-68.

7034 B. The application for an order under subsection B of § 19.2-68 shall be made as follows:

7035 1. In the case of an application for a wire or electronic interception, a judge of competent jurisdiction shall
7036 have the authority to issue an order under subsection B of § 19.2-68 if there is probable cause to believe that
7037 an offense was committed, is being committed, or will be committed or the person or persons whose
7038 communications are to be intercepted live, work, subscribe to a wire or electronic communication system,
7039 maintain an address or a post office box, or are making the communication within the territorial jurisdiction
7040 of the court.

7041 2. In the case of an application for an oral intercept, a judge of competent jurisdiction shall have the
7042 authority to issue an order under subsection B of § 19.2-68 if there is probable cause to believe that an
7043 offense was committed, is being committed, or will be committed or the physical location of the oral
7044 communication to be intercepted is within the territorial jurisdiction of the court.

7045 C. For the purposes of an order entered pursuant to subsection B of § 19.2-68 for the interception of a wire
7046 or electronic communication, such communication shall be deemed to be intercepted in the jurisdiction where
7047 the order is entered, regardless of the physical location or the method by which the communication is
7048 captured or routed to the monitoring location.

7049 **§ 19.2-81. Arrest without warrant authorized in certain cases.**

7050 A. The following officers shall have the powers of arrest as provided in this section:

- 7051 1. Members of the State Police force of the Commonwealth;
- 7052 2. Sheriffs of the various counties and cities, and their deputies;
- 7053 3. Members of any county police force or any duly constituted police force of any city or town of the
7054 Commonwealth;
- 7055 4. The Commissioner, members and employees of the Marine Resources Commission granted the power
7056 of arrest pursuant to § 28.2-900;
- 7057 5. Regular conservation police officers appointed pursuant to § 29.1-200;
- 7058 6. United States Coast Guard and United States Coast Guard Reserve commissioned, warrant, and petty

7059 officers authorized under § 29.1-205 to make arrests;

7060 7. Conservation officers appointed pursuant to § 10.1-115;

7061 8. Full-time sworn members of the enforcement division of the Department of Motor Vehicles appointed

7062 pursuant to § 46.2-217;

7063 9. Special agents of the Virginia Alcoholic Beverage *and Cannabis* Control Authority;

7064 10. Campus police officers appointed under Article 3 (§ 23.1-809 et seq.) of Chapter 8 of Title 23.1; and

7065 11. Members of the Division of Capitol Police.

7066 B. Such officers may arrest without a warrant any person who commits any crime in the presence of the

7067 officer and any person whom he has reasonable grounds or probable cause to suspect of having committed a

7068 felony not in his presence.

7069 Such officers may arrest without a warrant any person whom the officer has probable cause to suspect of

7070 operating any watercraft or motorboat while (i) intoxicated in violation of subsection B of § 29.1-738 or a

7071 substantially similar ordinance of any county, city, or town in the Commonwealth or (ii) in violation of an

7072 order issued pursuant to § 29.1-738.4 and may thereafter transfer custody of the person arrested to another

7073 officer, who may obtain a warrant based upon statements made to him by the arresting officer.

7074 C. Any such officer may, at the scene of any accident involving a motor vehicle, watercraft as defined in

7075 § 29.1-733.2 or motorboat, or at any hospital or medical facility to which any person involved in such

7076 accident has been transported, or in the apprehension of any person charged with the theft of any motor

7077 vehicle, on any of the highways or waters of the Commonwealth, upon reasonable grounds to believe, based

7078 upon personal investigation, including information obtained from eyewitnesses, that a crime has been

7079 committed by any person then and there present, apprehend such person without a warrant of arrest. For

7080 purposes of this section, "the scene of any accident" shall include a reasonable location where a vehicle or

7081 person involved in an accident has been moved at the direction of a law-enforcement officer to facilitate the

7082 clearing of the highway or to ensure the safety of the motoring public.

7083 D. Such officers may, within three hours of the alleged offense, arrest without a warrant at any location

7084 any person whom the officer has probable cause to suspect of driving or operating a motor vehicle, watercraft

7085 or motorboat while intoxicated in violation of § 18.2-266, 18.2-266.1, 46.2-341.24, or subsection B of

7086 § 29.1-738; or a substantially similar ordinance of any county, city, or town in the Commonwealth, whether

7087 or not the offense was committed in such officer's presence. Such officers may, within three hours of the

7088 alleged offense, arrest without a warrant at any location any person whom the officer has probable cause to

7089 suspect of operating a watercraft or motorboat in violation of an order issued pursuant to § 29.1-738.4,

7090 whether or not the offense was committed in such officer's presence.

7091 E. Such officers may arrest, without a warrant or a *capias*, persons duly charged with a crime in another

7092 jurisdiction upon receipt of a photocopy of a warrant or a *capias*, telegram, computer printout, facsimile

7093 printout, a radio, telephone or teletype message, in which photocopy of a warrant, telegram, computer

7094 printout, facsimile printout, radio, telephone or teletype message shall be given the name or a reasonably

7095 accurate description of such person wanted and the crime alleged.

7096 F. Such officers may arrest, without a warrant or a *capias*, for an alleged misdemeanor not committed in

7097 his presence when the officer receives a radio message from his department or other law-enforcement agency

7098 within the Commonwealth that a warrant or *capias* for such offense is on file.

7099 G. Such officers may also arrest without a warrant for an alleged misdemeanor not committed in their

7100 presence involving (i) shoplifting in violation of § 18.2-96 or 18.2-103 or a similar local ordinance, (ii)

7101 carrying a weapon on school property in violation of § 18.2-308.1, (iii) assault and battery, (iv) brandishing a

7102 firearm in violation of § 18.2-282, or (v) destruction of property in violation of § 18.2-137, when such

7103 property is located on premises used for business or commercial purposes, or a similar local ordinance, when

7104 any such arrest is based on probable cause upon reasonable complaint of the person who observed the alleged

7105 offense. The arresting officer may issue a summons to any person arrested under this section for a

7106 misdemeanor violation involving shoplifting.

7107 **§ 19.2-81.1. Arrest without warrant by correctional officers in certain cases.**

7108 Any correctional officer, as defined in § 53.1-1, may arrest, in the same manner as provided in § 19.2-81,

7109 persons for crimes involving:

7110 (a) 1. The escape of an inmate from a correctional institution, as defined in § 53.1-1;

7111 (b) 2. Assisting an inmate to escape from a correctional institution, as defined in § 53.1-1;

7112 (c) 3. The delivery of contraband to an inmate in violation of § 4.1-1117, 18.2-474, or § 18.2-474.1; and

7113 (d) 4. Any other criminal offense ~~which~~ *that* may contribute to the disruption of the safety, welfare, or

7114 security of the population of a correctional institution.

7115 **§ 19.2-83.1. Report of arrest of school employees and adult students for certain offenses.**

7116 A. Every state official or agency and every sheriff, police officer, or other local law-enforcement officer

7117 or conservator of the peace having the power to arrest for a felony, upon arresting a person who is known or

7118 discovered by the arresting official to be a full-time, part-time, permanent, or temporary teacher or any other

7119 employee in any local school division in the Commonwealth for a felony or a Class 1 misdemeanor or an

7120 equivalent offense in another state, shall file a report of such arrest with the division safety official designated

7121 pursuant to subsection F of § 22.1-279.8 in the school division in which such person is employed as soon as
 7122 practicable but no later than 48 hours after such arrest. The contents of the report required pursuant to this
 7123 subsection shall be utilized by the local school division solely to implement the provisions of subsection B of
 7124 § 22.1-296.2 and § 22.1-315.

7125 B. The report required pursuant to subsection A shall be transmitted to the division safety official (i) via
 7126 certified mail, return receipt requested, to the mailing address identified by the division superintendent
 7127 pursuant to subsection F of § 22.1-279.8 or (ii) via email to the email address identified by the division
 7128 superintendent pursuant to subsection F of § 22.1-279.8. Any certified mail return receipt shall be retained in
 7129 the case file.

7130 C. (Expires July 1, 2027) In the event that the law-enforcement agency has existing access to Virginia
 7131 Employment Commission records, each arresting official shall request in writing that the Virginia
 7132 Employment Commission provide the name of the current employer of each person arrested for an offense set
 7133 forth in § 9.1-902 for purposes of determining whether a report is required pursuant to subsection A.

7134 D. Every state official or agency and every sheriff, police officer, or other local law-enforcement officer
 7135 or conservator of the peace having the power to arrest for a felony shall file a report, as soon as practicable,
 7136 with the division superintendent of the school division in which the student is enrolled upon arresting a
 7137 person who is known or discovered by the arresting official to be a student age 18 or older in any local school
 7138 division in the Commonwealth for:

7139 1. A firearm offense pursuant to Article 4 (§ 18.2-279 et seq.), 5 (§ 18.2-288 et seq.), 6 (§ 18.2-299 et
 7140 seq.), 6.1 (§ 18.2-307.1 et seq.), or 7 (§ 18.2-308.1 et seq.) of Chapter 7 of Title 18.2;

7141 2. Homicide, pursuant to Article 1 (§ 18.2-30 et seq.) of Chapter 4 of Title 18.2;

7142 3. Felonious assault and bodily wounding, pursuant to Article 4 (§ 18.2-51 et seq.) of Chapter 4 of Title
 7143 18.2;

7144 4. Criminal sexual assault, pursuant to Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2;

7145 5. Manufacture, sale, gift, distribution or possession of Schedule I or II controlled substances, pursuant to
 7146 Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2;

7147 6. Manufacture, sale or distribution of marijuana pursuant to ~~Article 4~~ *Chapter 11* (§ ~~18.2-247 4.1-1100~~ et
 7148 seq.) of ~~Chapter 7~~ of Title 18.2 *4.1*;

7149 7. Arson and related crimes, pursuant to Article 1 (§ 18.2-77 et seq.) of Chapter 5 of Title 18.2;

7150 8. Burglary and related offenses, pursuant to §§ 18.2-89 through 18.2-93;

7151 9. Robbery pursuant to § 18.2-58;

7152 10. Prohibited criminal street gang activity pursuant to § 18.2-46.2;

7153 11. Recruitment of juveniles for criminal street gang pursuant to § 18.2-46.3;

7154 12. An act of violence by a mob pursuant to § 18.2-42.1; or

7155 13. Abduction of any person pursuant to § 18.2-47 or 18.2-48.

7156 **§ 19.2-188.1. Testimony regarding identification of controlled substances.**

7157 A. In any preliminary hearing on a violation of Chapter 11 (§ 4.1-1100 et seq.) of Title 4.1, Article 1
 7158 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2, or subdivision 6 of § 53.1-203, any law-enforcement officer
 7159 shall be permitted to testify as to the results of field tests that have been approved by the Department of
 7160 Forensic Science pursuant to regulations adopted in accordance with the Administrative Process Act
 7161 (§ 2.2-4000 et seq.), regarding whether or not any substance the identity of which is at issue in such hearing is
 7162 a controlled substance, or imitation controlled substance, *as defined in § 18.2-247*, or marijuana, as defined in
 7163 ~~§ 18.2-247 4.1-600~~.

7164 B. In any trial for a violation of ~~§ 4.1-1105.1 4.1-1104 or 4.1-1105~~, any law-enforcement officer shall be
 7165 permitted to testify as to the results of any marijuana field test approved as accurate and reliable by the
 7166 Department of Forensic Science pursuant to regulations adopted in accordance with the Administrative
 7167 Process Act (§ 2.2-4000 et seq.), regarding whether or not any plant material, the identity of which is at issue,
 7168 is marijuana provided the defendant has been given written notice of his right to request a full chemical
 7169 analysis. Such notice shall be on a form approved by the Supreme Court and shall be provided to the
 7170 defendant prior to trial.

7171 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
 7172 attorney of record for the accused, desires a full chemical analysis of the alleged plant material, he may, by
 7173 motion prior to trial before the court in which the charge is pending, request such a chemical analysis. Upon
 7174 such motion, the court shall order that the analysis be performed by the Department of Forensic Science in
 7175 accordance with the provisions of ~~§ 18.2-247 9.1-1101~~ and shall prescribe in its order the method of custody,
 7176 transfer, and return of evidence submitted for chemical analysis.

7177 **§ 19.2-303.01. Reduction of sentence; substantial assistance to prosecution.**

7178 Notwithstanding any other provision of law or rule of court, upon motion of the attorney for the
 7179 Commonwealth, the sentencing court may reduce the defendant's sentence if the defendant, after entry of the
 7180 final judgment order, provided substantial assistance in investigating or prosecuting another person for (i) an
 7181 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
 7182 violation of § 18.2-248, 18.2-248.01, 18.2-248.02, 18.2-248.03, ~~18.2-248.4~~, 18.2-248.5, 18.2-251.2,

7183 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
 7184 similar offense in any other jurisdiction, which offense would be a felony if committed in the
 7185 Commonwealth; (ii) a conspiracy to commit any of the offenses listed in clause (i); or (iii) violations as a
 7186 principal in the second degree or accessory before the fact of any of the offenses listed in clause (i). In
 7187 determining whether the defendant has provided substantial assistance pursuant to the provisions of this
 7188 section, the court shall consider (a) the court's evaluation of the significance and usefulness of the defendant's
 7189 assistance, taking into consideration the Commonwealth's evaluation of the assistance rendered; (b) the
 7190 truthfulness, completeness, and reliability of any information or testimony provided by the defendant; (c) the
 7191 nature and extent of the defendant's assistance; (d) any injury suffered or any danger or risk of injury to the
 7192 defendant or his family resulting from his assistance; and (e) the timeliness of the defendant's assistance. If
 7193 the motion is made more than one year after entry of the final judgment order, the court may reduce a
 7194 sentence only if the defendant's substantial assistance involved (1) information not known to the defendant
 7195 until more than one year after entry of the final judgment order, (2) information provided by the defendant
 7196 within one year of entry of the final judgment order but that did not become useful to the Commonwealth
 7197 until more than one year after entry of the final judgment order, or (3) information the usefulness of which
 7198 could not reasonably have been anticipated by the defendant until more than one year after entry of the final
 7199 judgment order and which was promptly provided to the Commonwealth by the defendant after its usefulness
 7200 was reasonably apparent.

7201 **§ 19.2-386.21. Forfeiture of counterfeit and contraband cigarettes.**

7202 Counterfeit cigarettes possessed in violation of § 18.2-246.14 and cigarettes possessed in violation of
 7203 § 58.1-1017 or 58.1-1017.1 shall be subject to seizure, forfeiture, and destruction or court-ordered assignment
 7204 for use by a law-enforcement undercover operation by the Virginia Alcoholic Beverage *and Cannabis*
 7205 Control Authority or any law-enforcement officer of the Commonwealth. However, any undercover operation
 7206 that makes use of counterfeit cigarettes shall ensure that the counterfeit cigarettes remain under the control
 7207 and command of law enforcement and shall not be distributed to a member of the general public who is not
 7208 the subject of a criminal investigation. All fixtures, equipment, materials, and personal property used in
 7209 substantial connection with (i) the sale or possession of counterfeit cigarettes in a knowing and intentional
 7210 violation of Article 10 (§ 18.2-246.6 et seq.) of Chapter 6 of Title 18.2 or (ii) the sale or possession of
 7211 cigarettes in a knowing and intentional violation of § 58.1-1017 or 58.1-1017.1 shall be subject to seizure and
 7212 forfeiture according to the procedures contained in Chapter 22.1 (§ 19.2-386.1 et seq.), applied mutatis
 7213 mutandis.

7214 **§ 19.2-386.22. Seizure of property used in connection with or derived from illegal drug transactions.**

7215 A. The following property shall be subject to lawful seizure by any officer charged with enforcing the
 7216 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
 7217 Title 18.2: (i) all money, medical equipment, office equipment, laboratory equipment, motor vehicles, and all
 7218 other personal and real property of any kind or character, used in substantial connection with (a) the illegal
 7219 manufacture, sale or distribution of controlled substances or possession with intent to sell or distribute
 7220 controlled substances in violation of § 18.2-248, (b) the sale or distribution of marijuana ~~or possession with~~
 7221 ~~intent to distribute marijuana~~ in violation of subdivisions (a)(2), (a)(3) and (e) of § 18.2-248.1 § 4.1-1103, or
 7222 (c) a drug-related offense in violation of § 4.1-1117 or 18.2-474.1; (ii) everything of value furnished, or
 7223 intended to be furnished, in exchange for a controlled substance in violation of § 18.2-248 or for marijuana in
 7224 violation of § ~~18.2-248.1~~ 4.1-1103 or for a controlled substance or marijuana in violation of § 4.1-1117 or
 7225 18.2-474.1; and (iii) all moneys or other property, real or personal, traceable to such an exchange, together
 7226 with any interest or profits derived from the investment of such money or other property. Under the
 7227 provisions of clause (i), real property shall not be subject to lawful seizure unless the minimum prescribed
 7228 punishment for the violation is a term of not less than five years.

7229 B. All seizures and forfeitures under this section shall be governed by the procedures contained in Chapter
 7230 22.1 (§ 19.2-386.1 et seq.).

7231 **§ 19.2-386.23. Disposal of seized controlled substances, marijuana, and paraphernalia.**

7232 A. All controlled substances, imitation controlled substances, marijuana, or paraphernalia, the lawful
 7233 possession of which is not established or the title to which cannot be ascertained, which have come into the
 7234 custody of a peace officer or have been seized in connection with violations of *Chapter 11 (§ 4.1-1100 et*
 7235 *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:

7236 1. Upon written application by (i) the Department of Forensic Science, (ii) the Department of State Police,
 7237 or (iii) any police department or sheriff's office in a locality, the court may order the forfeiture of any such
 7238 substance or paraphernalia to the Department of Forensic Science, the Department of State Police, or to such
 7239 police department or sheriff's office for research and training purposes and for destruction pursuant to
 7240 regulations of the United States Department of Justice Drug Enforcement Administration and of the Board of
 7241 Pharmacy once these purposes have been fulfilled.

7242 2. In the event no application is made under subdivision 1, the court shall order the destruction of all such
 7243 substances or paraphernalia, which order shall state the existence and nature of the substance or
 7244 paraphernalia, the quantity thereof, the location where seized, the person or persons from whom the substance

7245 or paraphernalia was seized, if known, and the manner whereby such item shall be destroyed. However, the
7246 court may order that paraphernalia identified in subdivision 5 of § 18.2-265.1 not be destroyed and that it be
7247 given to a person or entity that makes a showing to the court of sufficient need for the property and an ability
7248 to put the property to a lawful and publicly beneficial use. A return under oath, reporting the time, place and
7249 manner of destruction shall be made to the court by the officer to whom the order is directed. A copy of the
7250 order and affidavit shall be made a part of the record of any criminal prosecution in which the substance or
7251 paraphernalia was used as evidence and shall, thereafter, be prima facie evidence of its contents. In the event
7252 a law-enforcement agency recovers, seizes, finds, is given or otherwise comes into possession of any such
7253 substances or paraphernalia that are not evidence in a trial in the Commonwealth, the chief law-enforcement
7254 officer of the agency or his designee may, with the written consent of the appropriate attorney for the
7255 Commonwealth, order destruction of same; provided that a statement under oath, reporting a description of
7256 the substances and paraphernalia destroyed and the time, place and manner of destruction, is made to the
7257 chief law-enforcement officer by the officer to whom the order is directed.

7258 B. No such substance or paraphernalia used or to be used in a criminal prosecution under *Chapter 11*
7259 (*§ 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
7260 provided by this section until all rights of appeal have been exhausted, except as provided in § 19.2-386.24.

7261 C. The amount of any specific controlled substance, or imitation controlled substance, retained by any
7262 law-enforcement agency pursuant to a court order issued under this section shall not exceed five pounds, or
7263 25 pounds in the case of marijuana. Any written application to the court for controlled substances, imitation
7264 controlled substances, or marijuana, shall certify that the amount requested shall not result in the requesting
7265 agency's exceeding the limits allowed by this subsection.

7266 D. A law-enforcement agency that retains any controlled substance, imitation controlled substance, or
7267 marijuana, pursuant to a court order issued under this section shall (i) be required to conduct an inventory of
7268 such substance on a monthly basis, which shall include a description and weight of the substance, and (ii)
7269 destroy such substance pursuant to subdivision A 1 when no longer needed for research and training
7270 purposes. A written report outlining the details of the inventory shall be made to the chief law-enforcement
7271 officer of the agency within 10 days of the completion of the inventory, and the agency shall detail the
7272 substances that were used for research and training pursuant to a court order in the immediately preceding
7273 fiscal year. Destruction of such substance shall be certified to the court along with a statement prepared under
7274 oath, reporting a description of the substance destroyed, and the time, place, and manner of destruction.

7275 **§ 19.2-386.24. Destruction of seized controlled substances or marijuana prior to trial.**

7276 Where seizures of controlled substances or marijuana are made in excess of 10 pounds in connection with
7277 any prosecution or investigation under *Chapter 11* (*§ 4.1-1100 et seq.*) of Title 4.1 or Chapter 7 (*§ 18.2-247 et*
7278 *seq.*) of Title 18.2, the appropriate law-enforcement agency may retain 10 pounds of the substance randomly
7279 selected from the seized substance for representative purposes as evidence and destroy the remainder of the
7280 seized substance.

7281 Before any destruction is carried out under this section, the law-enforcement agency shall cause the
7282 material seized to be photographed with identification case numbers or other means of identification and shall
7283 prepare a report identifying the seized material. It shall also notify the accused, or other interested party, if
7284 known, or his attorney, at least five days in advance that the photography will take place and that they may be
7285 present. Prior to any destruction under this section, the law-enforcement agency shall also notify the accused
7286 or other interested party, if known, and his attorney at least seven days prior to the destruction of the time and
7287 place the destruction will occur. Any notice required under the provisions of this section shall be by first-
7288 class mail to the last known address of the person required to be notified. In addition to the substance retained
7289 for representative purposes as evidence, all photographs and records made under this section and properly
7290 identified shall be admissible in any court proceeding for any purposes for which the seized substance itself
7291 would have been admissible.

7292 **§ 19.2-386.25. Judge may order law-enforcement agency to maintain custody of controlled**
7293 **substances, etc.**

7294 Upon request of the clerk of any court, a judge of the court may order a law-enforcement agency to take
7295 into its custody or to maintain custody of substantial quantities of any controlled substances, imitation
7296 controlled substances, chemicals, marijuana, or paraphernalia used or to be used in a criminal prosecution
7297 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
7298 its order may make provision for ensuring integrity of these items until further order of the court.

7299 **§ 19.2-389. (Effective until July 1, 2026) Dissemination of criminal history record information.**

7300 A. Criminal history record information shall be disseminated, whether directly or through an intermediary,
7301 only to:

7302 1. Authorized officers or employees of criminal justice agencies, as defined by § 9.1-101, for purposes of
7303 the administration of criminal justice and the screening of an employment application or review of
7304 employment by a criminal justice agency with respect to its own employees or applicants, and dissemination
7305 to the Virginia Parole Board, pursuant to this subdivision, of such information on all state-responsible
7306 inmates for the purpose of making parole determinations pursuant to subdivisions 1, 2, 3, 4, and 6 of

7307 § 53.1-136 shall include collective dissemination by electronic means every 30 days. For purposes of this
 7308 subdivision, criminal history record information includes information sent to the Central Criminal Records
 7309 Exchange pursuant to §§ 37.2-819 and 64.2-2014 when disseminated to any full-time or part-time employee
 7310 of the State Police, a police department or sheriff's office that is a part of or administered by the
 7311 Commonwealth or any political subdivision thereof, and who is responsible for the prevention and detection
 7312 of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth for the purposes of
 7313 the administration of criminal justice;

7314 2. Such other individuals and agencies that require criminal history record information to implement a
 7315 state or federal statute or executive order of the President of the United States or Governor that expressly
 7316 refers to criminal conduct and contains requirements or exclusions expressly based upon such conduct, except
 7317 that information concerning the arrest of an individual may not be disseminated to a noncriminal justice
 7318 agency or individual if an interval of one year has elapsed from the date of the arrest and no disposition of the
 7319 charge has been recorded and no active prosecution of the charge is pending;

7320 3. Individuals and agencies pursuant to a specific agreement with a criminal justice agency to provide
 7321 services required for the administration of criminal justice pursuant to that agreement which shall specifically
 7322 authorize access to data, limit the use of data to purposes for which given, and ensure the security and
 7323 confidentiality of the data;

7324 4. Individuals and agencies for the express purpose of research, evaluative, or statistical activities pursuant
 7325 to an agreement with a criminal justice agency that shall specifically authorize access to data, limit the use of
 7326 data to research, evaluative, or statistical purposes, and ensure the confidentiality and security of the data;

7327 5. Agencies of state or federal government that are authorized by state or federal statute or executive order
 7328 of the President of the United States or Governor to conduct investigations determining employment
 7329 suitability or eligibility for security clearances allowing access to classified information;

7330 6. Individuals and agencies where authorized by court order or court rule;

7331 7. Agencies of any political subdivision of the Commonwealth, public transportation companies owned,
 7332 operated or controlled by any political subdivision, and any public service corporation that operates a public
 7333 transit system owned by a local government for the conduct of investigations of applicants for employment,
 7334 permit, or license whenever, in the interest of public welfare or safety, it is necessary to determine under a
 7335 duly enacted ordinance if the past criminal conduct of a person with a conviction record would be compatible
 7336 with the nature of the employment, permit, or license under consideration;

7337 7a. Commissions created pursuant to the Transportation District Act of 1964 (§ 33.2-1900 et seq.) of Title
 7338 ~~33-2~~ and their contractors, for the conduct of investigations of individuals who have been offered a position
 7339 of employment whenever, in the interest of public welfare or safety and as authorized in the Transportation
 7340 District Act of 1964, it is necessary to determine if the past criminal conduct of a person with a conviction
 7341 record would be compatible with the nature of the employment under consideration;

7342 8. Public or private agencies when authorized or required by federal or state law or interstate compact to
 7343 investigate (i) applicants for foster or adoptive parenthood or (ii) any individual, and the adult members of
 7344 that individual's household, with whom the agency is considering placing a child or from whom the agency is
 7345 considering removing a child due to abuse or neglect, on an emergency, temporary, or permanent basis
 7346 pursuant to §§ 63.2-901.1 and 63.2-1505, subject to the restriction that the data shall not be further
 7347 disseminated to any party other than a federal or state authority or court as may be required to comply with an
 7348 express requirement of law;

7349 9. To the extent permitted by federal law or regulation, public service companies as defined in § 56-1, for
 7350 the conduct of investigations of applicants for employment when such employment involves personal contact
 7351 with the public or when past criminal conduct of an applicant would be incompatible with the nature of the
 7352 employment under consideration;

7353 10. The appropriate authority for purposes of granting citizenship and for purposes of international travel,
 7354 including, but not limited to, issuing visas and passports;

7355 11. A person requesting a copy of his own criminal history record information as defined in § 9.1-101 at
 7356 his cost, except that criminal history record information shall be supplied at no charge to a person who has
 7357 applied to be a volunteer with (i) a Virginia affiliate of Big Brothers/Big Sisters of America; (ii) a volunteer
 7358 fire company; (iii) the Volunteer Emergency Families for Children; (iv) any affiliate of Prevent Child Abuse,
 7359 Virginia; (v) any Virginia affiliate of Compeer; or (vi) any board member or any individual who has been
 7360 offered membership on the board of a Crime Stoppers, Crime Solvers or Crime Line program as defined in
 7361 § 15.2-1713.1;

7362 12. Administrators and board presidents of and applicants for licensure or registration as a child welfare
 7363 agency as defined in § 63.2-100 for dissemination to the Commissioner of Social Services' representative
 7364 pursuant to § 63.2-1702 for the conduct of investigations with respect to employees of and volunteers at such
 7365 facilities, caretakers, and foster and adoptive parent applicants of private child-placing agencies, pursuant to
 7366 §§ 63.2-1719, 63.2-1720, and 63.2-1721, subject to the restriction that the data shall not be further
 7367 disseminated by the facility or agency to any party other than the data subject, the Commissioner of Social
 7368 Services' representative or a federal or state authority or court as may be required to comply with an express

7369 requirement of law for such further dissemination; however, nothing in this subdivision shall be construed to
7370 prohibit the Commissioner of Social Services' representative from issuing written certifications regarding the
7371 results of a background check that was conducted before July 1, 2021, in accordance with subsection J of
7372 § 22.1-289.035 or § 22.1-289.039;

7373 13. The Department of Social Services for the purpose of screening individuals as a condition of licensure,
7374 employment, volunteering, or providing services on a regular basis in a licensed child welfare agency
7375 pursuant to §§ 63.2-1721 and 63.2-1726 or foster or adoptive home approved by a child-placing agency
7376 pursuant to § 63.2-901.1;

7377 14. The school boards of the Commonwealth for the purpose of screening individuals who are offered or
7378 who accept public school employment and those current school board employees for whom a report of arrest
7379 has been made pursuant to § 19.2-83.1;

7380 15. The Virginia Lottery for the conduct of investigations as set forth in the Virginia Lottery Law
7381 (§ 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
7382 Department of Agriculture and Consumer Services for the conduct of investigations as set forth in Article
7383 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2;

7384 16. Licensed nursing homes, hospitals and home care organizations for the conduct of investigations of
7385 applicants for compensated employment in licensed nursing homes pursuant to § 32.1-126.01, hospital
7386 pharmacies pursuant to § 32.1-126.02, and home care organizations pursuant to § 32.1-162.9:1, subject to the
7387 limitations set out in subsection E;

7388 17. Licensed assisted living facilities and licensed adult day centers for the conduct of investigations of
7389 applicants for compensated employment in licensed assisted living facilities and licensed adult day centers
7390 pursuant to § 63.2-1720, subject to the limitations set out in subsection F;

7391 18. The Virginia Alcoholic Beverage *and Cannabis* Control Authority for the conduct of investigations as
7392 set forth in § 4.1-103.1 *or pursuant to any other law*;

7393 19. The State Board of Elections and authorized officers and employees thereof and general registrars
7394 appointed pursuant to § 24.2-110 in the course of conducting necessary investigations with respect to voter
7395 registration, limited to any record of felony convictions;

7396 20. The Commissioner of Behavioral Health and Developmental Services (the Commissioner) or his
7397 designees for individuals who are committed to the custody of or being evaluated by the Commissioner
7398 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,
7399 19.2-182.8, and 19.2-182.9 where such information may be beneficial for the purpose of placement,
7400 evaluation, treatment, or discharge planning;

7401 21. Any alcohol safety action program certified by the Commission on the Virginia Alcohol Safety Action
7402 Program for (i) interventions with first offenders under § 18.2-251 or (ii) services to offenders under
7403 § 18.2-51.4, 18.2-266, or 18.2-266.1;

7404 22. Residential facilities for juveniles regulated or operated by the Department of Social Services, the
7405 Department of Education, or the Department of Behavioral Health and Developmental Services for the
7406 purpose of determining applicants' fitness for employment or for providing volunteer or contractual services;

7407 23. The Department of Behavioral Health and Developmental Services and facilities operated by the
7408 Department for the purpose of determining an individual's fitness for employment pursuant to departmental
7409 instructions;

7410 24. Pursuant to § 22.1-296.3, the governing boards or administrators of private elementary or secondary
7411 schools which are accredited pursuant to § 22.1-19 or a private organization coordinating such records
7412 information on behalf of such governing boards or administrators pursuant to a written agreement with the
7413 Department of State Police;

7414 25. Public institutions of higher education and nonprofit private institutions of higher education for the
7415 purpose of screening individuals who are offered or accept employment;

7416 26. Members of a threat assessment team established by a local school board pursuant to § 22.1-79.4, by a
7417 public institution of higher education pursuant to § 23.1-805, or by a private nonprofit institution of higher
7418 education, for the purpose of assessing or intervening with an individual whose behavior may present a threat
7419 to safety; however, no member of a threat assessment team shall redisclose any criminal history record
7420 information obtained pursuant to this section or otherwise use any record of an individual beyond the purpose
7421 that such disclosure was made to the threat assessment team;

7422 27. Executive directors of community services boards or the personnel director serving the community
7423 services board for the purpose of determining an individual's fitness for employment, approval as a sponsored
7424 residential service provider, permission to enter into a shared living arrangement with a person receiving
7425 medical assistance services pursuant to a waiver, or permission for any person under contract with the
7426 community services board to serve in a direct care position on behalf of the community services board
7427 pursuant to §§ 37.2-506, 37.2-506.1, and 37.2-607;

7428 28. Executive directors of behavioral health authorities as defined in § 37.2-600 for the purpose of
7429 determining an individual's fitness for employment, approval as a sponsored residential service provider,
7430 permission to enter into a shared living arrangement with a person receiving medical assistance services

7431 pursuant to a waiver, or permission for any person under contract with the behavioral health authority to
 7432 serve in a direct care position on behalf of the behavioral health authority pursuant to §§ 37.2-506,
 7433 37.2-506.1, and 37.2-607;

7434 29. The Commissioner of Social Services for the purpose of locating persons who owe child support or
 7435 who are alleged in a pending paternity proceeding to be a putative father, provided that only the name,
 7436 address, demographics and social security number of the data subject shall be released;

7437 30. Authorized officers or directors of agencies licensed pursuant to Article 2 (§ 37.2-403 et seq.) of
 7438 Chapter 4 of Title 37.2 by the Department of Behavioral Health and Developmental Services for the purpose
 7439 of determining if any applicant who accepts employment in any direct care position or requests approval as a
 7440 sponsored residential service provider, permission to enter into a shared living arrangement with a person
 7441 receiving medical assistance services pursuant to a waiver, or permission for any person under contract with
 7442 the provider to serve in a direct care position has been convicted of a crime that affects his fitness to have
 7443 responsibility for the safety and well-being of individuals with mental illness, intellectual disability, or
 7444 substance abuse pursuant to §§ 37.2-416, 37.2-416.1, 37.2-506, 37.2-506.1, and 37.2-607;

7445 31. The Commissioner of the Department of Motor Vehicles, for the purpose of evaluating applicants for
 7446 and holders of a motor carrier certificate or license subject to the provisions of Chapters 20 (§ 46.2-2000 et
 7447 seq.) and 21 (§ 46.2-2100 et seq.) of Title 46.2;

7448 32. The Chairman of the Senate Committee for Courts of Justice or the Chairman of the House Committee
 7449 for Courts of Justice for the purpose of determining if any person being considered for election to any
 7450 judgeship has been convicted of a crime;

7451 33. Heads of state agencies in which positions have been identified as sensitive for the purpose of
 7452 determining an individual's fitness for employment in positions designated as sensitive under Department of
 7453 Human Resource Management policies developed pursuant to § 2.2-1201.1;

7454 34. The Office of the Attorney General, for all criminal justice activities otherwise permitted under
 7455 subdivision A 1 and for purposes of performing duties required by the Civil Commitment of Sexually Violent
 7456 Predators Act (§ 37.2-900 et seq.);

7457 35. Shipyards, to the extent permitted by federal law or regulation, engaged in the design, construction,
 7458 overhaul, or repair of nuclear vessels for the United States Navy, including their subsidiary companies, for
 7459 the conduct of investigations of applications for employment or for access to facilities, by contractors, leased
 7460 laborers, and other visitors;

7461 36. Any employer of individuals whose employment requires that they enter the homes of others, for the
 7462 purpose of screening individuals who apply for, are offered, or have accepted such employment;

7463 37. Public agencies when and as required by federal or state law to investigate (i) applicants as providers
 7464 of adult foster care and home-based services or (ii) any individual with whom the agency is considering
 7465 placing an adult on an emergency, temporary, or permanent basis pursuant to § 63.2-1601.1, subject to the
 7466 restriction that the data shall not be further disseminated by the agency to any party other than a federal or
 7467 state authority or court as may be required to comply with an express requirement of law for such further
 7468 dissemination, subject to limitations set out in subsection G;

7469 38. The Department of Medical Assistance Services, or its designee, for the purpose of screening
 7470 individuals who, through contracts, subcontracts, or direct employment, volunteer, apply for, are offered, or
 7471 have accepted a position related to the provision of transportation services to enrollees in the Medicaid
 7472 Program or the Family Access to Medical Insurance Security (FAMIS) Program, or any other program
 7473 administered by the Department of Medical Assistance Services;

7474 39. The State Corporation Commission for the purpose of investigating individuals who are current or
 7475 proposed members, senior officers, directors, and principals of an applicant or person licensed under Chapter
 7476 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.
 7477 Notwithstanding any other provision of law, if an application is denied based in whole or in part on
 7478 information obtained from the Central Criminal Records Exchange pursuant to Chapter 16, 19, or 26 of Title
 7479 6.2, the Commissioner of Financial Institutions or his designee may disclose such information to the applicant
 7480 or its designee;

7481 40. The Department of Professional and Occupational Regulation for the purpose of investigating
 7482 individuals for initial licensure pursuant to § 54.1-2106.1;

7483 41. The Department for Aging and Rehabilitative Services and the Department for the Blind and Vision
 7484 Impaired for the purpose of evaluating an individual's fitness for various types of employment and for the
 7485 purpose of delivering comprehensive vocational rehabilitation services pursuant to Article 11 (§ 51.5-170 et
 7486 seq.) of Chapter 14 of Title 51.5 that will assist the individual in obtaining employment;

7487 42. Bail bondsmen, in accordance with the provisions of § 19.2-120;

7488 43. The State Treasurer for the purpose of determining whether a person receiving compensation for
 7489 wrongful incarceration meets the conditions for continued compensation under § 8.01-195.12;

7490 44. The Department of Education or its agents or designees for the purpose of screening individuals
 7491 seeking to enter into a contract with the Department of Education or its agents or designees for the provision
 7492 of child care services for which child care subsidy payments may be provided;

7493 45. The Department of Juvenile Justice to investigate any parent, guardian, or other adult members of a
7494 juvenile's household when completing a predispositional or postdispositional report required by § 16.1-273 or
7495 a Board of Juvenile Justice regulation promulgated pursuant to § 16.1-233;

7496 46. The State Corporation Commission, for the purpose of screening applicants for insurance licensure
7497 under Chapter 18 (§ 38.2-1800 et seq.) of Title 38.2;

7498 47. Administrators and board presidents of and applicants for licensure or registration as a child day
7499 program or family day system, as such terms are defined in § 22.1-289.02, for dissemination to the
7500 Superintendent of Public Instruction's representative pursuant to § 22.1-289.013 for the conduct of
7501 investigations with respect to employees of and volunteers at such facilities pursuant to §§ 22.1-289.034
7502 through 22.1-289.037, subject to the restriction that the data shall not be further disseminated by the facility
7503 or agency to any party other than the data subject, the Superintendent of Public Instruction's representative, or
7504 a federal or state authority or court as may be required to comply with an express requirement of law for such
7505 further dissemination; however, nothing in this subdivision shall be construed to prohibit the Superintendent
7506 of Public Instruction's representative from issuing written certifications regarding the results of prior
7507 background checks in accordance with subsection J of § 22.1-289.035 or § 22.1-289.039;

7508 48. The National Center for Missing and Exploited Children for the purpose of screening individuals who
7509 are offered or accept employment or will be providing volunteer or contractual services with the National
7510 Center for Missing and Exploited Children;

7511 49. The Executive Director or investigators of the Board of Accountancy for the purpose of the
7512 enforcement of laws relating to the Board of Accountancy in accordance with § 54.1-4407; and

7513 50. Other entities as otherwise provided by law.

7514 Upon an ex parte motion of a defendant in a felony case and upon the showing that the records requested
7515 may be relevant to such case, the court shall enter an order requiring the Central Criminal Records Exchange
7516 to furnish the defendant, as soon as practicable, copies of any records of persons designated in the order on
7517 whom a report has been made under the provisions of this chapter.

7518 Notwithstanding any other provision of this chapter to the contrary, upon a written request sworn to
7519 before an officer authorized to take acknowledgments, the Central Criminal Records Exchange, or the
7520 criminal justice agency in cases of offenses not required to be reported to the Exchange, shall furnish a copy
7521 of conviction data covering the person named in the request to the person making the request; however, such
7522 person on whom the data is being obtained shall consent in writing, under oath, to the making of such
7523 request. A person receiving a copy of his own conviction data may utilize or further disseminate that data as
7524 he deems appropriate. In the event no conviction data is maintained on the data subject, the person making
7525 the request shall be furnished at his cost a certification to that effect.

7526 B. Use of criminal history record information disseminated to noncriminal justice agencies under this
7527 section shall be limited to the purposes for which it was given and may not be disseminated further, except as
7528 otherwise provided in subdivision A 47.

7529 C. No criminal justice agency or person shall confirm the existence or nonexistence of criminal history
7530 record information for employment or licensing inquiries except as provided by law.

7531 D. Criminal justice agencies shall establish procedures to query the Central Criminal Records Exchange
7532 prior to dissemination of any criminal history record information on offenses required to be reported to the
7533 Central Criminal Records Exchange to ensure that the most up-to-date disposition data is being used.
7534 Inquiries of the Exchange shall be made prior to any dissemination except in those cases where time is of the
7535 essence and the normal response time of the Exchange would exceed the necessary time period. A criminal
7536 justice agency to whom a request has been made for the dissemination of criminal history record information
7537 that is required to be reported to the Central Criminal Records Exchange may direct the inquirer to the
7538 Central Criminal Records Exchange for such dissemination. Dissemination of information regarding offenses
7539 not required to be reported to the Exchange shall be made by the criminal justice agency maintaining the
7540 record as required by § 15.2-1722.

7541 E. Criminal history information provided to licensed nursing homes, hospitals and to home care
7542 organizations pursuant to subdivision A 16 shall be limited to the convictions on file with the Exchange for
7543 any offense specified in §§ 32.1-126.01, 32.1-126.02, and 32.1-162.9:1.

7544 F. Criminal history information provided to licensed assisted living facilities and licensed adult day
7545 centers pursuant to subdivision A 17 shall be limited to the convictions on file with the Exchange for any
7546 offense specified in § 63.2-1720.

7547 G. Criminal history information provided to public agencies pursuant to subdivision A 37 shall be limited
7548 to the convictions on file with the Exchange for any offense set forth in clause (i) of the definition of barrier
7549 crime in § 19.2-392.02.

7550 H. Upon receipt of a written request from an employer or prospective employer, the Central Criminal
7551 Records Exchange, or the criminal justice agency in cases of offenses not required to be reported to the
7552 Exchange, shall furnish at the employer's cost a copy of conviction data covering the person named in the
7553 request to the employer or prospective employer making the request, provided that the person on whom the
7554 data is being obtained has consented in writing to the making of such request and has presented a photo-

7555 identification to the employer or prospective employer. In the event no conviction data is maintained on the
 7556 person named in the request, the requesting employer or prospective employer shall be furnished at his cost a
 7557 certification to that effect. The criminal history record search shall be conducted on forms provided by the
 7558 Exchange.

7559 I. The attorney for the Commonwealth shall provide a physical or electronic copy of a person's criminal
 7560 history record information, including criminal history record information maintained in the National Crime
 7561 Information Center (NCIC) and the Interstate Identification Index System (III System) that is in his
 7562 possession, pursuant to the rules of court for obtaining discovery or for review by the court. No criminal
 7563 history record information provided under this subsection shall be disseminated further.

7564 **§ 19.2-389. (Effective July 1, 2026) Dissemination of criminal history record information.**

7565 A. Criminal history record information shall be disseminated, whether directly or through an intermediary,
 7566 only to:

7567 1. Authorized officers or employees of criminal justice agencies, as defined by § 9.1-101, for purposes of
 7568 the administration of criminal justice and the screening of an employment application or review of
 7569 employment by a criminal justice agency with respect to its own employees or applicants, and dissemination
 7570 to the Virginia Parole Board, pursuant to this subdivision, of such information on all state-responsible
 7571 inmates for the purpose of making parole determinations pursuant to subdivisions 1, 2, 3, 4, and 6 of
 7572 § 53.1-136 shall include collective dissemination by electronic means every 30 days. For purposes of this
 7573 subdivision, criminal history record information includes information sent to the Central Criminal Records
 7574 Exchange pursuant to §§ 37.2-819 and 64.2-2014 when disseminated to any full-time or part-time employee
 7575 of the State Police, a police department or sheriff's office that is a part of or administered by the
 7576 Commonwealth or any political subdivision thereof, and who is responsible for the prevention and detection
 7577 of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth for the purposes of
 7578 the administration of criminal justice;

7579 2. Such other individuals and agencies that require criminal history record information to implement a
 7580 state or federal statute or executive order of the President of the United States or Governor that expressly
 7581 refers to criminal conduct and contains requirements or exclusions expressly based upon such conduct, except
 7582 that information concerning the arrest of an individual may not be disseminated to a noncriminal justice
 7583 agency or individual if an interval of one year has elapsed from the date of the arrest and no disposition of the
 7584 charge has been recorded and no active prosecution of the charge is pending;

7585 3. Individuals and agencies pursuant to a specific agreement with a criminal justice agency to provide
 7586 services required for the administration of criminal justice pursuant to that agreement which shall specifically
 7587 authorize access to data, limit the use of data to purposes for which given, and ensure the security and
 7588 confidentiality of the data;

7589 4. Individuals and agencies for the express purpose of research, evaluative, or statistical activities pursuant
 7590 to an agreement with a criminal justice agency that shall specifically authorize access to data, limit the use of
 7591 data to research, evaluative, or statistical purposes, and ensure the confidentiality and security of the data;

7592 5. Agencies of state or federal government that are authorized by state or federal statute or executive order
 7593 of the President of the United States or Governor to conduct investigations determining employment
 7594 suitability or eligibility for security clearances allowing access to classified information;

7595 6. Individuals and agencies where authorized by court order or court rule;

7596 7. Agencies of any political subdivision of the Commonwealth, public transportation companies owned,
 7597 operated or controlled by any political subdivision, and any public service corporation that operates a public
 7598 transit system owned by a local government for the conduct of investigations of applicants for employment,
 7599 permit, or license whenever, in the interest of public welfare or safety, it is necessary to determine under a
 7600 duly enacted ordinance if the past criminal conduct of a person with a conviction record would be compatible
 7601 with the nature of the employment, permit, or license under consideration;

7602 7a. Commissions created pursuant to the Transportation District Act of 1964 (§ 33.2-1900 et seq.) ~~of Title~~
 7603 ~~33.2~~ and their contractors, for the conduct of investigations of individuals who have been offered a position
 7604 of employment whenever, in the interest of public welfare or safety and as authorized in the Transportation
 7605 District Act of 1964, it is necessary to determine if the past criminal conduct of a person with a conviction
 7606 record would be compatible with the nature of the employment under consideration;

7607 8. Public or private agencies when authorized or required by federal or state law or interstate compact to
 7608 investigate (i) applicants for foster or adoptive parenthood or (ii) any individual, and the adult members of
 7609 that individual's household, with whom the agency is considering placing a child or from whom the agency is
 7610 considering removing a child due to abuse or neglect, on an emergency, temporary, or permanent basis
 7611 pursuant to §§ 63.2-901.1 and 63.2-1505, subject to the restriction that the data shall not be further
 7612 disseminated to any party other than a federal or state authority or court as may be required to comply with an
 7613 express requirement of law;

7614 9. To the extent permitted by federal law or regulation, public service companies as defined in § 56-1, for
 7615 the conduct of investigations of applicants for employment when such employment involves personal contact
 7616 with the public or when past criminal conduct of an applicant would be incompatible with the nature of the

7617 employment under consideration;

7618 10. The appropriate authority for purposes of granting citizenship and for purposes of international travel,
7619 including, but not limited to, issuing visas and passports;

7620 11. A person requesting a copy of his own criminal history record information as defined in § 9.1-101 at
7621 his cost, except that criminal history record information shall be supplied at no charge to a person who has
7622 applied to be a volunteer with (i) a Virginia affiliate of Big Brothers/Big Sisters of America; (ii) a volunteer
7623 fire company; (iii) the Volunteer Emergency Families for Children; (iv) any affiliate of Prevent Child Abuse,
7624 Virginia; (v) any Virginia affiliate of Compeer; or (vi) any board member or any individual who has been
7625 offered membership on the board of a Crime Stoppers, Crime Solvers or Crime Line program as defined in
7626 § 15.2-1713.1;

7627 12. Administrators and board presidents of and applicants for licensure or registration as a child welfare
7628 agency as defined in § 63.2-100 for dissemination to the Commissioner of Social Services' representative
7629 pursuant to § 63.2-1702 for the conduct of investigations with respect to employees of and volunteers at such
7630 facilities, caretakers, and foster and adoptive parent applicants of private child-placing agencies, pursuant to
7631 §§ 63.2-1719, 63.2-1720, and 63.2-1721, subject to the restriction that the data shall not be further
7632 disseminated by the facility or agency to any party other than the data subject, the Commissioner of Social
7633 Services' representative or a federal or state authority or court as may be required to comply with an express
7634 requirement of law for such further dissemination; however, nothing in this subdivision shall be construed to
7635 prohibit the Commissioner of Social Services' representative from issuing written certifications regarding the
7636 results of a background check that was conducted before July 1, 2021, in accordance with subsection J of
7637 § 22.1-289.035 or § 22.1-289.039;

7638 13. Administrators and board presidents of and applicants for licensure as a prescribed pediatric extended
7639 care center for dissemination to the State Health Commissioner's representative pursuant to
7640 §§ 32.1-162.15:1.5 and 32.1-162.15:1.10 for the conduct of investigations with respect to employees of and
7641 volunteers at such centers, pursuant to § 32.1-162.15:1.17, subject to the restriction that the data shall not be
7642 further disseminated by the center to any party other than the data subject, the State Health Commissioner's
7643 representative, or a federal or state authority or court as may be required to comply with an express
7644 requirement of law;

7645 14. The Department of Social Services for the purpose of screening individuals as a condition of licensure,
7646 employment, volunteering, or providing services on a regular basis in a licensed child welfare agency
7647 pursuant to §§ 63.2-1721 and 63.2-1726 or foster or adoptive home approved by a child-placing agency
7648 pursuant to § 63.2-901.1;

7649 15. The school boards of the Commonwealth for the purpose of screening individuals who are offered or
7650 who accept public school employment and those current school board employees for whom a report of arrest
7651 has been made pursuant to § 19.2-83.1;

7652 16. The Virginia Lottery for the conduct of investigations as set forth in the Virginia Lottery Law
7653 (§ 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
7654 Department of Agriculture and Consumer Services for the conduct of investigations as set forth in Article
7655 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2;

7656 17. Licensed prescribed pediatric extended care centers for the conduct of investigations of applicants for
7657 compensated employment and volunteers in licensed prescribed pediatric extended care centers pursuant to
7658 § 32.1-162.15:1.17;

7659 18. Licensed nursing homes, hospitals and home care organizations for the conduct of investigations of
7660 applicants for compensated employment in licensed nursing homes pursuant to § 32.1-126.01, hospital
7661 pharmacies pursuant to § 32.1-126.02, and home care organizations pursuant to § 32.1-162.9:1, subject to the
7662 limitations set out in subsection E;

7663 19. Licensed assisted living facilities and licensed adult day centers for the conduct of investigations of
7664 applicants for compensated employment in licensed assisted living facilities and licensed adult day centers
7665 pursuant to § 63.2-1720, subject to the limitations set out in subsection F;

7666 20. The Virginia Alcoholic Beverage *and Cannabis* Control Authority for the conduct of investigations as
7667 set forth in § 4.1-103.1 *or pursuant to any other law*;

7668 21. The State Board of Elections and authorized officers and employees thereof and general registrars
7669 appointed pursuant to § 24.2-110 in the course of conducting necessary investigations with respect to voter
7670 registration, limited to any record of felony convictions;

7671 22. The Commissioner of Behavioral Health and Developmental Services (the Commissioner) or his
7672 designees for individuals who are committed to the custody of or being evaluated by the Commissioner
7673 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,
7674 19.2-182.8, and 19.2-182.9 where such information may be beneficial for the purpose of placement,
7675 evaluation, treatment, or discharge planning;

7676 23. Any alcohol safety action program certified by the Commission on the Virginia Alcohol Safety Action
7677 Program for (i) interventions with first offenders under § 18.2-251 or (ii) services to offenders under
7678 § 18.2-51.4, 18.2-266, or 18.2-266.1;

7679 24. Residential facilities for juveniles regulated or operated by the Department of Social Services, the
7680 Department of Education, or the Department of Behavioral Health and Developmental Services for the
7681 purpose of determining applicants' fitness for employment or for providing volunteer or contractual services;
7682 25. The Department of Behavioral Health and Developmental Services and facilities operated by the
7683 Department for the purpose of determining an individual's fitness for employment pursuant to departmental
7684 instructions;
7685 26. Pursuant to § 22.1-296.3, the governing boards or administrators of private elementary or secondary
7686 schools which are accredited pursuant to § 22.1-19 or a private organization coordinating such records
7687 information on behalf of such governing boards or administrators pursuant to a written agreement with the
7688 Department of State Police;
7689 27. Public institutions of higher education and nonprofit private institutions of higher education for the
7690 purpose of screening individuals who are offered or accept employment;
7691 28. Members of a threat assessment team established by a local school board pursuant to § 22.1-79.4, by a
7692 public institution of higher education pursuant to § 23.1-805, or by a private nonprofit institution of higher
7693 education, for the purpose of assessing or intervening with an individual whose behavior may present a threat
7694 to safety; however, no member of a threat assessment team shall redisclose any criminal history record
7695 information obtained pursuant to this section or otherwise use any record of an individual beyond the purpose
7696 that such disclosure was made to the threat assessment team;
7697 29. Executive directors of community services boards or the personnel director serving the community
7698 services board for the purpose of determining an individual's fitness for employment, approval as a sponsored
7699 residential service provider, permission to enter into a shared living arrangement with a person receiving
7700 medical assistance services pursuant to a waiver, or permission for any person under contract with the
7701 community services board to serve in a direct care position on behalf of the community services board
7702 pursuant to §§ 37.2-506, 37.2-506.1, and 37.2-607;
7703 30. Executive directors of behavioral health authorities as defined in § 37.2-600 for the purpose of
7704 determining an individual's fitness for employment, approval as a sponsored residential service provider,
7705 permission to enter into a shared living arrangement with a person receiving medical assistance services
7706 pursuant to a waiver, or permission for any person under contract with the behavioral health authority to
7707 serve in a direct care position on behalf of the behavioral health authority pursuant to §§ 37.2-506,
7708 37.2-506.1, and 37.2-607;
7709 31. The Commissioner of Social Services for the purpose of locating persons who owe child support or
7710 who are alleged in a pending paternity proceeding to be a putative father, provided that only the name,
7711 address, demographics and social security number of the data subject shall be released;
7712 32. Authorized officers or directors of agencies licensed pursuant to Article 2 (§ 37.2-403 et seq.) of
7713 Chapter 4 of Title 37.2 by the Department of Behavioral Health and Developmental Services for the purpose
7714 of determining if any applicant who accepts employment in any direct care position or requests approval as a
7715 sponsored residential service provider, permission to enter into a shared living arrangement with a person
7716 receiving medical assistance services pursuant to a waiver, or permission for any person under contract with
7717 the provider to serve in a direct care position has been convicted of a crime that affects his fitness to have
7718 responsibility for the safety and well-being of individuals with mental illness, intellectual disability, or
7719 substance abuse pursuant to §§ 37.2-416, 37.2-416.1, 37.2-506, 37.2-506.1, and 37.2-607;
7720 33. The Commissioner of the Department of Motor Vehicles, for the purpose of evaluating applicants for
7721 and holders of a motor carrier certificate or license subject to the provisions of Chapters 20 (§ 46.2-2000 et
7722 seq.) and 21 (§ 46.2-2100 et seq.) of Title 46.2;
7723 34. The Chairman of the Senate Committee for Courts of Justice or the Chairman of the House Committee
7724 for Courts of Justice for the purpose of determining if any person being considered for election to any
7725 judgeship has been convicted of a crime;
7726 35. Heads of state agencies in which positions have been identified as sensitive for the purpose of
7727 determining an individual's fitness for employment in positions designated as sensitive under Department of
7728 Human Resource Management policies developed pursuant to § 2.2-1201.1;
7729 36. The Office of the Attorney General, for all criminal justice activities otherwise permitted under
7730 subdivision A 1 and for purposes of performing duties required by the Civil Commitment of Sexually Violent
7731 Predators Act (§ 37.2-900 et seq.);
7732 37. Shipyards, to the extent permitted by federal law or regulation, engaged in the design, construction,
7733 overhaul, or repair of nuclear vessels for the United States Navy, including their subsidiary companies, for
7734 the conduct of investigations of applications for employment or for access to facilities, by contractors, leased
7735 laborers, and other visitors;
7736 38. Any employer of individuals whose employment requires that they enter the homes of others, for the
7737 purpose of screening individuals who apply for, are offered, or have accepted such employment;
7738 39. Public agencies when and as required by federal or state law to investigate (i) applicants as providers
7739 of adult foster care and home-based services or (ii) any individual with whom the agency is considering
7740 placing an adult on an emergency, temporary, or permanent basis pursuant to § 63.2-1601.1, subject to the

7741 restriction that the data shall not be further disseminated by the agency to any party other than a federal or
7742 state authority or court as may be required to comply with an express requirement of law for such further
7743 dissemination, subject to limitations set out in subsection G;

7744 40. The Department of Medical Assistance Services, or its designee, for the purpose of screening
7745 individuals who, through contracts, subcontracts, or direct employment, volunteer, apply for, are offered, or
7746 have accepted a position related to the provision of transportation services to enrollees in the Medicaid
7747 Program or the Family Access to Medical Insurance Security (FAMIS) Program, or any other program
7748 administered by the Department of Medical Assistance Services;

7749 41. The State Corporation Commission for the purpose of investigating individuals who are current or
7750 proposed members, senior officers, directors, and principals of an applicant or person licensed under Chapter
7751 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.
7752 Notwithstanding any other provision of law, if an application is denied based in whole or in part on
7753 information obtained from the Central Criminal Records Exchange pursuant to Chapter 16, 19, or 26 of Title
7754 6.2, the Commissioner of Financial Institutions or his designee may disclose such information to the applicant
7755 or its designee;

7756 42. The Department of Professional and Occupational Regulation for the purpose of investigating
7757 individuals for initial licensure pursuant to § 54.1-2106.1;

7758 43. The Department for Aging and Rehabilitative Services and the Department for the Blind and Vision
7759 Impaired for the purpose of evaluating an individual's fitness for various types of employment and for the
7760 purpose of delivering comprehensive vocational rehabilitation services pursuant to Article 11 (§ 51.5-170 et
7761 seq.) of Chapter 14 of Title 51.5 that will assist the individual in obtaining employment;

7762 44. Bail bondsmen, in accordance with the provisions of § 19.2-120;

7763 45. The State Treasurer for the purpose of determining whether a person receiving compensation for
7764 wrongful incarceration meets the conditions for continued compensation under § 8.01-195.12;

7765 46. The Department of Education or its agents or designees for the purpose of screening individuals
7766 seeking to enter into a contract with the Department of Education or its agents or designees for the provision
7767 of child care services for which child care subsidy payments may be provided;

7768 47. The Department of Juvenile Justice to investigate any parent, guardian, or other adult members of a
7769 juvenile's household when completing a predispositional or postdispositional report required by § 16.1-273 or
7770 a Board of Juvenile Justice regulation promulgated pursuant to § 16.1-233;

7771 48. The State Corporation Commission, for the purpose of screening applicants for insurance licensure
7772 under Chapter 18 (§ 38.2-1800 et seq.) of Title 38.2;

7773 49. Administrators and board presidents of and applicants for licensure or registration as a child day
7774 program or family day system, as such terms are defined in § 22.1-289.02, for dissemination to the
7775 Superintendent of Public Instruction's representative pursuant to § 22.1-289.013 for the conduct of
7776 investigations with respect to employees of and volunteers at such facilities pursuant to §§ 22.1-289.034
7777 through 22.1-289.037, subject to the restriction that the data shall not be further disseminated by the facility
7778 or agency to any party other than the data subject, the Superintendent of Public Instruction's representative, or
7779 a federal or state authority or court as may be required to comply with an express requirement of law for such
7780 further dissemination; however, nothing in this subdivision shall be construed to prohibit the Superintendent
7781 of Public Instruction's representative from issuing written certifications regarding the results of prior
7782 background checks in accordance with subsection J of § 22.1-289.035 or § 22.1-289.039;

7783 50. The National Center for Missing and Exploited Children for the purpose of screening individuals who
7784 are offered or accept employment or will be providing volunteer or contractual services with the National
7785 Center for Missing and Exploited Children;

7786 51. The Executive Director or investigators of the Board of Accountancy for the purpose of the
7787 enforcement of laws relating to the Board of Accountancy in accordance with § 54.1-4407; and

7788 52. Other entities as otherwise provided by law.

7789 Upon an ex parte motion of a defendant in a felony case and upon the showing that the records requested
7790 may be relevant to such case, the court shall enter an order requiring the Central Criminal Records Exchange
7791 to furnish the defendant, as soon as practicable, copies of any records of persons designated in the order on
7792 whom a report has been made under the provisions of this chapter.

7793 Notwithstanding any other provision of this chapter to the contrary, upon a written request sworn to
7794 before an officer authorized to take acknowledgments, the Central Criminal Records Exchange, or the
7795 criminal justice agency in cases of offenses not required to be reported to the Exchange, shall furnish a copy
7796 of conviction data covering the person named in the request to the person making the request; however, such
7797 person on whom the data is being obtained shall consent in writing, under oath, to the making of such
7798 request. A person receiving a copy of his own conviction data may utilize or further disseminate that data as
7799 he deems appropriate. In the event no conviction data is maintained on the data subject, the person making
7800 the request shall be furnished at his cost a certification to that effect.

7801 B. Use of criminal history record information disseminated to noncriminal justice agencies under this
7802 section shall be limited to the purposes for which it was given and may not be disseminated further, except as

7803 otherwise provided in subdivision A 49.

7804 C. No criminal justice agency or person shall confirm the existence or nonexistence of criminal history
7805 record information for employment or licensing inquiries except as provided by law.

7806 D. Criminal justice agencies shall establish procedures to query the Central Criminal Records Exchange
7807 prior to dissemination of any criminal history record information on offenses required to be reported to the
7808 Central Criminal Records Exchange to ensure that the most up-to-date disposition data is being used.
7809 Inquiries of the Exchange shall be made prior to any dissemination except in those cases where time is of the
7810 essence and the normal response time of the Exchange would exceed the necessary time period. A criminal
7811 justice agency to whom a request has been made for the dissemination of criminal history record information
7812 that is required to be reported to the Central Criminal Records Exchange may direct the inquirer to the
7813 Central Criminal Records Exchange for such dissemination. Dissemination of information regarding offenses
7814 not required to be reported to the Exchange shall be made by the criminal justice agency maintaining the
7815 record as required by § 15.2-1722.

7816 E. Criminal history information provided to licensed nursing homes, hospitals and to home care
7817 organizations pursuant to subdivision A 18 shall be limited to the convictions on file with the Exchange for
7818 any offense specified in §§ 32.1-126.01, 32.1-126.02, and 32.1-162.9:1.

7819 F. Criminal history information provided to licensed assisted living facilities and licensed adult day
7820 centers pursuant to subdivision A 19 shall be limited to the convictions on file with the Exchange for any
7821 offense specified in § 63.2-1720.

7822 G. Criminal history information provided to public agencies pursuant to subdivision A 39 shall be limited
7823 to the convictions on file with the Exchange for any offense set forth in clause (i) of the definition of barrier
7824 crime in § 19.2-392.02.

7825 H. Upon receipt of a written request from an employer or prospective employer, the Central Criminal
7826 Records Exchange, or the criminal justice agency in cases of offenses not required to be reported to the
7827 Exchange, shall furnish at the employer's cost a copy of conviction data covering the person named in the
7828 request to the employer or prospective employer making the request, provided that the person on whom the
7829 data is being obtained has consented in writing to the making of such request and has presented a photo-
7830 identification to the employer or prospective employer. In the event no conviction data is maintained on the
7831 person named in the request, the requesting employer or prospective employer shall be furnished at his cost a
7832 certification to that effect. The criminal history record search shall be conducted on forms provided by the
7833 Exchange.

7834 I. The attorney for the Commonwealth shall provide a physical or electronic copy of a person's criminal
7835 history record information, including criminal history record information maintained in the National Crime
7836 Information Center (NCIC) and the Interstate Identification Index System (III System) that is in his
7837 possession, pursuant to the rules of court for obtaining discovery or for review by the court. No criminal
7838 history record information provided under this subsection shall be disseminated further.

7839 **§ 19.2-389.3. (Repealed effective July 1, 2026) Marijuana possession; limits on dissemination of**
7840 **criminal history record information; prohibited practices by employers, educational institutions, and**
7841 **state and local governments; penalty.**

7842 A. Records relating to the arrest, criminal charge, or conviction of a person for a misdemeanor violation of
7843 *former* § 18.2-248.1 or a violation of *former* § 18.2-250.1, including any violation charged under §§ *former* §
7844 18.2-248.1 or *former* § 18.2-250.1 that was deferred and dismissed pursuant to § 18.2-251, maintained in the
7845 Central Criminal Records Exchange shall not be open for public inspection or otherwise disclosed, provided
7846 that such records may be disseminated (i) to make the determination as provided in § 18.2-308.2:2 of
7847 eligibility to possess or purchase a firearm; (ii) to aid in the preparation of a pretrial investigation report
7848 prepared by a local pretrial services agency established pursuant to Article 5 (§ 19.2-152.2 et seq.) of Chapter
7849 9, a pre-sentence or post-sentence investigation report pursuant to § 19.2-299 or in the preparation of the
7850 discretionary sentencing guidelines worksheets pursuant to subsection C of § 19.2-298.01; (iii) to aid local
7851 community-based probation services agencies established pursuant to the Comprehensive Community
7852 Corrections Act for Local-Responsible Offenders (§ 9.1-173 et seq.) with investigating or serving adult
7853 local-responsible offenders and all court service units serving juvenile delinquent offenders; (iv) for
7854 fingerprint comparison utilizing the fingerprints maintained in the Automated Fingerprint Information System
7855 computer; (v) to attorneys for the Commonwealth to secure information incidental to sentencing and to
7856 attorneys for the Commonwealth and probation officers to prepare the discretionary sentencing guidelines
7857 worksheets pursuant to subsection C of § 19.2-298.01; (vi) to any full-time or part-time employee of the State
7858 Police, a police department, or sheriff's office that is a part of or administered by the Commonwealth or any
7859 political subdivision thereof, and who is responsible for the prevention and detection of crime and the
7860 enforcement of the penal, traffic, or highway laws of the Commonwealth, for purposes of the administration
7861 of criminal justice as defined in § 9.1-101; (vii) to the Virginia Criminal Sentencing Commission for research
7862 purposes; (viii) to any full-time or part-time employee of the State Police or a police department or sheriff's
7863 office that is a part of or administered by the Commonwealth or any political subdivision thereof for the
7864 purpose of screening any person for full-time or part-time employment with the State Police or a police

7865 department or sheriff's office that is a part of or administered by the Commonwealth or any political
 7866 subdivision thereof; (ix) to the State Health Commissioner or his designee for the purpose of screening any
 7867 person who applies to be a volunteer with or an employee of an emergency medical services agency as
 7868 provided in § 32.1-111.5; (x) to any full-time or part-time employee of the Department of Forensic Science
 7869 for the purpose of screening any person for full-time or part-time employment with the Department of
 7870 Forensic Science; (xi) to the chief law-enforcement officer of a locality, or his designee who shall be an
 7871 individual employed as a public safety official of the locality, that has adopted an ordinance in accordance
 7872 with §§ 15.2-1503.1 and 19.2-389 for the purpose of screening any person who applies to be a volunteer with
 7873 or an employee of an emergency medical services agency as provided in § 32.1-111.5; and (xii) to any
 7874 full-time or part-time employee of the Department of Motor Vehicles, any employer as defined in
 7875 § 46.2-341.4, or any medical examiner as defined in 49 C.F.R. § 390.5 for the purpose of complying with the
 7876 regulations of the Federal Motor Carrier Safety Administration.

7877 B. An employer or educational institution shall not, in any application, interview, or otherwise, require an
 7878 applicant for employment or admission to disclose information concerning any arrest, criminal charge, or
 7879 conviction against him when the record relating to such arrest, criminal charge, or conviction is not open for
 7880 public inspection pursuant to subsection A. An applicant need not, in answer to any question concerning any
 7881 arrest, criminal charge, or conviction, include a reference to or information concerning any arrest, criminal
 7882 charge, or conviction when the record relating to such arrest, criminal charge, or conviction is not open for
 7883 public inspection pursuant to subsection A.

7884 C. Agencies, officials, and employees of the state and local governments shall not, in any application,
 7885 interview, or otherwise, require an applicant for a license, permit, registration, or governmental service to
 7886 disclose information concerning any arrest, criminal charge, or conviction against him when the record
 7887 relating to such arrest, criminal charge, or conviction is not open for public inspection pursuant to subsection

7888 A. An applicant need not, in answer to any question concerning any arrest, criminal charge, or conviction,
 7889 include a reference to or information concerning any arrest, criminal charge, or conviction when the record
 7890 relating to such arrest, criminal charge, or conviction is not open for public inspection pursuant to subsection

7891 A. Such an application may not be denied solely because of the applicant's refusal to disclose information
 7892 concerning any such arrest, criminal charge, or conviction.

7893 D. A person who willfully violates subsection B or C is guilty of a Class 1 misdemeanor for each
 7894 violation.

7895 **§ 19.2-392.02. National criminal background checks by businesses and organizations regarding**
 7896 **employees or volunteers providing care to children or the elderly or disabled.**

7897 A. For purposes of this section:

7898 "Barrier crime" means (i) a felony violation of § 16.1-253.2; any violation of § 18.2-31, 18.2-32,
 7899 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
 7900 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
 7901 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;
 7902 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,
 7903 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,
 7904 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
 7905 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,
 7906 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,
 7907 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
 7908 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
 7909 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
 7910 § 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
 7911 violation of subsection B of § 18.2-361; any violation of § 18.2-366, 18.2-369, 18.2-370, 18.2-370.1,
 7912 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,
 7913 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
 7914 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,
 7915 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,
 7916 18.2-485, 37.2-917, or 53.1-203; or any substantially similar offense under the laws of another jurisdiction;
 7917 (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
 7918 offense under the laws of another jurisdiction; (iii) any felony violation of § 4.1-1101, 4.1-1114, 18.2-248,
 7919 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,
 7920 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
 7921 another jurisdiction; (iv) any felony violation of § 18.2-250 or any substantially similar offense under the
 7922 laws of another jurisdiction; (v) any offense set forth in § 9.1-902 that results in the person's requirement to
 7923 register with the Sex Offender and Crimes Against Minors Registry pursuant to § 9.1-901, including any
 7924 finding that a person is not guilty by reason of insanity in accordance with Chapter 11.1 (§ 19.2-182.2 et seq.)
 7925 of Title 19.2 of an offense set forth in § 9.1-902 that results in the person's requirement to register with the
 7926 Sex Offender and Crimes Against Minors Registry pursuant to § 9.1-901; any substantially similar offense

7927 under the laws of another jurisdiction; or any offense for which registration in a sex offender and crimes
 7928 against minors registry is required under the laws of the jurisdiction where the offender was convicted; or (vi)
 7929 any other felony not included in clause (i), (ii), (iii), (iv), or (v) unless five years have elapsed from the date
 7930 of the conviction.

7931 "Barrier crime information" means the following facts concerning a person who has been arrested for, or
 7932 has been convicted of, a barrier crime, regardless of whether the person was a juvenile or adult at the time of
 7933 the arrest or conviction: full name, race, sex, date of birth, height, weight, fingerprints, a brief description of
 7934 the barrier crime or offenses for which the person has been arrested or has been convicted, the disposition of
 7935 the charge, and any other information that may be useful in identifying persons arrested for or convicted of a
 7936 barrier crime.

7937 "Care" means the provision of care, treatment, education, training, instruction, supervision, or recreation
 7938 to children or the elderly or disabled.

7939 "Department" means the Department of State Police.

7940 "Employed by" means any person who is employed by, volunteers for, seeks to be employed by, or seeks
 7941 to volunteer for a qualified entity.

7942 "Identification document" means a document made or issued by or under the authority of the United
 7943 States government, a state, a political subdivision of a state, a foreign government, political subdivision of a
 7944 foreign government, an international governmental or an international quasi-governmental organization that,
 7945 when completed with information concerning a particular individual, is of a type intended or commonly
 7946 accepted for the purpose of identification of individuals.

7947 "Provider" means a person who (i) is employed by a qualified entity and has, seeks to have, or may have
 7948 unsupervised access to a child or to an elderly or disabled person to whom the qualified entity provides care;
 7949 (ii) is a volunteer of a qualified entity and has, seeks to have, or may have unsupervised access to a child to
 7950 whom the qualified entity provides care; or (iii) owns, operates, or seeks to own or operate a qualified entity.

7951 "Qualified entity" means a business or organization that provides care to children or the elderly or
 7952 disabled, whether governmental, private, for profit, nonprofit, or voluntary, except organizations exempt
 7953 pursuant to subdivision A 7 of § 22.1-289.030.

7954 B. A qualified entity may request the Department of State Police to conduct a national criminal
 7955 background check on any provider who is employed by such entity. No qualified entity may request a
 7956 national criminal background check on a provider until such provider has:

7957 1. Been fingerprinted; and

7958 2. Completed and signed a statement, furnished by the entity, that includes (i) his name, address, and date
 7959 of birth as it appears on a valid identification document; (ii) a disclosure of whether or not the provider has
 7960 ever been convicted of or is the subject of pending charges for a criminal offense within or outside the
 7961 Commonwealth, and if the provider has been convicted of a crime, a description of the crime and the
 7962 particulars of the conviction; (iii) a notice to the provider that the entity may request a background check; (iv)
 7963 a notice to the provider that he is entitled to obtain a copy of any background check report, to challenge the
 7964 accuracy and completeness of any information contained in any such report, and to obtain a prompt
 7965 determination as to the validity of such challenge before a final determination is made by the Department;
 7966 and (v) a notice to the provider that prior to the completion of the background check the qualified entity may
 7967 choose to deny the provider unsupervised access to children or the elderly or disabled for whom the qualified
 7968 entity provides care.

7969 C. Upon receipt of (i) a qualified entity's written request to conduct a background check on a provider, (ii)
 7970 the provider's fingerprints, and (iii) a completed, signed statement as described in subsection B, the
 7971 Department shall make a determination whether the provider has been convicted of or is the subject of
 7972 charges of a barrier crime. To conduct its determination regarding the provider's barrier crime information,
 7973 the Department shall access the national criminal history background check system, which is maintained by
 7974 the Federal Bureau of Investigation and is based on fingerprints and other methods of identification, and shall
 7975 access the Central Criminal Records Exchange maintained by the Department. If the Department receives a
 7976 background report lacking disposition data, the Department shall conduct research in whatever state and local
 7977 recordkeeping systems are available in order to obtain complete data. The Department shall make reasonable
 7978 efforts to respond to a qualified entity's inquiry within 15 business days.

7979 D. Any background check conducted pursuant to this section for a provider employed by a private entity
 7980 shall be screened by the Department of State Police. If the provider has been convicted of or is under
 7981 indictment for a barrier crime, the qualified entity shall be notified that the provider is not qualified to work
 7982 or volunteer in a position that involves unsupervised access to children or the elderly or disabled.

7983 E. Any background check conducted pursuant to this section for a provider employed by a governmental
 7984 entity shall be provided to that entity.

7985 F. In the case of a provider who desires to volunteer at a qualified entity and who is subject to a national
 7986 criminal background check, the Department and the Federal Bureau of Investigation may each charge the
 7987 provider the lesser of \$18 or the actual cost to the entity of the background check conducted with the

7988 fingerprints.

7989 G. The failure to request a criminal background check pursuant to subsection B shall not be considered
7990 negligence per se in any civil action.

7991 **§ 19.2-392.6. (Effective July 1, 2026) Automatic sealing of offenses resulting in conviction.**

7992 A. If a person was convicted of a violation of any of the following sections with an offense date on or
7993 after January 1, 1986, such conviction, including any records relating to such conviction, shall be ordered to
7994 be automatically sealed in the manner set forth in § 19.2-392.7, subject to the provisions of subsections B and
7995 C: a misdemeanor violation of § 18.2-96 or 18.2-103; § 18.2-119, 18.2-120, or 18.2-134; a misdemeanor
7996 violation of *former* § 18.2-248.1; or § 18.2-415.

7997 B. Subject to the provisions of subsection C, any conviction listed under subsection A shall be ordered to
7998 be automatically sealed if seven years have passed since the date of the conviction and the person convicted
7999 of such offense has not been convicted of violating any law of the Commonwealth that requires a report to the
8000 Central Criminal Records Exchange under subsection A of § 19.2-390 or any other state, the District of
8001 Columbia, or the United States or any territory thereof, excluding traffic infractions under Title 46.2, during
8002 that time period.

8003 C. No conviction listed under subsection A shall be automatically sealed if, on the date of the conviction,
8004 the person was convicted of another offense that is not eligible for automatic sealing under subsection A.

8005 This section shall not be construed as prohibiting a person from seeking sealing in the circuit court
8006 pursuant to the provisions of § 19.2-392.12 or 19.2-392.12:1.

8007 **§ 19.2-392.12:1. (Effective July 1, 2026) Sealing of charges and convictions related to automatic
8008 sealing; petition.**

8009 A. A person who has been convicted of or had a charge deferred and dismissed for a violation of
8010 § 4.1-305; a misdemeanor violation of § 18.2-96 or 18.2-103; a violation of § 18.2-119, 18.2-120, or
8011 18.2-134; a misdemeanor violation of *former* § 18.2-248.1; a violation of subsection A of § 18.2-265.3; or a
8012 violation of § 18.2-415, where the offense date for any such offense was on or after January 1, 1986, may file
8013 a petition setting forth the relevant facts and requesting the sealing of the criminal history record information
8014 and court records relating to the charge or conviction. In addition to requesting the sealing of a charge or
8015 conviction, such petition may also request the sealing of any specifically identified ancillary matter related to
8016 such charge or conviction.

8017 B. A person who had a conviction or offense automatically sealed pursuant to § 19.2-392.7 or 19.2-392.11
8018 where the offense date for such conviction or offense was on or after January 1, 1986, or who had an offense
8019 sealed pursuant to § 19.2-392.6:1 regardless of the date of the offense, may file a petition setting forth the
8020 relevant facts and requesting sealing of the criminal history record information and court records of any
8021 specifically identified ancillary matter related to that charge or conviction.

8022 C. A person shall not be required to pay any court fees or costs for filing a petition pursuant to this
8023 section.

8024 D. The petition under subsection A or B, with a copy of the warrant, summons, or indictment, if
8025 reasonably available, shall be filed in the circuit court of the county or city in which the case was disposed of
8026 and shall contain, except when not reasonably available, (i) the date of arrest; (ii) the name of the arresting
8027 agency; (iii) the date of conviction, deferred dismissal, or final disposition of any ancillary matter; and (iv)
8028 the case number associated with each court record that is the subject of the petition. When this information is
8029 not reasonably available, the petition shall state the reason for such unavailability. The petition shall further
8030 state (a) the charge, conviction, or ancillary matter to be sealed; (b) the date of final disposition of the charge,
8031 conviction, or ancillary matter as set forth in the petition; (c) the petitioner's date of birth, sex, race, and social
8032 security number, if available; and (d) the full name used by the petitioner at the time of arrest or summons. A
8033 petition may request the sealing of the criminal history record information and court records for multiple
8034 charges, convictions, or ancillary matters as set forth in subsections A and B, provided that all such charges,
8035 convictions, and ancillary matters are eligible for sealing under this section. A petition may not request the
8036 sealing of the criminal history record information and court records where the charge, conviction, or ancillary
8037 matter was finalized on the same date as a conviction or deferred dismissal that is not eligible for sealing
8038 under this section.

8039 E. A petitioner is not limited in the number of petitions that may be granted pursuant to this section within
8040 his lifetime. Any petition granted pursuant to this section shall not be counted toward the lifetime maximum
8041 of two petitions set forth in § 19.2-392.12.

8042 F. The Commonwealth shall be made party to the proceeding. The petitioner shall provide a copy of the
8043 petition under subsection A or B by delivery or by first-class mail, postage prepaid, to the attorney for the
8044 Commonwealth of the county or city in which the petition is filed. The attorney for the Commonwealth may
8045 file an objection or answer to the petition or may give written notice to the court that he does not object to the
8046 petition within 30 days after it is delivered to him or received in the mail.

8047 G. In addition to the filing of the petition under subsection D, the petitioner shall request that the Central
8048 Criminal Records Exchange (CCRE) electronically forward a copy of the petitioner's Virginia and national
8049 criminal history record to the circuit court in which the petition was filed. Upon receiving such request, the

8050 CCRE shall electronically forward such record to the circuit court; however, if the circuit court is unable to
 8051 receive an electronic transmission, the CCRE shall forward a copy of such record to the circuit court which
 8052 shall be maintained under seal by the clerk unless otherwise ordered by the court. Upon completion of the
 8053 hearing, the court shall cause the criminal history record to be destroyed unless, within 30 days of the date of
 8054 the entry of the final order in the matter, the petitioner or the attorney for the Commonwealth notes an appeal
 8055 as provided by law in civil cases.

8056 H. After receiving the criminal history record of the petitioner, the court may conduct a hearing on the
 8057 petition.

8058 I. For a petition filed pursuant to subsection A, the court shall enter an order requiring the sealing of the
 8059 records related to the charge, conviction, or ancillary matter if the court finds that seven years have passed
 8060 since the date of conviction or of dismissal of the deferred charge listed in subsection A and the petitioner has
 8061 not been convicted of violating any law of the Commonwealth that requires a report to the Central Criminal
 8062 Records Exchange under subsection A of § 19.2-390 or any other state, the District of Columbia, or the
 8063 United States or any territory thereof, excluding traffic infractions under Title 46.2, during that time period.

8064 J. For a petition filed pursuant to subsection B, the court shall enter an order to seal the ancillary matter if
 8065 the charge or conviction identified in the petition has been sealed pursuant to § 19.2-392.6:1, 19.2-392.7, or
 8066 19.2-392.11.

8067 K. If the attorney for the Commonwealth of the county or city in which the petition is filed (i) gives
 8068 written notice to the court pursuant to subsection F that he does not object to the petition and (ii) stipulates in
 8069 such written notice that the petitioner is eligible to have such charge, conviction, or ancillary matter sealed,
 8070 the court may enter an order of sealing without conducting a hearing.

8071 L. Any party aggrieved by the decision of the court may appeal, as provided by law in civil cases.

8072 M. Upon the entry of an order of sealing, the clerk of the court shall maintain a copy of such order under
 8073 seal and shall cause an electronic notification of such order to be forwarded to the Department of State Police.
 8074 Such electronic notification shall contain (i) the petitioner's full name, date of birth, sex, race, and social
 8075 security number, if available; (ii) the full name used by the petitioner at the time of arrest or summons; (iii)
 8076 the petitioner's state identification number from the criminal history record; (iv) the court case number of the
 8077 charge, conviction, or ancillary matter to be sealed, if available; and (v) the document control number, if
 8078 available. The Department of State Police shall validate the accuracy of any criminal history record ordered
 8079 to be sealed pursuant to this section but shall not validate whether such record is eligible for sealing. Upon
 8080 receipt of such electronic notification, the Department of State Police shall seal such records in accordance
 8081 with § 19.2-392.13. The Department of State Police shall also electronically notify the Office of the
 8082 Executive Secretary of the Supreme Court and any other agencies and individuals known to maintain or to
 8083 have obtained such a record that such record has been ordered to be sealed and may only be disseminated in
 8084 accordance with § 19.2-392.13.

8085 N. Any order entered where (i) the court or parties failed to strictly comply with the procedures set forth
 8086 in this section or (ii) the court entered an order for the sealing of records contrary to law shall be voidable
 8087 upon motion and notice made within two years of the entry of such order.

8088 O. A petition filed under this section and any responsive pleadings filed by the attorney for the
 8089 Commonwealth shall be maintained under seal by the clerk unless otherwise ordered by the court. Any order
 8090 to seal issued pursuant to this section shall be sealed and may only be disseminated for the purposes set forth
 8091 in § 19.2-392.13.

8092 P. Nothing in this chapter shall prohibit the circuit court from entering an order to seal a charge,
 8093 conviction, or ancillary matter under this section when such charge, conviction, or ancillary matter is eligible
 8094 for sealing under some other section of this chapter.

8095 **§ 22.1-206. Instruction concerning drugs, alcohol, substance abuse, retail tobacco products, hemp**
 8096 **products intended for smoking, and gambling.**

8097 A. Instruction concerning drugs and drug abuse shall be provided by the public schools as prescribed by
 8098 the Board of Education.

8099 B. Instruction concerning the public safety hazards and dangers of alcohol abuse, underage drinking,
 8100 *underage marijuana use*, and drunk driving shall be provided in the public schools. The Virginia Alcoholic
 8101 Beverage and Cannabis Control Authority shall provide educational materials to the Department of
 8102 Education. The Department of Education shall review and shall distribute such materials as are approved to
 8103 the public schools.

8104 The Virginia Foundation for Healthy Youth shall develop and the Department of Education shall
 8105 distribute to each local school division educational materials concerning the health and safety risks of using
 8106 retail tobacco products and hemp products intended for smoking, as such terms are defined in § 18.2-371.2.
 8107 Instruction concerning the health and safety risks of using *retail* tobacco products and hemp products
 8108 intended for smoking, as such terms are defined in § 18.2-371.2, shall be provided in each public elementary
 8109 and secondary school in the Commonwealth, consistent with such educational materials.

8110 C. Instruction concerning gambling and the addictive potential thereof shall be provided by the public
 8111 schools as prescribed by the Board.

8112 § 22.1-277.08. Expulsion of students for certain drug offenses.

8113 A. School boards shall expel from school attendance any student whom such school board has
8114 determined, in accordance with the procedures set forth in this article, to have brought a controlled substance;
8115 or imitation controlled substance; ~~or marijuana~~ as those terms are defined in § 18.2-247 onto school property
8116 or to a school-sponsored activity. A school administrator, pursuant to school board policy, or a school board
8117 may, however, determine, based on the facts of a particular situation, that special circumstances exist and no
8118 disciplinary action or another disciplinary action or another term of expulsion is appropriate. A school board
8119 may, by regulation, authorize the division superintendent or his designee to conduct a preliminary review of
8120 such cases to determine whether a disciplinary action other than expulsion is appropriate. Such regulations
8121 shall ensure that, if a determination is made that another disciplinary action is appropriate, any such
8122 subsequent disciplinary action is to be taken in accordance with the procedures set forth in this article.
8123 Nothing in this section shall be construed to require a student's expulsion regardless of the facts of the
8124 particular situation.

8125 B. Each school board shall revise its standards of student conduct to incorporate the requirements of this
8126 section no later than three months after the date on which this act becomes effective.

8127 § 23.1-609. Surviving spouses and children of certain individuals; tuition and fee waivers.

8128 A. The surviving spouse and any child between the ages of 16 and 25 of an individual who was killed in
8129 the line of duty while employed or serving as a (i) law-enforcement officer, including as a campus police
8130 officer appointed under Article 3 (§ 23.1-809 et seq.) of Chapter 8, sworn law-enforcement officer,
8131 firefighter, special forest warden pursuant to § 10.1-1135, member of a rescue squad, special agent of the
8132 Virginia Alcoholic Beverage and Cannabis Control Authority, state correctional, regional or local jail officer,
8133 regional jail or jail farm superintendent, sheriff, or deputy sheriff; (ii) member of the Virginia National Guard
8134 while serving on official state duty or federal duty under Title 32 of the United States Code; or (iii) member
8135 of the Virginia Defense Force while serving on official state duty, and any individual whose spouse was
8136 killed in the line of duty while employed or serving in any of such occupations, is entitled to a waiver of
8137 undergraduate tuition and mandatory fees at any public institution of higher education under the following
8138 conditions:

8139 1. The chief executive officer of the deceased individual's employer certifies that such individual was so
8140 employed and was killed in the line of duty while serving or living in the Commonwealth; and

8141 2. The surviving spouse or child is admitted to, enrolls at, and is in attendance at such institution and
8142 applies to such institution for the waiver. Waiver recipients who make satisfactory academic progress are
8143 eligible for renewal of such waiver.

8144 B. Institutions that grant such waivers shall waive the amounts payable for tuition, institutional charges
8145 and mandatory educational and auxiliary fees, and books and supplies but shall not waive user fees such as
8146 room and board charges.

8147 C. Each public institution of higher education shall include in its catalog or equivalent publication a
8148 statement describing the benefits available pursuant to this section.

8149 § 23.1-1301. Governing boards; powers.

8150 A. The board of visitors of each baccalaureate public institution of higher education or its designee may:

8151 1. Make regulations and policies concerning the institution;

8152 2. Manage the funds of the institution and approve an annual budget;

8153 3. Appoint the chief executive officer of the institution;

8154 4. Appoint professors and fix their salaries; and

8155 5. Fix the rates charged to students for tuition, mandatory fees, and other necessary charges.

8156 B. The governing board of each public institution of higher education or its designee may:

8157 1. In addition to the powers set forth in Restructured Higher Education Financial and Administrative
8158 Operations Act (§ 23.1-1000 et seq.), lease or sell and convey its interest in any real property that it has
8159 acquired by purchase, will, or deed of gift, subject to the prior approval of the Governor and any terms and
8160 conditions of the will or deed of gift, if applicable. The proceeds shall be held, used, and administered in the
8161 same manner as all other gifts and bequests;

8162 2. Grant easements for roads, streets, sewers, waterlines, electric and other utility lines, or other purposes
8163 on any property owned by the institution;

8164 3. Adopt regulations or institution policies for parking and traffic on property owned, leased, maintained,
8165 or controlled by the institution;

8166 4. Adopt regulations or institution policies for the employment and dismissal of professors, teachers,
8167 instructors, and other employees;

8168 5. Adopt regulations or institution policies for the acceptance and assistance of students in addition to the
8169 regulations or institution policies required pursuant to § 23.1-1303;

8170 6. Adopt regulations or institution policies for the conduct of students in attendance and for the rescission
8171 or restriction of financial aid, suspension, and dismissal of students who fail or refuse to abide by such
8172 regulations or policies;

8173 7. Establish programs, in cooperation with the Council and the Office of the Attorney General, to promote

8174 (i) student compliance with state laws on the use of alcoholic beverages *and marijuana* and (ii) the awareness
8175 and prevention of sexual crimes committed upon students;

8176 8. Establish guidelines for the initiation or induction of students into any social fraternity or sorority in
8177 accordance with the prohibition against hazing as defined in § 18.2-56;

8178 9. Assign any interest it possesses in intellectual property or in materials in which the institution claims an
8179 interest, provided such assignment is in accordance with the terms of the institution's intellectual property
8180 policies adopted pursuant to § 23.1-1303. The Governor's prior written approval is required for transfers of
8181 such property (i) developed wholly or predominantly through the use of state general funds, exclusive of
8182 capital assets and (ii)(a) developed by an employee of the institution acting within the scope of his assigned
8183 duties or (b) for which such transfer is made to an entity other than (1) the Innovation and Entrepreneurship
8184 Investment Authority, (2) an entity whose purpose is to manage intellectual properties on behalf of nonprofit
8185 organizations, colleges, and universities, or (3) an entity whose purpose is to benefit the respective
8186 institutions. The Governor may attach conditions to these transfers as he deems necessary. In the event the
8187 Governor does not approve such transfer, the materials shall remain the property of the respective institutions
8188 and may be used and developed in any manner permitted by law;

8189 10. Conduct closed meetings pursuant to §§ 2.2-3711 and 2.2-3712 and conduct business through
8190 electronic communication means pursuant to § 2.2-3708.3; and

8191 11. Adopt a resolution to require the governing body of a locality that is contiguous to the institution to
8192 enforce state statutes and local ordinances with respect to offenses occurring on the property of the
8193 institution. Upon receipt of such resolution, the governing body of such locality shall enforce statutes and
8194 local ordinances with respect to offenses occurring on the property of the institution.

8195 **§ 32.1-357. Board of Trustees; appointment; officers; quorum; executive committee; compensation**
8196 **and expenses.**

8197 A. The Foundation shall be governed and administered by a Board of Trustees consisting of 23 members.
8198 Two members shall be appointed by the Speaker of the House of Delegates from among the membership of
8199 the House of Delegates, one representing rural interests and one representing urban interests; two members
8200 shall be appointed by the Senate Committee on Rules, one representing rural interests and one representing
8201 urban interests, from among the membership of the Senate; two members shall be the Commissioner of the
8202 Department of Health or his designee and the Chairman of the Board of Directors of the Virginia Alcoholic
8203 Beverage *and Cannabis* Control Authority or his designee; and 17 nonlegislative citizen members shall be
8204 appointed by the Governor, subject to confirmation by the General Assembly, as follows: (i) five designated
8205 representatives of public health organizations, such as the American Cancer Society, American Heart
8206 Association, Virginia Pediatric Society, Virginia Academy of Family Physicians, Virginia Dental
8207 Association, American Lung Association of Virginia, Medical Society of Virginia, Virginia Association of
8208 School Nurses, Virginia Nurses Association, and the Virginia Thoracic Society; (ii) four health professionals
8209 in the fields of oncology, cardiology, pulmonary medicine, and pediatrics; and (iii) eight citizens at large,
8210 including two youths. Of the eight citizen at large members, three adults shall be appointed by the Governor
8211 from a list of six provided by members of the General Assembly appointed to the Foundation and one
8212 member who is under the age of 18 years shall be appointed by the Governor from a list of three provided by
8213 the members of the General Assembly appointed to the Foundation.

8214 Legislative members and the Commissioner of the Department of Health and the Chairman of the Board
8215 of Directors of the Virginia Alcoholic Beverage *and Cannabis* Control Authority shall serve terms coincident
8216 with their terms of office. Following the initial staggering of terms, nonlegislative citizen members shall
8217 serve four-year terms. Vacancies in the membership of the Board shall be filled by appointment for the
8218 unexpired portion of the term. Vacancies shall be filled in the same manner as the original appointments.
8219 Legislative members may be reappointed for successive terms. No nonlegislative citizen member shall be
8220 eligible to serve for more than two successive four-year terms; however, after the expiration of a term of three
8221 years or less, or after the expiration of the remainder of a term to which he was appointed to fill a vacancy,
8222 two additional terms may be served by such member if appointed thereto. Immediately after such
8223 appointment, the members shall enter upon the performance of their duties.

8224 B. The Foundation shall appoint from the membership of the Board a chairman and vice-chairman, both
8225 of whom shall serve in such capacities at the pleasure of the Foundation. The chairman, or in his absence, the
8226 vice-chairman, shall preside at all meetings of the Board. A majority of the members of the Board serving at
8227 any one time shall constitute a quorum for the transaction of business. The Board shall meet annually or more
8228 frequently at the call of the chairman.

8229 The Board may establish an executive committee composed of the chairman, vice-chairman, and three
8230 additional members elected by the Board from its membership. The chairman of the Board shall serve as the
8231 chairman of the executive committee and shall preside over its meetings. In the absence of the chairman, the
8232 vice-chairman shall preside. The executive committee may exercise the powers and transact the business of
8233 the Board in the absence of the Board or when otherwise directed or authorized by the Board. A majority of
8234 the members of the executive committee shall constitute a quorum for the transaction of business. Any
8235 actions or business conducted by the executive committee shall be acted upon by the full board as soon as

8236 practicable.

8237 C. Legislative members shall receive such compensation as provided in § 30-19.12 and nonlegislative
8238 citizen members shall receive compensation as provided in § 2.2-2813 for their services. All members shall
8239 be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as
8240 provided by §§ 2.2-2813 and 2.2-2825. Such compensation and expenses shall be paid from the Fund.

8241 D. Notwithstanding the provisions of any other law, no officer or employee of the Commonwealth shall
8242 be deemed to have forfeited or shall forfeit his office or employment by reason of his acceptance of
8243 membership on the Board or his service to the Foundation.

8244 E. Members of the Board and employees of the Foundation shall be subject to the standards of conduct set
8245 forth in the State and Local Government Conflict of Interests Act (§ 2.2-3100 et seq.) and may be removed
8246 from office for misfeasance, malfeasance, nonfeasance, neglect of duty, or misconduct in the manner set forth
8247 therein.

8248 **§ 33.2-613. Free use of toll facilities by certain state officers and employees; penalties.**

8249 A. Upon presentation of a toll pass issued pursuant to regulations promulgated by the Board, the following
8250 persons may use all toll bridges, toll ferries, toll tunnels, and toll roads in the Commonwealth without the
8251 payment of toll while in the performance of their official duties:

8252 1. The Commissioner of Highways;

8253 2. Members of the Commonwealth Transportation Board;

8254 3. Employees of the Department of Transportation;

8255 4. The Superintendent of the Department of State Police;

8256 5. Officers and employees of the Department of State Police;

8257 6. Members of the Board of Directors of the Virginia Alcoholic Beverage *and Cannabis* Control
8258 Authority;

8259 7. Employees of the regulatory and hearings divisions of the Virginia Alcoholic Beverage *and Cannabis*
8260 Control Authority and special agents of the Virginia Alcoholic Beverage *and Cannabis* Control Authority;

8261 8. The Commissioner of the Department of Motor Vehicles;

8262 9. Employees of the Department of Motor Vehicles;

8263 10. Local police officers;

8264 11. Sheriffs and their deputies;

8265 12. Regional jail officials;

8266 13. Animal wardens;

8267 14. The Director and officers of the Department of Wildlife Resources;

8268 15. Persons operating firefighting equipment and emergency medical services vehicles as defined in
8269 § 32.1-111.1;

8270 16. Operators of school buses being used to transport pupils to or from schools;

8271 17. Operators of (i) commuter buses having a capacity of 20 or more passengers, including the driver, and
8272 used to regularly transport workers to and from their places of employment and (ii) public transit buses;

8273 18. Employees of the Department of Rail and Public Transportation;

8274 19. Employees of any transportation facility created pursuant to the Virginia Highway Corporation Act of
8275 1988; and

8276 20. Law-enforcement officers of the Virginia Marine Resources Commission.

8277 B. Notwithstanding the provision of subsection A requiring presentation of a toll pass for toll-free use of
8278 such facilities, in cases of emergency and circumstances of concern for public safety on the highways of the
8279 Commonwealth, the Department of Transportation shall, in order to alleviate an actual or potential threat or
8280 risk to the public's safety, facilitate the flow of traffic on or within the vicinity of the toll facility by
8281 permitting the temporary suspension of toll collection operations on its facilities.

8282 1. The assessment of the threat to public safety shall be performed and the decision temporarily to suspend
8283 toll collection operations shall be made by the Commissioner of Highways or his designee.

8284 2. Major incidents that may require the temporary suspension of toll collection operations shall include (i)
8285 natural disasters, such as hurricanes, tornadoes, fires, and floods; (ii) accidental releases of hazardous
8286 materials, such as chemical spills; (iii) major traffic accidents, such as multivehicle collisions; and (iv) other
8287 incidents deemed to present a risk to public safety. Any mandatory evacuation during a state of emergency as
8288 defined in § 44-146.16 shall require the temporary suspension of toll collection operations in affected
8289 evacuation zones on routes designated as mass evacuation routes. The Commissioner of Highways shall
8290 reinstate toll collection when the mandatory evacuation period ends.

8291 3. In any judicial proceeding in which a person is found to be criminally responsible or civilly liable for
8292 any incident resulting in the suspension of toll collections as provided in this subsection, the court may assess
8293 against the person an amount equal to lost toll revenue as a part of the costs of the proceeding and order that
8294 such amount, not to exceed \$2,000 for any individual incident, be paid to the Department of Transportation
8295 for deposit into the toll road fund.

8296 C. Any tollgate keeper who refuses to permit the persons listed in subsection A to use any toll bridge, toll
8297 ferry, toll tunnel, or toll road upon presentation of such a toll pass is guilty of a misdemeanor punishable by a

8298 fine of not more than \$50 and not less than \$2.50. Any person other than those listed in subsection A who
8299 exhibits any such toll pass for the purpose of using any toll bridge, toll ferry, toll tunnel, or toll road is guilty
8300 of a Class 1 misdemeanor.

8301 D. Any vehicle operated by the holder of a valid driver's license or other document issued under Chapter 3
8302 (§ 46.2-300 et seq.) of Title 46.2, or the comparable law of another jurisdiction, authorizing the operation of a
8303 motor vehicle upon the highways shall be allowed free use of all toll bridges, toll roads, and other toll
8304 facilities in the Commonwealth if:

8305 1. The vehicle is specially equipped to permit its operation by an individual with a disability;

8306 2. The driver of the vehicle has been certified, either by a physician licensed by the Commonwealth or any
8307 other state or by the Adjudication Office of the U.S. Department of Veterans Affairs, as having a severe
8308 physical disability and having permanent upper limb mobility or dexterity impairments that substantially
8309 impair his ability to deposit coins in toll baskets;

8310 3. The driver has applied for and received from the Department of Transportation a vehicle window
8311 sticker identifying him as eligible for such free passage; and

8312 4. Such identifying window sticker is properly displayed on the vehicle.

8313 A copy of this subsection shall be posted at all toll bridges, toll roads, and other toll facilities in the
8314 Commonwealth. The Department of Transportation shall provide envelopes for payments of tolls by those
8315 persons exempted from tolls pursuant to this subsection and shall accept any payments made by such persons.

8316 E. Nothing contained in this section or in § 33.2-612 or 33.2-1718 shall operate to affect the provisions of
8317 § 22.1-187.

8318 F. Notwithstanding the provisions of subsections A, B, and C, only the following persons may use the
8319 Chesapeake Bay Bridge-Tunnel, facilities of the Richmond Metropolitan Transportation Authority, or
8320 facilities of an operator authorized to operate a toll facility pursuant to the Public-Private Transportation Act
8321 of 1995 (§ 33.2-1800 et seq.) without the payment of toll when necessary and incidental to the conduct of
8322 official business:

8323 1. The Commissioner of Highways;

8324 2. Members of the Commonwealth Transportation Board;

8325 3. Employees of the Department of Transportation;

8326 4. The Superintendent of the Department of State Police;

8327 5. Officers and employees of the Department of State Police;

8328 6. The Commissioner of the Department of Motor Vehicles;

8329 7. Employees of the Department of Motor Vehicles; and

8330 8. Sheriffs and deputy sheriffs.

8331 However, in the event of a mandatory evacuation and suspension of tolls pursuant to subdivision B 2, the
8332 Commissioner of Highways or his designee shall order the temporary suspension of toll collection operations
8333 on facilities of all operators authorized to operate a toll facility pursuant to the Public-Private Transportation
8334 Act of 1995 (§ 33.2-1800 et seq.) that has been designated as a mass evacuation route in affected evacuation
8335 zones, to the extent such order is necessary to facilitate evacuation and is consistent with the terms of the
8336 applicable comprehensive agreement between the operator and the Department. The Commissioner of
8337 Highways shall authorize the reinstatement of toll collections suspended pursuant to this subsection when the
8338 mandatory evacuation period ends or upon the reinstatement of toll collections on other tolled facilities in the
8339 same affected area, whichever occurs first.

8340 G. Any vehicle operated by a quadriplegic driver shall be allowed free use of all toll facilities in Virginia
8341 controlled by the Richmond Metropolitan Transportation Authority, pursuant to the requirements of
8342 subdivisions D 1 through 4.

8343 H. Vehicles transporting two or more persons, including the driver, may be permitted toll-free use of the
8344 Dulles Toll Road during rush hours by the Board; however, notwithstanding the provisions of subdivision B 1
8345 of § 56-543, such vehicles shall not be permitted toll-free use of a roadway as defined pursuant to the
8346 Virginia Highway Corporation Act of 1988 (§ 56-535 et seq.).

8347 **§ 46.2-105.2. Obtaining documents from the Department when not entitled thereto; penalty.**

8348 A. It shall be unlawful for any person to obtain a Virginia driver's license, special identification card,
8349 vehicle registration, certificate of title, or other document issued by the Department if such person has not
8350 satisfied all legal and procedural requirements for the issuance thereof, or is otherwise not legally entitled
8351 thereto, including obtaining any document issued by the Department through the use of counterfeit, forged, or
8352 altered documents.

8353 B. It shall be unlawful to aid any person to obtain any driver's license, special identification card, vehicle
8354 registration, certificate of title, or other document in violation of the provisions of subsection A.

8355 C. It shall be unlawful to knowingly possess or use for any purpose any driver's license, special
8356 identification card, vehicle registration, certificate of title, or other document obtained in violation of the
8357 provisions of subsection A.

8358 D. A violation of any provision of this section shall constitute a Class 2 misdemeanor if a person is
8359 charged and convicted of a violation of this section that involved the unlawful obtaining or possession of any

8360 document issued by the Department for the purpose of engaging in any age-limited activity, including but not
 8361 limited to obtaining, possessing, or consuming alcoholic beverages *or marijuana*. However, if a person is
 8362 charged and convicted of any other violation of this section, such offense shall constitute a Class 6 felony.

8363 E. Whenever it appears to the satisfaction of the Commissioner that any driver's license, special
 8364 identification card, vehicle registration, certificate of title, or other document issued by the Department has
 8365 been obtained in violation of this section, it may be cancelled by the Commissioner, who shall mail notice of
 8366 the cancellation to the address of record maintained by the Department.

8367 F. A violation of this section may be prosecuted in the jurisdiction (i) from which any person obtained any
 8368 document issued by the Department, (ii) where any person received or created any counterfeit, forged, or
 8369 altered document used to obtain any document issued by the Department, or (iii) where any counterfeit,
 8370 forged, or altered document has been filed with the Department.

8371 **§ 46.2-347. Fraudulent use of driver's license or Department of Motor Vehicles identification card**
 8372 **to obtain alcoholic beverages or marijuana; penalties.**

8373 Any underage person as specified in § 4.1-304 who knowingly uses or attempts to use a forged, deceptive
 8374 or otherwise nongenuine driver's license issued by any state, territory or possession of the United States, the
 8375 District of Columbia, the Commonwealth of Puerto Rico or any foreign country or government; United States
 8376 Armed Forces identification card; United States passport or foreign government visa; Virginia Department of
 8377 Motor Vehicles special identification card; official identification issued by any other federal, state or foreign
 8378 government agency; or official student identification card of an institution of higher education to obtain
 8379 alcoholic beverages ~~shall be~~ *or marijuana* is guilty of a Class 3 misdemeanor, and upon conviction of a
 8380 violation of this section, the court shall revoke such convicted person's driver's license or privilege to drive a
 8381 motor vehicle for a period of not less than 30 days nor more than one year.

8382 **§ 48-17.1. Temporary injunctions against alcoholic beverage sales or marijuana sales.**

8383 A. Any locality by or through its mayor, chief executive, or attorney may petition a circuit court to
 8384 temporarily enjoin the sale of alcohol *or marijuana* at any establishment licensed by the Virginia Alcoholic
 8385 Beverage *and Cannabis* Control Authority. The basis for such petition shall be the operator of the
 8386 establishment has allowed it to become a meeting place for persons committing serious criminal violations of
 8387 the law on or immediately adjacent to the premises so frequent and serious as to be deemed a continuing
 8388 threat to public safety, as represented in an affidavit by the chief law-enforcement officer of the locality,
 8389 supported by records of such criminal acts. The court shall, upon the presentation of evidence at a hearing on
 8390 the matter, grant a temporary injunction, without bond, enjoining the sale of alcohol *or marijuana* at the
 8391 establishment, if it appears to the satisfaction of the court that the threat to public safety complained of exists
 8392 and is likely to continue if such injunction is not granted. The court hearing on the petition shall be held
 8393 within 10 days of service upon the respondent. The respondent shall be served with notice of the time and
 8394 place of the hearing and copies of all documentary evidence to be relied upon by the complainant at such
 8395 hearing. Any injunction issued by the court shall be dissolved in the event the court later finds that the threat
 8396 to public safety that is the basis of the injunction has been abated by reason of a change of ownership,
 8397 management, or business operations at the establishment, or other change in circumstance.

8398 B. The Virginia Alcoholic Beverage *and Cannabis* Control Authority shall be given notice of any hearing
 8399 under this section. In the event an injunction is granted, the Virginia Alcoholic Beverage *and Cannabis*
 8400 Control Authority shall initiate an investigation into the activities at the establishment complained of and
 8401 conduct an administrative hearing. After the Virginia Alcoholic Beverage *and Cannabis* Control Authority
 8402 hearing and when a final determination has been issued by the Virginia Alcoholic Beverage *and Cannabis*
 8403 Control Authority, regardless of disposition, any injunction issued hereunder shall be null, without further
 8404 action by the complainant, respondent, or the court.

8405 **§ 51.1-212. Definitions.**

8406 As used in this chapter, unless the context requires a different meaning:

8407 "Employee" means any (i) member of the Capitol Police Force as described in § 30-34.2:1, (ii) campus
 8408 police officer appointed under the provisions of Article 3 (§ 23.1-809 et seq.) of Chapter 8 of Title 23.1, (iii)
 8409 conservation police officer in the Department of Wildlife Resources appointed under the provisions of
 8410 Chapter 2 (§ 29.1-200 et seq.) of Title 29.1, (iv) special agent of the Virginia Alcoholic Beverage *and*
 8411 *Cannabis* Control Authority appointed under the provisions of Chapter 1 (§ 4.1-100 et seq.) of Title 4.1, (v)
 8412 law-enforcement officer employed by the Virginia Marine Resources Commission as described in § 9.1-101,
 8413 (vi) correctional officer as the term is defined in § 53.1-1, and including correctional officers employed at a
 8414 juvenile correction facility as the term is defined in § 66-25.3, (vii) parole officer appointed pursuant to
 8415 § 53.1-143, (viii) commercial vehicle enforcement officer employed by the Department of State Police, (ix)
 8416 full-time firefighter employed by the Department of Military Affairs, and (x) conservation officer of the
 8417 Department of Conservation and Recreation appointed under the provisions of Article 4 (§ 10.1-115 et seq.)
 8418 of Chapter 1 of Title 10.1.

8419 "Member" means any person included in the membership of the Retirement System as provided in this
 8420 chapter.

8421 "Normal retirement date" means a member's sixtieth birthday.

8422 "Retirement System" means the Virginia Law Officers' Retirement System.

8423 **§ 53.1-231.2. Restoration of the civil right to be eligible to register to vote to certain persons.**

8424 This section shall apply to any person who is not a qualified voter because of a felony conviction, who
8425 seeks to have his right to register to vote restored and become eligible to register to vote, and who meets the
8426 conditions and requirements set out in this section.

8427 Any person, other than a person (i) convicted of a violent felony as defined in § 19.2-297.1 or in
8428 subsection C of § 17.1-805 and any crime ancillary thereto; (ii) convicted of a felony pursuant to § 4.1-1101,
8429 *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
8430 felony pursuant to § 24.2-1016, may petition the circuit court of the county or city in which he was convicted
8431 of a felony, or the circuit court of the county or city in which he presently resides, for restoration of his civil
8432 right to be eligible to register to vote through the process set out in this section. On such petition, the court
8433 may approve the petition for restoration to the person of his right if the court is satisfied from the evidence
8434 presented that the petitioner has completed, five or more years previously, service of any sentence and any
8435 modification of sentence including probation, parole, and suspension of sentence; that the petitioner has
8436 demonstrated civic responsibility through community or comparable service; and that the petitioner has been
8437 free from criminal convictions, excluding traffic infractions, for the same period.

8438 If the court approves the petition, it shall so state in an order, provide a copy of the order to the petitioner,
8439 and transmit its order to the Secretary of the Commonwealth. The order shall state that the petitioner's right to
8440 be eligible to register to vote may be restored by the date that is 90 days after the date of the order, subject to
8441 the approval or denial of restoration of that right by the Governor. The Secretary of the Commonwealth shall
8442 transmit the order to the Governor who may grant or deny the petition for restoration of the right to be
8443 eligible to register to vote approved by the court order. The Secretary of the Commonwealth shall send,
8444 within 90 days of the date of the order, to the petitioner at the address stated on the court's order, a certificate
8445 of restoration of that right or notice that the Governor has denied the restoration of that right. The Governor's
8446 denial of a petition for the restoration of voting rights shall be a final decision and the petitioner shall have no
8447 right of appeal. The Secretary shall notify the court and the State Board of Elections in each case of the
8448 restoration of the right or denial of restoration by the Governor.

8449 On receipt of the certificate of restoration of the right to register to vote from the Secretary of the
8450 Commonwealth, the petitioner, who is otherwise a qualified voter, shall become eligible to register to vote.

8451 **§ 54.1-2903. What constitutes practice; advertising in connection with medical practice.**

8452 A. Any person shall be regarded as practicing the healing arts who actually engages in such practice as
8453 defined in this chapter, or who opens an office for such purpose, or who advertises or announces to the public
8454 in any manner a readiness to practice or who uses in connection with his name the words or letters "Doctor,"
8455 "Dr.," "M.D.," "D.O.," "D.P.M.," "D.C.," "Healer," "N.P.," or any other title, word, letter or designation
8456 intending to designate or imply that he is a practitioner of the healing arts or that he is able to heal, cure or
8457 relieve those suffering from any injury, deformity or disease.

8458 Signing a birth or death certificate, or signing any statement certifying that the person so signing has
8459 rendered professional service to the sick or injured, or signing or issuing a prescription for drugs or other
8460 remedial agents, shall be prima facie evidence that the person signing or issuing such writing is practicing the
8461 healing arts within the meaning of this chapter except where persons other than physicians are required to
8462 sign birth certificates.

8463 B. No person regulated under this chapter shall use the title "Doctor" or the abbreviation "Dr." in writing
8464 or in advertising in connection with his practice unless he simultaneously uses words, initials, an abbreviation
8465 or designation, or other language that identifies the type of practice for which he is licensed. No person
8466 regulated under this chapter shall include in any advertisement a reference to marijuana, as defined in §
8467 ~~18.2-247~~ *54.1-3401*, unless such advertisement is for the treatment of addiction or substance abuse. However,
8468 nothing in this subsection shall prevent a person from including in any advertisement that such person is
8469 registered with the Board of Directors of the Virginia Cannabis Control Authority to issue written
8470 certifications for the use of cannabis products, as defined in § 4.1-1600.

8471 **§ 54.1-3443. Board to administer article.**

8472 A. The Board shall administer this article and may add substances to or deschedule or reschedule all
8473 substances enumerated in the schedules in this article pursuant to the procedures of the Administrative
8474 Process Act (§ 2.2-4000 et seq.). In making a determination regarding a substance, the Board shall consider
8475 the following:

- 8476 1. The actual or relative potential for abuse;
- 8477 2. The scientific evidence of its pharmacological effect, if known;
- 8478 3. The state of current scientific knowledge regarding the substance;
- 8479 4. The history and current pattern of abuse;
- 8480 5. The scope, duration, and significance of abuse;
- 8481 6. The risk to the public health;
- 8482 7. The potential of the substance to produce psychic or physical dependence; and
- 8483 8. Whether the substance is an immediate precursor of a substance already controlled under this article.

8484 B. After considering the factors enumerated in subsection A, the Board shall make findings and issue a
8485 regulation controlling the substance if it finds the substance has a potential for abuse.

8486 C. If the Board designates a substance as an immediate precursor, substances which are precursors of the
8487 controlled precursor shall not be subject to control solely because they are precursors of the controlled
8488 precursor.

8489 D. If the Board, in consultation with the Department of Forensic Science, determines the substance shall
8490 be placed into Schedule I or II pursuant to § 54.1-3445 or 54.1-3447, the Board may amend its regulations
8491 pursuant to Article 2 (§ 2.2-4006 et seq.) of the Administrative Process Act. Prior to making such
8492 amendments, the Board shall conduct a public hearing. At least 30 days prior to conducting such hearing, it
8493 shall post notice of the hearing on the Virginia Regulatory Town Hall and shall send notice of the hearing to
8494 any persons requesting to be notified of a regulatory action. In the notice, the Board shall include a list of all
8495 substances it intends to schedule by regulation. The Board shall notify the House and Senate Committees for
8496 Courts of Justice of any new substance added to Schedule I or II pursuant to this subsection. Any substance
8497 added to Schedule I or II pursuant to this subsection shall remain on Schedule I or II for a period of 18
8498 months. Upon expiration of such 18-month period, such substance shall be descheduled unless a general law
8499 is enacted adding such substance to Schedule I or II. Nothing in this subsection shall preclude the Board from
8500 adding substances to or descheduling or rescheduling all substances enumerated in the schedules pursuant to
8501 the provisions of subsections A, B, and E.

8502 E. If any substance is designated, rescheduled, or descheduled as a controlled substance under federal law
8503 and notice of such action is given to the Board, the Board may similarly control the substance under this
8504 chapter after the expiration of 30 days from publication in the Federal Register of a final or interim final order
8505 or rule designating a substance as a controlled substance or rescheduling or descheduling a substance by
8506 amending its regulations in accordance with the requirements of Article 2 (§ 2.2-4006 et seq.) of the
8507 Administrative Process Act. Prior to making such amendments, the Board shall post notice of the hearing on
8508 the Virginia Regulatory Town Hall and shall send notice of the hearing to any persons requesting to be
8509 notified of a regulatory action. The Board shall include a list of all substances it intends to schedule by
8510 regulation in such notice.

8511 F. Authority to control under this section does not extend to distilled spirits, wine, malt beverages, or
8512 tobacco as those terms are defined or used in Title 4.1.

8513 G. The Board shall exempt any nonnarcotic substance from a schedule if such substance may, under the
8514 provisions of the federal Food, Drug, and Cosmetic Act (21 U.S.C. § 301 et seq.) or state law, be lawfully
8515 sold over the counter without a prescription.

8516 H. Any tetrahydrocannabinol isomer, ester, ether, salt, or salts of such isomer, ester, or ether scheduled
8517 pursuant to this section shall not be included in the definition of marijuana set forth in § 4.1-600, ~~48.2-247~~, or
8518 54.1-3401.

8519 **§ 54.1-4426. Accounting services for licensed marijuana establishments.**

8520 A. As used in this section, "licensed" and "marijuana establishment" have the same meanings as provided
8521 in § 4.1-600.

8522 B. A CPA, CPA firm, or officer, director, or employee of a CPA or CPA firm that provides accounting
8523 services to a licensed marijuana establishment shall not be held liable pursuant to any state law or regulation
8524 solely for providing such accounting services.

8525 C. Nothing in this section shall require a CPA or CPA firm to provide accounting services to a licensed
8526 marijuana establishment.

8527 **§ 58.1-3. Secrecy of information; penalties.**

8528 A. Except in accordance with a proper judicial order or as otherwise provided by law, the Tax
8529 Commissioner or agent, clerk, commissioner of the revenue, treasurer, or any other state or local tax or
8530 revenue officer or employee, or any person to whom tax information is divulged pursuant to this section or
8531 § 58.1-512, 58.1-2712.2, or 58.1-3826, or any former officer or employee of any of the aforementioned
8532 offices shall not divulge any information acquired by him in the performance of his duties with respect to the
8533 transactions, property, including personal property, income or business of any person, firm or corporation.
8534 Such prohibition specifically includes any copy of a federal return or federal return information required by
8535 Virginia law to be attached to or included in the Virginia return. This prohibition shall apply to any reports,
8536 returns, financial documents or other information filed with the Attorney General pursuant to the provisions
8537 of Article 3 (§ 3.2-4204 et seq.) of Chapter 42 of Title 3.2. Any person violating the provisions of this section
8538 is guilty of a Class 1 misdemeanor. The provisions of this subsection shall not be applicable, however, to:

8539 1. Matters required by law to be entered on any public assessment roll or book;

8540 2. Acts performed or words spoken, published, or shared with another agency or subdivision of the
8541 Commonwealth in the line of duty under state law;

8542 3. Inquiries and investigations to obtain information as to the process of real estate assessments by a duly
8543 constituted committee of the General Assembly, or when such inquiry or investigation is relevant to its study,
8544 provided that any such information obtained shall be privileged;

8545 4. The sales price, date of construction, physical dimensions or characteristics of real property, or any

8546 information required for building permits;

8547 5. Copies of or information contained in an estate's probate tax return, filed with the clerk of court
8548 pursuant to § 58.1-1714, when requested by a beneficiary of the estate or an heir at law of the decedent or by
8549 the commissioner of accounts making a settlement of accounts filed in such estate;

8550 6. Information regarding nonprofit entities exempt from sales and use tax under § 58.1-609.11, when
8551 requested by the General Assembly or any duly constituted committee of the General Assembly;

8552 7. Reports or information filed with the Attorney General by a Stamping Agent pursuant to the provisions
8553 of Article 3 (§ 3.2-4204 et seq.), when such reports or information are provided by the Attorney General to a
8554 tobacco products manufacturer who is required to establish a qualified escrow fund pursuant to § 3.2-4201
8555 and are limited to the brand families of that manufacturer as listed in the Tobacco Directory established
8556 pursuant to § 3.2-4206 and are limited to the current or previous two calendar years or in any year in which
8557 the Attorney General receives Stamping Agent information that potentially alters the required escrow deposit
8558 of the manufacturer. The information shall only be provided in the following manner: the manufacturer may
8559 make a written request, on a quarterly or yearly basis or when the manufacturer is notified by the Attorney
8560 General of a potential change in the amount of a required escrow deposit, to the Attorney General for a list of
8561 the Stamping Agents who reported stamping or selling its products and the amount reported. The Attorney
8562 General shall provide the list within 15 days of receipt of the request. If the manufacturer wishes to obtain
8563 actual copies of the reports the Stamping Agents filed with the Attorney General, it must first request them
8564 from the Stamping Agents pursuant to subsection C of § 3.2-4209. If the manufacturer does not receive the
8565 reports pursuant to subsection C of § 3.2-4209, the manufacturer may make a written request to the Attorney
8566 General, including a copy of the prior written request to the Stamping Agent and any response received, for
8567 copies of any reports not received. The Attorney General shall provide copies of the reports within 45 days of
8568 receipt of the request.

8569 B. 1. Nothing contained in this section shall be construed to prohibit the publication of statistics so
8570 classified as to prevent the identification of particular reports or returns and the items thereof or the
8571 publication of delinquent lists showing the names of taxpayers who are currently delinquent, together with
8572 any relevant information which in the opinion of the Department may assist in the collection of such
8573 delinquent taxes. Notwithstanding any other provision of this section or other law, the Department, upon
8574 request by the General Assembly or any duly constituted committee of the General Assembly, shall disclose
8575 the total aggregate amount of an income tax deduction or credit taken by all taxpayers, regardless of (i) how
8576 few taxpayers took the deduction or credit or (ii) any other circumstances. This section shall not be construed
8577 to prohibit a local tax official from disclosing whether a person, firm or corporation is licensed to do business
8578 in that locality and divulging, upon written request, the name and address of any person, firm or corporation
8579 transacting business under a fictitious name. Additionally, notwithstanding any other provision of law, the
8580 commissioner of revenue is authorized to provide, upon written request stating the reason for such request,
8581 the Tax Commissioner with information obtained from local tax returns and other information pertaining to
8582 the income, sales and property of any person, firm or corporation licensed to do business in that locality.

8583 2. This section shall not prohibit the Department from disclosing whether a person, firm, or corporation is
8584 registered as a retail sales and use tax dealer pursuant to Chapter 6 (§ 58.1-600 et seq.) or whether a
8585 certificate of registration number relating to such tax is valid. Additionally, notwithstanding any other
8586 provision of law, the Department is hereby authorized to make available the names and certificate of
8587 registration numbers of dealers who are currently registered for retail sales and use tax.

8588 3. This section shall not prohibit the Department from disclosing information to nongovernmental entities
8589 with which the Department has entered into a contract to provide services that assist it in the administration
8590 of refund processing or other services related to its administration of taxes.

8591 4. This section shall not prohibit the Department from disclosing information to taxpayers regarding
8592 whether the taxpayer's employer or another person or entity required to withhold on behalf of such taxpayer
8593 submitted withholding records to the Department for a specific taxable year as required pursuant to
8594 subdivision C 1 of § 58.1-478.

8595 5. This section shall not prohibit the commissioner of the revenue, treasurer, director of finance, or other
8596 similar local official who collects or administers taxes for a county, city, or town from disclosing information
8597 to nongovernmental entities with which the locality has entered into a contract to provide services that assist
8598 it in the administration of refund processing or other non-audit services related to its administration of taxes.
8599 The commissioner of the revenue, treasurer, director of finance, or other similar local official who collects or
8600 administers taxes for a county, city, or town shall not disclose information to such entity unless he has
8601 obtained a written acknowledgement by such entity that the confidentiality and nondisclosure obligations of
8602 and penalties set forth in subsection A apply to such entity and that such entity agrees to abide by such
8603 obligations.

8604 C. Notwithstanding the provisions of subsection A or B or any other provision of this title, the Tax
8605 Commissioner is authorized to (i) divulge tax information to any commissioner of the revenue, director of
8606 finance, or other similar collector of county, city, or town taxes who, for the performance of his official
8607 duties, requests the same in writing setting forth the reasons for such request; (ii) provide to the

8608 Commissioner of the Department of Social Services, upon entering into a written agreement, the amount of
8609 income, filing status, number and type of dependents, whether a federal earned income tax credit as
8610 authorized in § 32 of the Internal Revenue Code and an income tax credit for low-income taxpayers as
8611 authorized in § 58.1-339.8 have been claimed, and Forms W-2 and 1099 to facilitate the administration of
8612 public assistance or social services benefits as defined in § 63.2-100 or child support services pursuant to
8613 Chapter 19 (§ 63.2-1900 et seq.) of Title 63.2, or as may be necessary to facilitate the administration of
8614 outreach and enrollment related to the federal earned income tax credit authorized in § 32 of the Internal
8615 Revenue Code and the income tax credit for low-income taxpayers authorized in § 58.1-339.8; (iii) provide to
8616 the chief executive officer of the designated student loan guarantor for the Commonwealth of Virginia, upon
8617 written request, the names and home addresses of those persons identified by the designated guarantor as
8618 having delinquent loans guaranteed by the designated guarantor; (iv) provide current address information
8619 upon request to state agencies and institutions for their confidential use in facilitating the collection of
8620 accounts receivable, and to the clerk of a circuit or district court for their confidential use in facilitating the
8621 collection of fines, penalties, and costs imposed in a proceeding in that court; (v) provide to the
8622 Commissioner of the Virginia Employment Commission, after entering into a written agreement, such tax
8623 information as may be necessary to facilitate the collection of unemployment taxes and overpaid benefits; (vi)
8624 provide to the Virginia Alcoholic Beverage *and Cannabis* Control Authority, upon entering into a written
8625 agreement, such tax information as may be necessary to facilitate the collection of state and local taxes and
8626 the administration of the alcoholic beverage *and cannabis* control laws; (vii) provide to the Director of the
8627 Virginia Lottery such tax information as may be necessary to identify those lottery ticket retailers who owe
8628 delinquent taxes; (viii) provide to the Department of the Treasury for its confidential use such tax information
8629 as may be necessary to facilitate the location of owners and holders of unclaimed property, as defined in
8630 § 55.1-2500; (ix) provide to the State Corporation Commission, upon entering into a written agreement, such
8631 tax information as may be necessary to facilitate the collection of taxes and fees administered by the
8632 Commission; (x) provide to the Executive Director of the Potomac and Rappahannock Transportation
8633 Commission for his confidential use such tax information as may be necessary to facilitate the collection of
8634 the motor vehicle fuel sales tax; (xi) provide to the Commissioner of the Department of Agriculture and
8635 Consumer Services such tax information as may be necessary to identify those applicants for registration as a
8636 supplier of charitable gaming supplies who have not filed required returns or who owe delinquent taxes; (xii)
8637 provide to the Department of Housing and Community Development for its confidential use such tax
8638 information as may be necessary to facilitate the administration of the remaining effective provisions of the
8639 Enterprise Zone Act (§ 59.1-270 et seq.), and the Enterprise Zone Grant Program (§ 59.1-538 et seq.); (xiii)
8640 provide current name and address information to private collectors entering into a written agreement with the
8641 Tax Commissioner, for their confidential use when acting on behalf of the Commonwealth or any of its
8642 political subdivisions; however, the Tax Commissioner is not authorized to provide such information to a
8643 private collector who has used or disseminated in an unauthorized or prohibited manner any such information
8644 previously provided to such collector; (xiv) provide current name and address information as to the identity
8645 of the wholesale or retail dealer that affixed a tax stamp to a package of cigarettes to any person who
8646 manufactures or sells at retail or wholesale cigarettes and who may bring an action for injunction or other
8647 equitable relief for violation of Chapter 10.1, Enforcement of Illegal Sale or Distribution of Cigarettes Act;
8648 (xv) provide to the Commissioner of Labor and Industry, upon entering into a written agreement, such tax
8649 information as may be necessary to facilitate the collection of unpaid wages under § 40.1-29; (xvi) provide to
8650 the Director of the Department of Human Resource Management, upon entering into a written agreement,
8651 such tax information as may be necessary to identify persons receiving workers' compensation indemnity
8652 benefits who have failed to report earnings as required by § 65.2-712; (xvii) provide to any commissioner of
8653 the revenue, director of finance, or any other officer of any county, city, or town performing any or all of the
8654 duties of a commissioner of the revenue and to any dealer registered for the collection of the Communications
8655 Sales and Use Tax, a list of the names, business addresses, and dates of registration of all dealers registered
8656 for such tax; (xviii) provide to the Executive Director of the Northern Virginia Transportation Commission
8657 for his confidential use such tax information as may be necessary to facilitate the collection of the motor
8658 vehicle fuel sales tax; (xix) provide to the Commissioner of Agriculture and Consumer Services the name and
8659 address of the taxpayer businesses licensed by the Commonwealth that identify themselves as subject to
8660 regulation by the Board of Agriculture and Consumer Services pursuant to § 3.2-5130; (xx) provide to the
8661 developer or the economic development authority of a tourism project authorized by § 58.1-3851.1, upon
8662 entering into a written agreement, tax information facilitating the repayment of gap financing; (xxi) provide
8663 to the Virginia Retirement System and the Department of Human Resource Management, after entering into a
8664 written agreement, such tax information as may be necessary to facilitate the enforcement of subdivision C 4
8665 of § 9.1-401; (xxii) provide to the Department of Medical Assistance Services and the Department of Social
8666 Services, upon entering into a written agreement, the name, address, social security number, email address,
8667 dependent information provided pursuant to subdivision B 2 of § 58.1-341.1, number and type of personal
8668 exemptions, tax-filing status, adjusted gross income, and any additional information voluntarily provided by
8669 the taxpayer for disclosure pursuant to subdivisions B 1 and 2 of § 58.1-341.1, of an individual, or spouse in

8670 the case of a married taxpayer filing jointly, who has voluntarily consented to such disclosure for purposes of
 8671 identifying persons who would like to newly enroll in medical assistance; (xxiii) provide to the
 8672 Commissioner of the Department of Motor Vehicles information sufficient to verify that an applicant for a
 8673 driver privilege card or permit under § 46.2-328.3 or an applicant for an identification privilege card under
 8674 § 46.2-345.3 reported income and deductions from Virginia sources, as defined in § 58.1-302, or was claimed
 8675 as a dependent, on an individual income tax return filed with the Commonwealth within the preceding 12
 8676 months; and (xxiv) provide to the Virginia Health Benefit Exchange, upon entering into a written agreement,
 8677 for taxable years starting on January 1, 2023, or as soon thereafter as practicable, as determined by the
 8678 Department of Taxation and the Virginia Health Benefit Exchange, the name, address, social security
 8679 number, email address, dependent information provided pursuant to subdivision B 2 of § 58.1-341.1, number
 8680 and type of personal exemptions, tax-filing status, adjusted gross income, and any additional information
 8681 voluntarily provided by the taxpayer for disclosure pursuant to subdivision B 3 of § 58.1-341.1, of an
 8682 individual, or spouse in the case of a married taxpayer filing jointly, who has voluntarily consented to such
 8683 disclosure for purposes of identifying persons who do not meet the income eligibility requirements for
 8684 medical assistance and would like to newly enroll in a qualified health plan. The Tax Commissioner is further
 8685 authorized to enter into written agreements with duly constituted tax officials of other states and of the United
 8686 States for the inspection of tax returns, the making of audits, and the exchange of information relating to any
 8687 tax administered by the Department of Taxation. Any person to whom tax information is divulged pursuant to
 8688 this section shall be subject to the prohibitions and penalties prescribed herein as though he were a tax
 8689 official.

8690 D. Notwithstanding the provisions of subsection A or B or any other provision of this title, the
 8691 commissioner of revenue or other assessing official is authorized to (i) provide, upon written request stating
 8692 the reason for such request, the chief executive officer of any county or city with information furnished to the
 8693 commissioner of revenue by the Tax Commissioner relating to the name and address of any dealer located
 8694 within the county or city who paid sales and use tax, for the purpose of verifying the local sales and use tax
 8695 revenues payable to the county or city; (ii) provide to the Department of Professional and Occupational
 8696 Regulation for its confidential use the name, address, and amount of gross receipts of any person, firm or
 8697 entity subject to a criminal investigation of an unlawful practice of a profession or occupation administered
 8698 by the Department of Professional and Occupational Regulation, only after the Department of Professional
 8699 and Occupational Regulation exhausts all other means of obtaining such information; and (iii) provide to any
 8700 representative of a condominium unit owners' association, property owners' association or real estate
 8701 cooperative association, or to the owner of property governed by any such association, the names and
 8702 addresses of parties having a security interest in real property governed by any such association; however,
 8703 such information shall be released only upon written request stating the reason for such request, which reason
 8704 shall be limited to proposing or opposing changes to the governing documents of the association, and any
 8705 information received by any person under this subsection shall be used only for the reason stated in the
 8706 written request. The treasurer or other local assessing official may require any person requesting information
 8707 pursuant to clause (iii) of this subsection to pay the reasonable cost of providing such information. Any
 8708 person to whom tax information is divulged pursuant to this subsection shall be subject to the prohibitions
 8709 and penalties prescribed herein as though he were a tax official.

8710 Notwithstanding the provisions of subsection A or B or any other provisions of this title, the treasurer or
 8711 other collector of taxes for a county, city or town is authorized to provide information relating to any motor
 8712 vehicle, trailer or semitrailer obtained by such treasurer or collector in the course of performing his duties to
 8713 the commissioner of the revenue or other assessing official for such jurisdiction for use by such
 8714 commissioner or other official in performing assessments.

8715 This section shall not be construed to prohibit a local tax official from imprinting or displaying on a motor
 8716 vehicle local license decal the year, make, and model and any other legal identification information about the
 8717 particular motor vehicle for which that local license decal is assigned.

8718 E. Notwithstanding any other provisions of law, state agencies and any other administrative or regulatory
 8719 unit of state government shall divulge to the Tax Commissioner or his authorized agent, upon written request,
 8720 the name, address, and social security number of a taxpayer, necessary for the performance of the
 8721 Commissioner's official duties regarding the administration and enforcement of laws within the jurisdiction of
 8722 the Department of Taxation. The receipt of information by the Tax Commissioner or his agent that may be
 8723 deemed taxpayer information shall not relieve the Commissioner of the obligations under this section.

8724 F. Additionally, it is unlawful for any person to disseminate, publish, or cause to be published any
 8725 confidential tax document that he knows or has reason to know is a confidential tax document. A confidential
 8726 tax document is any correspondence, document, or tax return that is prohibited from being divulged by
 8727 subsection A, B, C, or D and includes any document containing information on the transactions, property,
 8728 income, or business of any person, firm, or corporation that is required to be filed with any state official by
 8729 § 58.1-512. This prohibition shall not apply if such confidential tax document has been divulged or
 8730 disseminated pursuant to a provision of law authorizing disclosure. Any person violating the provisions of
 8731 this subsection is guilty of a Class 1 misdemeanor.

8732 G. Information provided by an accommodations intermediary pursuant to subsection F of § 58.1-3826 to
 8733 the commissioner of the revenue, treasurer, or any other local tax or revenue officer or employee of a county,
 8734 city, or town, or any other person to whom such tax information is divulged, shall be confidential pursuant to
 8735 subsection A and shall not be divulged to any other department or official of the locality or any other political
 8736 subdivision of the Commonwealth. Such information shall be used by such officials only for the purpose of
 8737 levying and collecting retail sales and use tax, transient occupancy tax, and any other taxes imposed on the
 8738 sale of accommodations.

8739 **§ 58.1-301. Conformity to Internal Revenue Code.**

8740 A. Any term used in this chapter shall have the same meaning as when used in a comparable context in
 8741 the laws of the United States relating to federal income taxes, unless a different meaning is clearly required.

8742 B. Any reference in this chapter to the laws of the United States relating to federal income taxes shall
 8743 mean the provisions of the Internal Revenue Code of 1954, and amendments thereto, and other provisions of
 8744 the laws of the United States relating to federal income taxes, except for:

8745 1. The special depreciation allowance for certain property provided for under §§ 168(k), 168(l), 168(m),
 8746 1400L, and 1400N of the Internal Revenue Code;

8747 2. The carry-back of certain net operating losses for five years under § 172(b)(1)(H) of the Internal
 8748 Revenue Code;

8749 3. The original issue discount on applicable high yield discount obligations under § 163(e)(5)(F) of the
 8750 Internal Revenue Code;

8751 4. The deferral of certain income under § 108(i) of the Internal Revenue Code. For Virginia income tax
 8752 purposes, income from the discharge of indebtedness in connection with the reacquisition of an "applicable
 8753 debt instrument" (as defined under § 108(i) of the Internal Revenue Code) reacquired in the taxable year shall
 8754 be fully included in the taxpayer's Virginia taxable income for the taxable year, unless the taxpayer elects to
 8755 include such income in the taxpayer's Virginia taxable income ratably over a three-taxable-year period
 8756 beginning with taxable year 2009 for transactions completed in taxable year 2009, or over a three-taxable-
 8757 year period beginning with taxable year 2010 for transactions completed in taxable year 2010 on or before
 8758 April 21, 2010. For purposes of such election, all other provisions of § 108(i) of the Internal Revenue Code
 8759 shall apply mutatis mutandis. No other deferral shall be allowed for income from the discharge of
 8760 indebtedness in connection with the reacquisition of an "applicable debt instrument";

8761 5. For taxable years beginning on and after January 1, 2019, the suspension of the overall limitation on
 8762 itemized deductions under § 68(f) of the Internal Revenue Code;

8763 6. For taxable years beginning on and after January 1, 2017, but before January 1, 2018, and for taxable
 8764 years beginning on and after January 1, 2019, the 7.5 percent of federal adjusted gross income threshold set
 8765 forth in § 213(a) of the Internal Revenue Code that is used for purposes of computing the deduction allowed
 8766 for expenses for medical care pursuant to § 213 of the Internal Revenue Code. For such taxable years, the
 8767 threshold utilized for Virginia income tax purposes to compute the deduction allowed for expenses for
 8768 medical care pursuant to § 213 of the Internal Revenue Code shall be 10 percent of federal adjusted gross
 8769 income;

8770 7. The provisions of §§ 2303(a) and 2303(b) of the federal Coronavirus Aid, Relief, and Economic
 8771 Security Act, P.L. 116-136 (2020), related to the net operating loss limitation and carryback;

8772 8. The provisions of § 2304(a) of the federal Coronavirus Aid, Relief, and Economic Security Act, P.L.
 8773 116-136 (2020), related to a loss limitation applicable to taxpayers other than corporations;

8774 9. The provisions of § 2306 of the federal Coronavirus Aid, Relief, and Economic Security Act, P.L.
 8775 116-136 (2020), related to the limitation on business interest;

8776 10. For taxable years beginning before January 1, 2021, the provisions of §§ 276(a), 276(b)(2), 276(b)(3),
 8777 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
 8778 Consolidated Appropriations Act, P.L. 116-260 (2020), and §§ 9672(2), 9672(3), 9673(2), and 9673(3) of the
 8779 federal American Rescue Plan Act, P.L. 117-2 (2021) related to deductions, tax attributes, and basis increases
 8780 for certain loan forgiveness and other business financial assistance; ~~and~~

8781 11. a. (1) Any amendment enacted on or after January 1, 2023, with a projected impact that would
 8782 increase or decrease general fund revenues by greater than \$15 million in the fiscal year in which the
 8783 amendment was enacted or any of the succeeding four fiscal years. The provisions of this subdivision shall
 8784 not apply to any amendment to federal income tax law that is either subsequently adopted by the General
 8785 Assembly or a federal tax extender as defined in subdivision b.

8786 (2) All amendments enacted on or after January 1, 2023, and occurring between adjournment sine die of
 8787 the previous regular session of the General Assembly and the first day of the subsequent regular session of
 8788 the General Assembly if the cumulative projected impact of such amendments would increase or decrease
 8789 general fund revenues by greater than \$75 million in the fiscal year in which the amendments were enacted or
 8790 any of the succeeding four fiscal years. The provisions of this subdivision shall not apply to any amendment
 8791 to federal income tax law that is (i) subsequently adopted by the General Assembly, (ii) a federal tax extender
 8792 as defined in subdivision b, or (iii) enacted before the date on which the cumulative projected impact is met.
 8793 However, any amendment conformed to pursuant to clause (iii) shall be included in the calculation of the \$75

8794 million threshold for purposes of determining whether such threshold has been met.

8795 (3) Beginning January 1, 2024, the threshold provided by subdivision (1) shall be adjusted annually based
8796 on the preceding change in the Chained Consumer Price Index for All Urban Consumers (C-CPI-U), as
8797 published by the Bureau of Labor Statistics for the U.S. Department of Labor or any successor index for the
8798 previous year.

8799 b. For purposes of this subdivision 11, "amendment" means a single amendment to federal income tax law
8800 or a group of such amendments enacted in the same act of Congress that collectively surpass the threshold
8801 impact, and "federal tax extender" means an amendment to federal tax law that extends the expiration date of
8802 a federal tax provision to which Virginia conforms or has previously conformed.

8803 c. The Secretary of Finance, in consultation with the Chairmen of the Senate Committee on Finance and
8804 Appropriations and the House Committees on Appropriations and Finance, shall be responsible for
8805 determining whether the criteria of subdivision a are met.

8806 d. The Secretary of Finance shall annually provide a report on or before November 15 of each year on the
8807 fiscal impact of amendments to federal income tax law occurring since the adjournment sine die of the
8808 preceding regular session of the General Assembly to the Chairmen of the Senate Committee on Finance and
8809 Appropriations and the House Committees on Appropriations and Finance. The Secretary of Finance shall
8810 also provide updates to the same Chairmen on any further amendments to federal income tax law occurring
8811 between submission of the required report and the first day of the subsequent regular session of the General
8812 Assembly; and

8813 *12. For taxable years beginning on and after January 1, 2026, the prohibition on utilizing tax deductions*
8814 *for ordinary and necessary expenditures made in connection with carrying on a trade or business licensed in*
8815 *Virginia pursuant to the Cannabis Control Act (§ 4.1-600 et seq.) under § 280E of the Internal Revenue*
8816 *Code.*

8817 C. The Department of Taxation is hereby authorized to develop procedures or guidelines for
8818 implementation of the provisions of this section, which procedures or guidelines shall be exempt from the
8819 provisions of the Administrative Process Act (§ 2.2-4000 et seq.).

8820 **§ 58.1-623.2. Cigarette exemption certificate.**

8821 A. 1. Notwithstanding any other provision of law, all sales of cigarettes, as defined in § 58.1-1031,
8822 bearing Virginia revenue stamps in the Commonwealth shall be subject to the tax until the contrary is
8823 established. The burden of proving that a sale is not taxable is upon the dealer unless he takes from the
8824 taxpayer a cigarette exemption certificate issued by the Department to the taxpayer to the effect that the
8825 cigarettes are exempt under this chapter for the purposes of resale in the Commonwealth.

8826 2. The cigarette exemption certificate mentioned in this section shall relieve the person who takes such
8827 certificate from any liability for the payment or collection of the tax on the sale of cigarettes, except upon
8828 notice from the Tax Commissioner or the taxpayer that such certificate is no longer acceptable.

8829 3. If a taxpayer who gives a cigarette exemption certificate under this section makes any use of the
8830 property other than an exempt use or retention, demonstration, or display while holding the property for
8831 resale or distribution in the regular course of business, such use shall be deemed a taxable sale by the
8832 taxpayer as of the time the property or service is first used by him, and the cost of the property to him shall be
8833 deemed the sales price of such retail sale.

8834 B. 1. Prior to issuing a cigarette exemption certificate under this section, the Department shall conduct a
8835 background investigation on the taxpayer for the certificate. The Department shall not issue a cigarette
8836 exemption certificate until at least 30 days have passed from the receipt of the application, unless the
8837 taxpayer qualifies for the expedited process set forth in subdivision 3, or any other expedited process set forth
8838 in guidelines issued pursuant to subsection L. If the taxpayer does not qualify for the expedited process, the
8839 Department shall inspect each location listed in the application and verify that any location that resells
8840 cigarettes meets the requirements prescribed in subsection E.

8841 2. A taxpayer shall be required to pay an application fee, not to exceed \$50, to the Department for a
8842 cigarette exemption certificate.

8843 3. A taxpayer shall be eligible for an expedited process to receive a cigarette exemption certificate if the
8844 taxpayer possesses, at the time of filing an application for a cigarette exemption certificate, (i) an active
8845 license, in good standing, issued by the Department of Virginia Alcoholic Beverage and Cannabis Control
8846 Authority pursuant to Title 4.1, as verified by electronic or other means by the Department, or (ii) an active
8847 tobacco products tax distributor's license, in good standing, issued by the Department pursuant to
8848 § 58.1-1021.04:1. The Department may identify other categories of taxpayers who qualify for an expedited
8849 process through guidelines issued pursuant to subsection L. Taxpayers that qualify for an expedited process
8850 shall not be subject to the background check or the waiting period set forth in subdivision 1, nor shall such
8851 taxpayers be required to pay the application fee set forth in subdivision 2.

8852 4. If a taxpayer has been denied a cigarette exemption certificate, or has been issued a cigarette exemption
8853 certificate that has subsequently been suspended or revoked, the Department shall not consider an application
8854 from the taxpayer for a new cigarette exemption certificate for six months from the date of the denial,
8855 suspension, or revocation.

8856 C. The Department shall deny an application for a cigarette exemption certificate, or suspend or revoke a
8857 cigarette exemption certificate previously issued to a taxpayer, if the Department determines that:

8858 1. The taxpayer is a person who is not 18 years of age or older;

8859 2. The taxpayer is a person who is physically unable to carry on the business for which the application for
8860 a cigarette exemption certificate is filed, or has been adjudicated incapacitated;

8861 3. The taxpayer has not resided in the Commonwealth for at least one year immediately preceding the
8862 application, unless in the opinion of the Department, good cause exists for the taxpayer to have not resided in
8863 the Commonwealth for the immediately preceding year;

8864 4. The taxpayer has not established a physical place of business in the Commonwealth, as described in
8865 subsection E;

8866 5. A court or administrative body having jurisdiction has found that the physical place of business
8867 occupied by the taxpayer, as described in subsection E, does not conform to the sanitation, health,
8868 construction, or equipment requirements of the governing body of the county, city, or town in which such
8869 physical place is located, or to similar requirements established pursuant to the laws of the Commonwealth;

8870 6. The physical place of business occupied by the taxpayer, as described in subsection E, is not
8871 constructed, arranged, or illuminated so as to allow access to and reasonable observation of, any room or area
8872 in which cigarettes are to be sold;

8873 7. The taxpayer is not an authorized representative of the business;

8874 8. The taxpayer made a material misstatement or material omission in the application;

8875 9. The taxpayer has defrauded, or attempted to defraud, the Department, or any federal, state, or local
8876 government or governmental agency or authority, by making or filing any report, document, or tax return
8877 required by statute or regulation that is fraudulent or contains a false representation of material fact, or the
8878 taxpayer has willfully deceived or attempted to deceive the Department, or any federal, state, or local
8879 government or governmental agency or authority, by making or maintaining business records required by
8880 statute or regulation that are false or fraudulent;

8881 10. The Tax Commissioner has determined that the taxpayer has misused the certificate;

8882 11. The taxpayer has knowingly and willfully allowed any individual, other than an authorized
8883 representative, to use the certificate;

8884 12. The taxpayer has failed to comply with or has been convicted under any of the provisions of this
8885 chapter or Chapter 10 (§ 58.1-1000 et seq.) or any of the rules of the Department adopted or promulgated
8886 under the authority of this chapter or Chapter 10; however, no certificate shall be denied, suspended, or
8887 revoked on the basis of a failure to file a retail sales and use tax return or remit retail sales and use tax unless
8888 the taxpayer is more than 30 days delinquent in any filing or payment and has not entered into an installment
8889 agreement pursuant to § 58.1-1817; or

8890 13. The taxpayer has been convicted under the laws of any state or of the United States of (i) any robbery,
8891 extortion, burglary, larceny, embezzlement, gambling, perjury, bribery, treason, racketeering, money
8892 laundering, other crime involving fraud under Chapter 6 (§ 18.2-168 et seq.) of Title 18.2, or crime that has
8893 the same elements of the offenses set forth in § 58.1-1017 or 58.1-1017.1, or (ii) a felony.

8894 D. The provisions of § 58.1-623.1 shall apply to the suspension and revocation of exemption certificates
8895 issued pursuant to this section, mutatis mutandis.

8896 E. A cigarette exemption certificate shall only be issued to a taxpayer who:

8897 1. Has a physical place of business in the Commonwealth, owned or leased by him, where a substantial
8898 portion of the sales activity of the retail cigarette sales activity of the business is routinely conducted and that
8899 (i) satisfies all local zoning regulations; (ii) has sales and office space of at least 250 square feet in a
8900 permanent, enclosed building not used as a house, apartment, storage unit, garage, or other building other
8901 than a building zoned for retail business; (iii) houses all records required to be maintained pursuant to
8902 § 58.1-1007; (iv) is equipped with office equipment, including but not limited to, a desk, a chair, a Point of
8903 Sale System, filing space, a working telephone listed in the name of the taxpayer or his business, working
8904 utilities, including electricity and provisions for space heating, and an Internet connection and email address;
8905 (v) displays a sign and business hours and is open to the public during the listed business hours; and (vi) does
8906 not occupy the same physical place of business of any other taxpayer who has been issued a cigarette
8907 exemption certificate;

8908 2. Possesses a copy of the (i) corporate charter and articles of incorporation in the case of a corporation,
8909 (ii) partnership agreement in the case of a partnership, or (iii) organizational registration from the Virginia
8910 State Corporation Commission in the case of an LLC; and

8911 3. Possesses a local business license, if such local business license is required by the locality where the
8912 taxpayer's physical place of business is located.

8913 F. A taxpayer with more than one physical place of business shall be required to complete only one
8914 application for a cigarette exemption certificate but shall list on the application every physical place of
8915 business in the Commonwealth where cigarettes are purchased, stored, or resold by the taxpayer or his
8916 affiliate. Upon approval of the application, the Department shall issue a cigarette exemption certificate to the
8917 taxpayer. The taxpayer shall be authorized to resell cigarettes only at the locations listed on the application.

8918 No cigarette exemption certificate shall be transferrable. For purposes of this subsection, a taxpayer shall be
 8919 considered to have more than one physical place of business if the taxpayer owns or leases two or more
 8920 physical locations in the Commonwealth where cigarettes are purchased, stored, or resold.

8921 G. A cigarette exemption certificate issued to a taxpayer shall bear the address of the physical place of
 8922 business occupied or to be occupied by the taxpayer in conducting the business of purchasing cigarettes in the
 8923 Commonwealth. In the event that a taxpayer intends to move the physical place of business listed on a
 8924 certificate to a new location, he shall provide written notice to the Department at least 30 days in advance of
 8925 the move. A successful inspection of the new physical place of business shall be required by the Department
 8926 prior to the issuance of a new cigarette exemption certificate bearing the updated address. If the taxpayer
 8927 intends to change any of the required information relating to the physical places of business contained in the
 8928 application for the cigarette exemption certificate submitted pursuant to subsection F, the taxpayer shall file
 8929 an amendment to the application at least 30 days in advance of such change. The certificate with the original
 8930 address shall become invalid upon the issuance of the new certificate, or 30 days after notice of the move is
 8931 provided to the Department, whichever occurs sooner. A taxpayer shall not be required to pay a fee to the
 8932 Department for the issuance of a new cigarette exemption certificate pursuant to this subsection.

8933 H. The privilege of a taxpayer issued a cigarette exemption certificate to purchase cigarettes shall extend
 8934 to any authorized representative of such taxpayer. The taxpayer issued a cigarette exemption certificate may
 8935 be held liable for any violation of this chapter, Chapter 10 (§ 58.1-1000 et seq.), Chapter 10.1 (§ 58.1-1031 et
 8936 seq.), or any related Department guidelines by such authorized representative.

8937 I. A taxpayer issued a cigarette exemption certificate shall comply with the recordkeeping requirements
 8938 prescribed in § 58.1-1007 and shall make such records available for audit and inspection as provided therein.
 8939 A taxpayer issued a cigarette exemption certificate who fails to comply with such requirements shall be
 8940 subject to the penalties provided in § 58.1-1007.

8941 J. A cigarette exemption certificate granted by the Department shall be valid for five years from the date
 8942 of issuance. At the end of the five-year period, the cigarette exemption certificate of a taxpayer who qualifies
 8943 for the expedited application process set forth in subdivision B 3 shall be automatically renewed and no fee
 8944 shall be required. If a taxpayer does not qualify for the expedited application process, then such taxpayer shall
 8945 apply to the Department to renew the new cigarette exemption certificate as set forth in subdivision B 1 and
 8946 shall pay an application fee not to exceed \$50 as set forth in subdivision B 2; however, the 30-day waiting
 8947 period set forth in subdivision B 1 shall not apply.

8948 K. No taxpayer issued a cigarette exemption certificate shall display the certificate, or a copy thereof, in
 8949 the physical place of business where a substantial portion of the retail cigarette sales activity of the business
 8950 is routinely conducted.

8951 L. The Tax Commissioner shall develop guidelines implementing the provisions of this section, including
 8952 but not limited to (i) defining categories of taxpayers who qualify for the expedited process, (ii) prescribing
 8953 the form of the application for the cigarette exemption certificate, (iii) prescribing the form of the application
 8954 for the expedited cigarette exemption certificate, (iv) establishing procedures for suspending and revoking the
 8955 cigarette exemption certificate, and (v) establishing procedures for renewing the cigarette exemption
 8956 certificate. Such guidelines shall be exempt from the provisions of the Administrative Process Act
 8957 (§ 2.2-4000 et seq.).

8958 M. For the purposes of this section:

8959 "Authorized representative" means an individual who has an ownership interest in or is a current
 8960 employee of the taxpayer who possesses a valid cigarette exemption certificate pursuant to this section.

8961 **§ 58.1-1007. Documents touching purchase, sale, etc., of cigarettes to be kept for three years, subject**
 8962 **to inspection; penalty.**

8963 It shall be the duty of every person receiving, storing, selling, handling or transporting cigarettes in any
 8964 manner whatsoever, to preserve all invoices, books, papers, cancelled checks, or other documents relating to
 8965 the purchase, sale, exchange, receipt or transportation of all cigarettes for a period of three years. All such
 8966 invoices, books, papers, cancelled checks or other memoranda and records shall be subject to audit and
 8967 inspection at all times by any duly authorized representative of the Department, the Office of the Attorney
 8968 General, or the Department of Virginia Alcoholic Beverage and Cannabis Control Authority or by a local
 8969 cigarette tax administrative or enforcement official. Any person who fails or refuses to keep and preserve the
 8970 records as required in this section shall be guilty of a Class 2 misdemeanor. Any person who, upon request
 8971 by a duly authorized agent who is entitled to audit and inspect such records, fails or refuses to allow an audit
 8972 or inspection of records as provided in this section shall have his stamping permit suspended until such time
 8973 as the audit or inspection is allowed. The Department may impose a penalty of \$1,000 for each day that the
 8974 person fails or refuses to allow an audit or inspection of the records. The penalty shall be assessed and
 8975 collected by the Department as other taxes are collected.

8976 **§ 58.1-1017.4. Documents to be provided at purchase.**

8977 A. Any person, except as provided in subsection C, who ships, sells, or distributes any quantity of
 8978 cigarettes in excess of 10,000 sticks or 50 cartons, or with a value greater than \$10,000 in any single
 8979 transaction or multiple related transactions, shall (i) obtain a copy of the cigarette exemption certificate issued

8980 to the purchaser pursuant to § 58.1-623.2 and (ii) maintain such information about the shipment, receipt, sale,
 8981 and distribution of such cigarettes on a form prescribed by the Office of the Attorney General. Such form
 8982 may be in electronic format in a manner prescribed by the Office of the Attorney General. Such form shall be
 8983 transmitted to the Office of the Attorney General upon request, as determined by the Office of the Attorney
 8984 General.

8985 B. For purposes of complying with subsection A, the seller may maintain an electronic copy of the
 8986 purchaser's cigarette exemption certificate.

8987 C. The provisions of this section shall not apply to a stamping agent when delivering cigarettes to the
 8988 purchaser's physical place of business.

8989 D. Prior to completing the sale, the purchaser shall complete the form for the seller and present a valid
 8990 photo identification issued by a state or federal government agency. The purchaser shall sign the form
 8991 acknowledging an understanding of the applicable sales limit and that providing false statements or
 8992 misrepresentations may subject the purchaser to criminal penalties.

8993 E. Prior to completing the sale, the seller shall verify that the identity of the purchaser listed on the form
 8994 matches the identity on the photo identification provided pursuant to subsection D and that the form is
 8995 completed in its entirety.

8996 F. The records required to be completed by this section shall be preserved for three years at the location
 8997 where the purchase was made and shall be available for audit and inspection as described in § 58.1-1007. A
 8998 violation of these requirements shall be punished under the provisions of § 58.1-1007.

8999 G. The Department, the ~~Department of~~ *Virginia Alcoholic Beverage and Cannabis Control Authority*, the
 9000 Office of the Attorney General, a local cigarette tax administrative or enforcement official, or any other
 9001 law-enforcement agency of the Commonwealth or any federal law-enforcement agency conducting a criminal
 9002 investigation involving the trafficking of cigarettes may access these records required to be completed and
 9003 preserved by this section at any time. Failure to supply the records upon request shall be punished under the
 9004 provisions of § 58.1-1007. Copies of the records required to be completed and preserved by this section shall
 9005 be provided to such officials or agencies upon request. Any court, investigatory grand jury, or special grand
 9006 jury that has been impaneled in accordance with the provisions of Chapter 13 (§ 19.2-191 et seq.) of Title
 9007 19.2 may access such information if relevant to any proceedings therein.

9008 H. The records required to be completed and preserved by this section shall be exempt from disclosure
 9009 under the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

9010 **§ 58.1-3651. Property exempt from taxation by classification or designation by ordinance adopted**
 9011 **by local governing body on or after January 1, 2003.**

9012 A. Pursuant to subsection 6 (a)(6) of Article X of the Constitution of Virginia, on and after January 1,
 9013 2003, any county, city, or town may by designation or classification exempt from real or personal property
 9014 taxes, or both, by ordinance adopted by the local governing body, the real or personal property, or both,
 9015 owned by a nonprofit organization, including a single member limited liability company whose sole member
 9016 is a nonprofit organization, that uses such property for religious, charitable, patriotic, historical, benevolent,
 9017 cultural, or public park and playground purposes. The ordinance shall state the specific use on which the
 9018 exemption is based, and continuance of the exemption shall be contingent on the continued use of the
 9019 property in accordance with the purpose for which the organization is classified or designated. No exemption
 9020 shall be provided to any organization that has any rule, regulation, policy, or practice that unlawfully
 9021 discriminates on the basis of religious conviction, race, color, sex, sexual orientation, gender identity, or
 9022 national origin.

9023 B. Any ordinance exempting property by designation pursuant to subsection A shall be adopted only after
 9024 holding a public hearing with respect thereto, at which citizens shall have an opportunity to be heard. The
 9025 local governing body shall publish notice of the hearing once in a newspaper of general circulation in the
 9026 county, city, or town where the real property is located. The notice shall include the assessed value of the real
 9027 and tangible personal property for which an exemption is requested as well as the property taxes assessed
 9028 against such property. The public hearing shall not be held until at least seven days after the notice is
 9029 published in the newspaper. The local governing body shall collect the cost of publication from the
 9030 organization requesting the property tax exemption. Before adopting any such ordinance the governing body
 9031 shall consider the following questions:

9032 1. Whether the organization is exempt from taxation pursuant to § 501(c) of the Internal Revenue Code of
 9033 1954;

9034 2. Whether a current annual alcoholic beverage license for serving alcoholic beverages has been issued by
 9035 the Board of Directors of the *Virginia Alcoholic Beverage and Cannabis Control Authority* to such
 9036 organization, for use on such property;

9037 3. Whether any director, officer, or employee of the organization is paid compensation in excess of a
 9038 reasonable allowance for salaries or other compensation for personal services which such director, officer, or
 9039 employee actually renders;

9040 4. Whether any part of the net earnings of such organization inures to the benefit of any individual, and
 9041 whether any significant portion of the service provided by such organization is generated by funds received

9042 from donations, contributions, or local, state or federal grants. As used in this subsection, donations shall
 9043 include the providing of personal services or the contribution of in-kind or other material services;

9044 5. Whether the organization provides services for the common good of the public;

9045 6. Whether a substantial part of the activities of the organization involves carrying on propaganda, or
 9046 otherwise attempting to influence legislation and whether the organization participates in, or intervenes in,
 9047 any political campaign on behalf of any candidate for public office;

9048 7. The revenue impact to the locality and its taxpayers of exempting the property; and

9049 8. Any other criteria, facts and circumstances that the governing body deems pertinent to the adoption of
 9050 such ordinance.

9051 C. Any ordinance exempting property by classification pursuant to subsection A shall be adopted only
 9052 after holding a public hearing with respect thereto, at which citizens shall have an opportunity to be heard.
 9053 The local governing body shall publish notice of the hearing once in a newspaper of general circulation in the
 9054 county, city, or town. The public hearing shall not be held until at least five days after the notice is published
 9055 in the newspaper.

9056 D. Exemptions of property from taxation under this article shall be strictly construed in accordance with
 9057 Article X, § 6 (f) of the Constitution of Virginia.

9058 E. Nothing in this section or in any ordinance adopted pursuant to this section shall affect the validity of
 9059 either a classification exemption or a designation exemption granted by the General Assembly prior to
 9060 January 1, 2003, pursuant to Article 2 (§ 58.1-3606 et seq.), 3 (§ 58.1-3609 et seq.) or 4 (§ 58.1-3650 et seq.)
 9061 of this chapter. An exemption granted pursuant to Article 4 (§ 58.1-3650 et seq.) of this chapter may be
 9062 revoked in accordance with the provisions of § 58.1-3605.

9063 **§ 59.1-148.3. Purchase of handguns or other weapons of certain officers.**

9064 A. The Department of State Police, the Department of Wildlife Resources, the Virginia Alcoholic
 9065 Beverage *and Cannabis* Control Authority, the Virginia Lottery, the Marine Resources Commission, the
 9066 Capitol Police, the Department of Conservation and Recreation, the Department of Forestry, any sheriff, any
 9067 regional jail board or authority, and any local police department may allow any sworn law-enforcement
 9068 officer, deputy, or regional jail officer, a local fire department may allow any full-time sworn fire marshal,
 9069 the Department of Motor Vehicles may allow any law-enforcement officer, any institution of higher
 9070 education named in § 23.1-1100 may allow any campus police officer appointed pursuant to Article 3
 9071 (§ 23.1-809 et seq.) of Chapter 8 of Title 23.1, retiring on or after July 1, 1991, and the Department of
 9072 Corrections may allow any employee with internal investigations authority designated by the Department of
 9073 Corrections pursuant to subdivision 11 of § 53.1-10 who retires (i) after at least 10 years of service, (ii) at 70
 9074 years of age or older, or (iii) as a result of a service-incurred disability or who is receiving long-term
 9075 disability payments for a service-incurred disability with no expectation of returning to the employment
 9076 where he incurred the disability to purchase the service handgun issued or previously issued to him by the
 9077 agency or institution at a price of \$1. If the previously issued weapon is no longer available, a weapon of like
 9078 kind may be substituted for that weapon. This privilege shall also extend to any former Superintendent of
 9079 State Police who leaves service after a minimum of five years. This privilege shall also extend to any person
 9080 listed in this subsection who is eligible for retirement with at least 10 years of service who resigns on or after
 9081 July 1, 1991, in good standing from one of the agencies listed in this section to accept a position covered by
 9082 the Virginia Retirement System. Other weapons issued by the agencies listed in this subsection for personal
 9083 duty use of an officer may, with approval of the agency head, be sold to the officer subject to the
 9084 qualifications of this section at a fair market price determined as in subsection B, so long as the weapon is a
 9085 type and configuration that can be purchased at a regular hardware or sporting goods store by a private citizen
 9086 without restrictions other than the instant background check.

9087 B. The agencies listed in subsection A may allow any sworn law-enforcement officer who retires with five
 9088 or more years of service, but less than 10, to purchase the service handgun issued to him by the agency at a
 9089 price equivalent to the weapon's fair market value on the date of the officer's retirement. Any sworn law-
 9090 enforcement officer employed by any of the agencies listed in subsection A who is retired for disability as a
 9091 result of a nonservice-incurred disability may purchase the service handgun issued to him by the agency at a
 9092 price equivalent to the weapon's fair market value on the date of the officer's retirement. Determinations of
 9093 fair market value may be made by reference to a recognized pricing guide.

9094 C. The agencies listed in subsection A may allow the immediate survivor of any sworn law-enforcement
 9095 officer (i) who is killed in the line of duty or (ii) who dies in service and has at least 10 years of service to
 9096 purchase the service handgun issued to the officer by the agency at a price of \$1.

9097 D. The governing board of any institution of higher ~~learning~~ education named in § 23.1-1100 may allow
 9098 any campus police officer appointed pursuant to Article 3 (§ 23.1-809 et seq.) of Chapter 8 of Title 23.1 who
 9099 retires on or after July 1, 1991, to purchase the service handgun issued to him at a price equivalent to the
 9100 weapon's fair market value on the date of the officer's retirement. Determinations of fair market value may be
 9101 made by reference to a recognized pricing guide.

9102 E. Any officer who at the time of his retirement is a sworn law-enforcement officer with a state agency
 9103 listed in subsection A, when the agency allows purchases of service handguns, and who retires after 10 years

9104 of state service, even if a portion of his service was with another state agency, may purchase the service
 9105 handgun issued to him by the agency from which he retires at a price of \$1.

9106 F. The sheriff of Hanover County may allow any auxiliary or volunteer deputy sheriff with a minimum of
 9107 10 years of service, upon leaving office, to purchase for \$1 the service handgun issued to him.

9108 G. Any sheriff or local police department may allow any auxiliary law-enforcement officer with more
 9109 than 10 years of service to purchase the service handgun issued to him by the agency at a price that is
 9110 equivalent to or less than the weapon's fair market value on the date of purchase by the officer.

9111 H. The agencies listed in subsection A may allow any full-time sworn law-enforcement officer currently
 9112 employed by the agency to purchase his service handgun, with the approval of the chief law-enforcement
 9113 officer of the agency, at a fair market price. This subsection shall only apply when the agency has purchased
 9114 new service handguns for its officers, and the handgun subject to the sale is no longer used by the agency or
 9115 officer in the course of duty.

9116 I. The Department of State Police may allow any law-enforcement officer formerly employed by the
 9117 Department who had at least 10 years of service with the Department and has been elected to a constitutional
 9118 office to purchase his service handgun, with the approval of the Superintendent of State Police, at a fair
 9119 market price.

9120 **§ 59.1-200. Prohibited practices.**

9121 A. The following fraudulent acts or practices committed by a supplier in connection with a consumer
 9122 transaction are hereby declared unlawful:

9123 1. Misrepresenting goods or services as those of another;

9124 2. Misrepresenting the source, sponsorship, approval, or certification of goods or services;

9125 3. Misrepresenting the affiliation, connection, or association of the supplier, or of the goods or services,
 9126 with another;

9127 4. Misrepresenting geographic origin in connection with goods or services;

9128 5. Misrepresenting that goods or services have certain quantities, characteristics, ingredients, uses, or
 9129 benefits;

9130 6. Misrepresenting that goods or services are of a particular standard, quality, grade, style, or model;

9131 7. Advertising or offering for sale goods that are used, secondhand, repossessed, defective, blemished,
 9132 deteriorated, or reconditioned, or that are "seconds," irregulars, imperfects, or "not first class," without clearly
 9133 and unequivocally indicating in the advertisement or offer for sale that the goods are used, secondhand,
 9134 repossessed, defective, blemished, deteriorated, reconditioned, or are "seconds," irregulars, imperfects, or
 9135 "not first class";

9136 8. Advertising goods or services with intent not to sell them as advertised, or with intent not to sell at the
 9137 price or upon the terms advertised.

9138 In any action brought under this subdivision, the refusal by any person, or any employee, agent, or servant
 9139 thereof, to sell any goods or services advertised or offered for sale at the price or upon the terms advertised or
 9140 offered, shall be prima facie evidence of a violation of this subdivision. This paragraph shall not apply when
 9141 it is clearly and conspicuously stated in the advertisement or offer by which such goods or services are
 9142 advertised or offered for sale, that the supplier or offeror has a limited quantity or amount of such goods or
 9143 services for sale, and the supplier or offeror at the time of such advertisement or offer did in fact have or
 9144 reasonably expected to have at least such quantity or amount for sale;

9145 9. Making false or misleading statements of fact concerning the reasons for, existence of, or amounts of
 9146 price reductions;

9147 10. Misrepresenting that repairs, alterations, modifications, or services have been performed or parts
 9148 installed;

9149 11. Misrepresenting by the use of any written or documentary material that appears to be an invoice or bill
 9150 for merchandise or services previously ordered;

9151 12. Notwithstanding any other provision of law, using in any manner the words "wholesale,"
 9152 "wholesaler," "factory," or "manufacturer" in the supplier's name, or to describe the nature of the supplier's
 9153 business, unless the supplier is actually engaged primarily in selling at wholesale or in manufacturing the
 9154 goods or services advertised or offered for sale;

9155 13. Using in any contract or lease any liquidated damage clause, penalty clause, or waiver of defense, or
 9156 attempting to collect any liquidated damages or penalties under any clause, waiver, damages, or penalties that
 9157 are void or unenforceable under any otherwise applicable laws of the Commonwealth, or under federal
 9158 statutes or regulations;

9159 13a. Failing to provide to a consumer, or failing to use or include in any written document or material
 9160 provided to or executed by a consumer, in connection with a consumer transaction any statement, disclosure,
 9161 notice, or other information however characterized when the supplier is required by 16 C.F.R. Part 433 to so
 9162 provide, use, or include the statement, disclosure, notice, or other information in connection with the
 9163 consumer transaction;

9164 14. Using any other deception, fraud, false pretense, false promise, or misrepresentation in connection

- 9165 with a consumer transaction;
- 9166 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,
- 9167 or 3.2-6519 is a violation of this chapter;
- 9168 16. Failing to disclose all conditions, charges, or fees relating to:
- 9169 a. The return of goods for refund, exchange, or credit. Such disclosure shall be by means of a sign
- 9170 attached to the goods, or placed in a conspicuous public area of the premises of the supplier, so as to be
- 9171 readily noticeable and readable by the person obtaining the goods from the supplier. If the supplier does not
- 9172 permit a refund, exchange, or credit for return, he shall so state on a similar sign. The provisions of this
- 9173 subdivision shall not apply to any retail merchant who has a policy of providing, for a period of not less than
- 9174 20 days after date of purchase, a cash refund or credit to the purchaser's credit card account for the return of
- 9175 defective, unused, or undamaged merchandise upon presentation of proof of purchase. In the case of
- 9176 merchandise paid for by check, the purchase shall be treated as a cash purchase and any refund may be
- 9177 delayed for a period of 10 banking days to allow for the check to clear. This subdivision does not apply to
- 9178 sale merchandise that is obviously distressed, out of date, post season, or otherwise reduced for clearance; nor
- 9179 does this subdivision apply to special order purchases where the purchaser has requested the supplier to order
- 9180 merchandise of a specific or unusual size, color, or brand not ordinarily carried in the store or the store's
- 9181 catalog; nor shall this subdivision apply in connection with a transaction for the sale or lease of motor
- 9182 vehicles, farm tractors, or motorcycles as defined in § 46.2-100;
- 9183 b. A layaway agreement. Such disclosure shall be furnished to the consumer (i) in writing at the time of
- 9184 the layaway agreement, or (ii) by means of a sign placed in a conspicuous public area of the premises of the
- 9185 supplier, so as to be readily noticeable and readable by the consumer, or (iii) on the bill of sale. Disclosure
- 9186 shall include the conditions, charges, or fees in the event that a consumer breaches the agreement;
- 9187 16a. Failing to provide written notice to a consumer of an existing open-end credit balance in excess of \$5
- 9188 (i) on an account maintained by the supplier and (ii) resulting from such consumer's overpayment on such
- 9189 account. Suppliers shall give consumers written notice of such credit balances within 60 days of receiving
- 9190 overpayments. If the credit balance information is incorporated into statements of account furnished
- 9191 consumers by suppliers within such 60-day period, no separate or additional notice is required;
- 9192 17. If a supplier enters into a written agreement with a consumer to resolve a dispute that arises in
- 9193 connection with a consumer transaction, failing to adhere to the terms and conditions of such an agreement;
- 9194 18. Violating any provision of the Virginia Health Club Act, Chapter 24 (§ 59.1-294 et seq.);
- 9195 19. Violating any provision of the Virginia Home Solicitation Sales Act, Chapter 2.1 (§ 59.1-21.1 et seq.);
- 9196 20. Violating any provision of the Automobile Repair Facilities Act, Chapter 17.1 (§ 59.1-207.1 et seq.);
- 9197 21. Violating any provision of the Virginia Lease-Purchase Agreement Act, Chapter 17.4 (§ 59.1-207.17
- 9198 et seq.);
- 9199 22. Violating any provision of the Prizes and Gifts Act, Chapter 31 (§ 59.1-415 et seq.);
- 9200 23. Violating any provision of the Virginia Public Telephone Information Act, Chapter 32 (§ 59.1-424 et
- 9201 seq.);
- 9202 24. Violating any provision of § 54.1-1505;
- 9203 25. Violating any provision of the Motor Vehicle Manufacturers' Warranty Adjustment Act, Chapter 17.6
- 9204 (§ 59.1-207.34 et seq.);
- 9205 26. Violating any provision of § 3.2-5627, relating to the pricing of merchandise;
- 9206 27. Violating any provision of the Pay-Per-Call Services Act, Chapter 33 (§ 59.1-429 et seq.);
- 9207 28. Violating any provision of the Extended Service Contract Act, Chapter 34 (§ 59.1-435 et seq.);
- 9208 29. Violating any provision of the Virginia Membership Camping Act, Chapter 25 (§ 59.1-311 et seq.);
- 9209 30. Violating any provision of the Comparison Price Advertising Act, Chapter 17.7 (§ 59.1-207.40 et
- 9210 seq.);
- 9211 31. Violating any provision of the Virginia Travel Club Act, Chapter 36 (§ 59.1-445 et seq.);
- 9212 32. Violating any provision of §§ 46.2-1231 and 46.2-1233.1;
- 9213 33. Violating any provision of Chapter 40 (§ 54.1-4000 et seq.) of Title 54.1;
- 9214 34. Violating any provision of Chapter 10.1 (§ 58.1-1031 et seq.) of Title 58.1;
- 9215 35. Using the consumer's social security number as the consumer's account number with the supplier, if
- 9216 the consumer has requested in writing that the supplier use an alternate number not associated with the
- 9217 consumer's social security number;
- 9218 36. Violating any provision of Chapter 18 (§ 6.2-1800 et seq.) of Title 6.2;
- 9219 37. Violating any provision of § 8.01-40.2;
- 9220 38. Violating any provision of Article 7 (§ 32.1-212 et seq.) of Chapter 6 of Title 32.1;
- 9221 39. Violating any provision of Chapter 34.1 (§ 59.1-441.1 et seq.);
- 9222 40. Violating any provision of Chapter 20 (§ 6.2-2000 et seq.) of Title 6.2;
- 9223 41. Violating any provision of the Virginia Post-Disaster Anti-Price Gouging Act, Chapter 46 (§ 59.1-525
- 9224 et seq.). For the purposes of this subdivision, "consumer transaction" has the same meaning as provided in
- 9225 § 59.1-526;
- 9226 42. Violating any provision of Chapter 47 (§ 59.1-530 et seq.);

- 9227 43. Violating any provision of § 59.1-443.2;
- 9228 44. Violating any provision of Chapter 48 (§ 59.1-533 et seq.);
- 9229 45. Violating any provision of Chapter 25 (§ 6.2-2500 et seq.) of Title 6.2;
- 9230 46. Violating the provisions of clause (i) of subsection B of § 54.1-1115;
- 9231 47. Violating any provision of § 18.2-239;
- 9232 48. Violating any provision of Chapter 26 (§ 59.1-336 et seq.);
- 9233 49. Selling, offering for sale, or manufacturing for sale a children's product the supplier knows or has reason to know was recalled by the U.S. Consumer Product Safety Commission. There is a rebuttable presumption that a supplier has reason to know a children's product was recalled if notice of the recall has been posted continuously at least 30 days before the sale, offer for sale, or manufacturing for sale on the website of the U.S. Consumer Product Safety Commission. This prohibition does not apply to children's products that are used, secondhand or "seconds";
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- 9239 50. Violating any provision of Chapter 44.1 (§ 59.1-518.1 et seq.);
- 9240 51. Violating any provision of Chapter 22 (§ 6.2-2200 et seq.) of Title 6.2;
- 9241 52. Violating any provision of § 8.2-317.1;
- 9242 53. Violating subsection A of § 9.1-149.1;
- 9243 54. Selling, offering for sale, or using in the construction, remodeling, or repair of any residential dwelling in the Commonwealth, any drywall that the supplier knows or has reason to know is defective drywall. This subdivision shall not apply to the sale or offering for sale of any building or structure in which defective drywall has been permanently installed or affixed;
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- 9247 55. Engaging in fraudulent or improper or dishonest conduct as defined in § 54.1-1118 while engaged in a transaction that was initiated (i) during a declared state of emergency as defined in § 44-146.16 or (ii) to repair damage resulting from the event that prompted the declaration of a state of emergency, regardless of whether the supplier is licensed as a contractor in the Commonwealth pursuant to Chapter 11 (§ 54.1-1100 et seq.) of Title 54.1;
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- 9252 56. Violating any provision of Chapter 33.1 (§ 59.1-434.1 et seq.);
- 9253 57. Violating any provision of § 18.2-178, 18.2-178.1, or 18.2-200.1;
- 9254 58. Violating any provision of Chapter 17.8 (§ 59.1-207.45 et seq.). For the purposes of this subdivision, "consumer transaction" also includes transactions involving an automatic renewal or continuous service offer by a supplier to a small business, as those terms are defined in § 59.1-207.45;
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- 9257 59. Violating any provision of subsection E of § 32.1-126;
- 9258 60. Violating any provision of § 54.1-111 relating to the unlicensed practice of a profession licensed under Chapter 11 (§ 54.1-1100 et seq.) or Chapter 21 (§ 54.1-2100 et seq.) of Title 54.1;
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- 9260 61. Violating any provision of § 2.2-2001.5;
- 9261 62. Violating any provision of Chapter 5.2 (§ 54.1-526 et seq.) of Title 54.1;
- 9262 63. Violating any provision of § 6.2-312;
- 9263 64. Violating any provision of Chapter 20.1 (§ 6.2-2026 et seq.) of Title 6.2;
- 9264 65. Violating any provision of Chapter 26 (§ 6.2-2600 et seq.) of Title 6.2;
- 9265 66. Violating any provision of Chapter 54 (§ 59.1-586 et seq.);
- 9266 67. Knowingly violating any provision of § 8.01-27.5;
- 9267 68. Failing to, in accordance with § 59.1-207.46, (i) make available a conspicuous online option to cancel a recurring purchase of a good or service or (ii) with respect to a free trial lasting more than 30 days, notify a consumer of his option to cancel such free trial within 30 days of the end of the trial period to avoid an obligation to pay for the goods or services;
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- 9271 69. Selling or offering for sale any substance intended for human consumption, orally or by inhalation, that contains a synthetic derivative of tetrahydrocannabinol. As used in this subdivision, "synthetic derivative" means a chemical compound produced by man through a chemical transformation to turn a compound into a different compound by adding or subtracting molecules to or from the original compound.
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- 9275 This subdivision shall not (i) apply to products that are approved for marketing by the U.S. Food and Drug Administration and scheduled in the Drug Control Act (§ 54.1-3400 et seq.) or (ii) be construed to prohibit any conduct permitted under ~~Chapter 16 (§ 4.1-1600 et seq.) of Title 4.1~~ the Cannabis Control Act (§ 4.1-600 et seq.);
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- 9279 70. Selling or offering for sale to a person younger than 21 years of age any substance intended for human consumption, orally or by inhalation, that contains tetrahydrocannabinol. This subdivision shall not (i) apply to products that are approved for marketing by the U.S. Food and Drug Administration and scheduled in the Drug Control Act (§ 54.1-3400 et seq.) or (ii) be construed to prohibit any conduct permitted under ~~Chapter 16 (§ 4.1-1600 et seq.) of Title 4.1~~ the Cannabis Control Act (§ 4.1-600 et seq.);
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- 9284 71. Selling or offering for sale any substance intended for human consumption, orally or by inhalation, that contains tetrahydrocannabinol, unless such substance is (i) contained in child-resistant packaging, as 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 inch, (a) that the substance contains tetrahydrocannabinol and may not be sold to persons younger than 21 years of age, (b) all ingredients contained in the substance, (c) the amount of such substance that constitutes a
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9289 single serving, and (d) the total percentage and milligrams of tetrahydrocannabinol included in the substance
 9290 and the number of milligrams of tetrahydrocannabinol that are contained in each serving; and (iii)
 9291 accompanied by a certificate of analysis, produced by an independent laboratory that is accredited pursuant to
 9292 standard ISO/IEC 17025 of the International Organization of Standardization by a third-party accrediting
 9293 body a licensed marijuana testing facility, that states the tetrahydrocannabinol concentration of the substance
 9294 or the tetrahydrocannabinol concentration of the batch from which the substance originates. This subdivision
 9295 shall not (i) apply to products that are approved for marketing by the U.S. Food and Drug Administration and
 9296 scheduled in the Drug Control Act (§ 54.1-3400 et seq.) or (ii) be construed to prohibit any conduct permitted
 9297 under Chapter 16 (§ 4.1-1600 et seq.) of Title 4.1 the Cannabis Control Act (§ 4.1-600 et seq.);

9298 72. Manufacturing, offering for sale at retail, or selling at retail an industrial hemp extract, as defined in
 9299 § 3.2-5145.1, a food containing an industrial hemp extract, or a substance containing tetrahydrocannabinol
 9300 that depicts or is in the shape of a human, animal, vehicle, or fruit;

9301 73. Selling or offering for sale any substance intended for human consumption, orally or by inhalation,
 9302 that contains tetrahydrocannabinol and, without authorization, bears, is packaged in a container or wrapper
 9303 that bears, or is otherwise labeled to bear the trademark, trade name, famous mark as defined in 15 U.S.C. §
 9304 1125, or other identifying mark, imprint, or device, or any likeness thereof, of a manufacturer, processor,
 9305 packer, or distributor of a product intended for human consumption other than the manufacturer, processor,
 9306 packer, or distributor that did in fact so manufacture, process, pack, or distribute such substance;

9307 74. Selling or offering for sale a topical hemp product, as defined in § 3.2-4112, that does not include a
 9308 label stating that the product is not intended for human consumption. This subdivision shall not (i) apply to
 9309 products that are approved for marketing by the U.S. Food and Drug Administration and scheduled in the
 9310 Drug Control Act (§ 54.1-3400 et seq.), (ii) be construed to prohibit any conduct permitted under Chapter 16
 9311 (§ 4.1-1600 et seq.) of Title 4.1, or (iii) apply to topical hemp products that were manufactured prior to July
 9312 1, 2023, provided that the person provides documentation of the date of manufacture if requested;

9313 75. Violating any provision of § 59.1-466.8;

9314 76. Violating subsection F of § 36-96.3:1;

9315 77. Selling or offering for sale (i) any kratom product to a person younger than 21 years of age or (ii) any
 9316 kratom product that does not include a label listing all ingredients and with the following guidance: "This
 9317 product may be harmful to your health, has not been evaluated by the FDA, and is not intended to diagnose,
 9318 treat, cure, or prevent any disease." As used in this subdivision, "kratom" means any part of the leaf of the
 9319 plant *Mitragyna speciosa* or any extract thereof;

9320 78. Advertising of any ignition interlock system in Virginia by an ignition interlock vendor not approved
 9321 by the Commission on the Virginia Alcohol Safety Action Program to operate in Virginia; targeted
 9322 advertising of any ignition interlock system to a person before determination of guilt; and any advertising,
 9323 whether before or after determination of guilt, without a conspicuous statement that such advertisement is not
 9324 affiliated with any government agency. For purposes of this subdivision, "ignition interlock system" has the
 9325 same meaning as ascribed to that term in § 18.2-270.1 and "targeted advertising" has the same meaning
 9326 ascribed to that term in § 59.1-575 and includes direct mailings to an individual. This provision shall not
 9327 apply to ignition interlock service vendor ads, pamphlets, or kiosk advertisements approved by the
 9328 Commission on the Virginia Alcohol Safety Action Program and provided at a Commission-approved
 9329 location;

9330 79. Failing to disclose the total cost of a good or continuous service, as defined in § 59.1-207.45, to a
 9331 consumer, including any mandatory fees or charges, prior to entering into an agreement for the sale of any
 9332 such good or provision of any such continuous service;

9333 80. Violating any provision of the Unfair Real Estate Service Agreement Act (§ 55.1-3200 et seq.);

9334 81. Selling or offering for sale services as a professional mold remediator to be performed upon any
 9335 residential dwelling without holding a mold remediation certification from a nationally or internationally
 9336 recognized certifying body for mold remediation, and failing to comply with (i) the U.S. Environmental
 9337 Protection Agency's publication on Mold Remediation in Schools and Commercial Buildings, as revised; (ii)
 9338 the ANSI/IICRC S520 Standard for Professional Mold Remediation, as revised; or (iii) any other equivalent
 9339 ANSI-accredited mold remediation standard, when conducting or offering to conduct mold remediation in the
 9340 Commonwealth;

9341 82. Willfully violating any provision of § 59.1-444.4;

9342 83. Violating any provision of Chapter 23.2 (§ 59.1-293.10 et seq.);

9343 84. Selling any food that is required by the FDA to have a nutrition label that does not meet the
 9344 requirements of 21 C.F.R. Part 101;

9345 85. Obtaining, disclosing, selling, or disseminating any personally identifiable reproductive or sexual
 9346 health information without the consent of the consumer;

9347 86. Violating any provision of Chapter 58 (§ 59.1-607 et seq.); and

9348 87. (Effective July 1, 2026) Violating any provision of the Medical Debt Protection Act (§ 59.1-611 et
 9349 seq.).

9350 B. Nothing in this section shall be construed to invalidate or make unenforceable any contract or lease

9351 solely by reason of the failure of such contract or lease to comply with any other law of the Commonwealth
 9352 or any federal statute or regulation, to the extent such other law, statute, or regulation provides that a violation
 9353 of such law, statute, or regulation shall not invalidate or make unenforceable such contract or lease.

9354 **§ 65.2-107. Post-traumatic stress disorder, anxiety disorder, or depressive disorder incurred by law-**
 9355 **enforcement officers and firefighters.**

9356 A. As used in this section:

9357 "Anxiety disorder" means a disorder that meets the diagnostic criteria for one or more of the anxiety
 9358 disorders specified in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders
 9359 published by the American Psychiatric Association.

9360 "Depressive disorder" means a disorder that meets the diagnostic criteria for one or more of the depressive
 9361 disorders specified in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders
 9362 published by the American Psychiatric Association.

9363 "Firefighter" means any (i) salaried firefighter, including special forest wardens designated pursuant to
 9364 § 10.1-1135, emergency medical services personnel, and local or state fire scene investigator and (ii)
 9365 volunteer firefighter and volunteer emergency medical services personnel.

9366 "In the line of duty" means any action that a law-enforcement officer or firefighter was obligated or
 9367 authorized to perform by rule, regulation, written condition of employment service, or law.

9368 "Law-enforcement officer" means any (i) member of the State Police Officers' Retirement System; (ii)
 9369 member of a county, city, or town police department; (iii) sheriff or deputy sheriff; (iv) Department of
 9370 Emergency Management hazardous materials officer; (v) city sergeant or deputy city sergeant of the City of
 9371 Richmond; (vi) Virginia Marine Police officer; (vii) conservation police officer who is a full-time sworn
 9372 member of the enforcement division of the Department of Wildlife Resources; (viii) Capitol Police officer;
 9373 (ix) special agent of the Virginia Alcoholic Beverage *and Cannabis* Control Authority appointed under the
 9374 provisions of Chapter 1 (§ 4.1-100 et seq.) of Title 4.1; (x) for such period that the Metropolitan Washington
 9375 Airports Authority voluntarily subjects itself to the provisions of this chapter as provided in § 65.2-305,
 9376 officer of the police force established and maintained by the Metropolitan Washington Airports Authority;
 9377 (xi) officer of the police force established and maintained by the Norfolk Airport Authority; (xii) sworn
 9378 officer of the police force established and maintained by the Virginia Port Authority; or (xiii) campus police
 9379 officer appointed under Article 3 (§ 23.1-809 et seq.) of Chapter 8 of Title 23.1 and employed by any public
 9380 institution of higher education.

9381 "Mental health professional" means a board-certified psychiatrist or a psychologist licensed pursuant to
 9382 Title 54.1 who has experience diagnosing and treating post-traumatic stress disorder.

9383 "Post-traumatic stress disorder" means a disorder that meets the diagnostic criteria for post-traumatic
 9384 stress disorder as specified in the most recent edition of the Diagnostic and Statistical Manual of Mental
 9385 Disorders published by the American Psychiatric Association.

9386 "Qualifying event" means an incident or exposure occurring in the line of duty on or after July 1, 2020,
 9387 for post-traumatic stress disorder, and for purposes of subdivisions 1 through 4 of this definition, on or after
 9388 July 1, 2023, for anxiety disorder or depressive disorder:

- 9389 1. Resulting in serious bodily injury or death to any person or persons;
- 9390 2. Involving a minor who has been injured, killed, abused, or exploited;
- 9391 3. Involving an immediate threat to life of the claimant or another individual;
- 9392 4. Involving mass casualties; or
- 9393 5. Responding to crime scenes for investigation.

9394 B. Post-traumatic stress disorder, anxiety disorder, or depressive disorder incurred by a law-enforcement
 9395 officer or firefighter is compensable under this title if:

9396 1. A mental health professional examines a law-enforcement officer or firefighter and diagnoses the law-
 9397 enforcement officer or firefighter as suffering from post-traumatic stress disorder, anxiety disorder, or
 9398 depressive disorder as a result of the individual's undergoing a qualifying event;

9399 2. The post-traumatic stress disorder, anxiety disorder, or depressive disorder resulted from the law-
 9400 enforcement officer's or firefighter's acting in the line of duty and, in the case of a firefighter, such firefighter
 9401 complied with federal Occupational Safety and Health Act standards adopted pursuant to 29 C.F.R. 1910.134
 9402 and 29 C.F.R. 1910.156;

9403 3. The law-enforcement officer's or firefighter's undergoing a qualifying event was a substantial factor in
 9404 causing his post-traumatic stress disorder, anxiety disorder, or depressive disorder;

9405 4. Such qualifying event, and not another event or source of stress, was the primary cause of the post-
 9406 traumatic stress disorder, anxiety disorder, or depressive disorder; and

9407 5. The post-traumatic stress disorder, anxiety disorder, or depressive disorder did not result from any
 9408 disciplinary action, work evaluation, job transfer, layoff, demotion, promotion, termination, retirement, or
 9409 similar action of the law-enforcement officer or firefighter.

9410 Any such mental health professional shall comply with any workers' compensation guidelines for
 9411 approved medical providers, including guidelines on release of past or contemporaneous medical records.

9412 C. Notwithstanding any provision of this title, workers' compensation benefits for any law-enforcement

9413 officer or firefighter payable pursuant to this section shall (i) include any combination of medical treatment
 9414 prescribed by a board-certified psychiatrist or a licensed psychologist, temporary total incapacity benefits
 9415 under § 65.2-500, and temporary partial incapacity benefits under § 65.2-502 and (ii) be provided for a
 9416 maximum of 104 weeks from the date of diagnosis. No medical treatment, temporary total incapacity benefits
 9417 under § 65.2-500, or temporary partial incapacity benefits under § 65.2-502 shall be awarded beyond four
 9418 years from the date of the qualifying event that formed the basis for the claim for benefits under this section.
 9419 The weekly benefits received by a law-enforcement officer or a firefighter pursuant to § 65.2-500 or
 9420 65.2-502, when combined with other benefits, including contributory and noncontributory retirement
 9421 benefits, Social Security benefits, and benefits under a long-term or short-term disability plan, but not
 9422 including payments for medical care, shall not exceed the average weekly wage paid to such law-enforcement
 9423 officer or firefighter.

9424 D. No later than January 1, 2021, each employer of law-enforcement officers or firefighters shall (i) make
 9425 peer support available to such law-enforcement officers and firefighters and (ii) refer a law-enforcement
 9426 officer or firefighter seeking mental health care services to a mental health professional.

9427 E. Each fire basic training program conducted or administered by the Department of Fire Programs or a
 9428 municipal fire department in the Commonwealth shall provide, in consultation with the Department of
 9429 Behavioral Health and Developmental Services, resilience and self-care technique training for any individual
 9430 who begins basic training as a firefighter on or after July 1, 2021.

9431 **§ 65.2-402. Presumption as to death or disability from respiratory disease, hypertension or heart**
 9432 **disease, cancer.**

9433 A. Respiratory diseases that cause (i) the death of volunteer or salaried firefighters or Department of
 9434 Emergency Management hazardous materials officers or (ii) any health condition or impairment of such
 9435 firefighters or Department of Emergency Management hazardous materials officers resulting in total or
 9436 partial disability shall be presumed to be occupational diseases, suffered in the line of duty, that are covered
 9437 by this title unless such presumption is overcome by a preponderance of competent evidence to the contrary.

9438 B. Hypertension or heart disease causing the death of, or any health condition or impairment resulting in
 9439 total or partial disability of any of the following persons who have completed five years of service in their
 9440 position as (i) salaried or volunteer firefighters, (ii) members of the State Police Officers' Retirement System,
 9441 (iii) members of county, city or town police departments, (iv) sheriffs and deputy sheriffs, (v) Department of
 9442 Emergency Management hazardous materials officers, (vi) city sergeants or deputy city sergeants of the City
 9443 of Richmond, (vii) Virginia Marine Police officers, (viii) conservation police officers who are full-time sworn
 9444 members of the enforcement division of the Department of Wildlife Resources, (ix) Capitol Police officers,
 9445 (x) special agents of the Virginia Alcoholic Beverage *and Cannabis* Control Authority appointed under the
 9446 provisions of Chapter 1 (§ 4.1-100 et seq.) of Title 4.1, (xi) for such period that the Metropolitan Washington
 9447 Airports Authority voluntarily subjects itself to the provisions of this chapter as provided in § 65.2-305,
 9448 officers of the police force established and maintained by the Metropolitan Washington Airports Authority,
 9449 (xii) officers of the police force established and maintained by the Norfolk Airport Authority, (xiii) sworn
 9450 officers of the police force established and maintained by the Virginia Port Authority, (xiv) campus police
 9451 officers appointed under Article 3 (§ 23.1-809 et seq.) of Chapter 8 of Title 23.1 and employed by any public
 9452 institution of higher education, and (xv) salaried or volunteer emergency medical services personnel, as
 9453 defined in § 32.1-111.1, when such emergency medical services personnel is operating in a locality that has
 9454 legally adopted a resolution declaring that it will provide one or more of the presumptions under this
 9455 subsection, shall be presumed to be occupational diseases, suffered in the line of duty, that are covered by this
 9456 title unless such presumption is overcome by a preponderance of competent evidence to the contrary.

9457 C. Leukemia or pancreatic, prostate, rectal, throat, ovarian, breast, colon, brain, testicular, bladder, or
 9458 thyroid cancer causing the death of, or any health condition or impairment resulting in total or partial
 9459 disability of, any of the following persons who have completed five years of service in their position as (i)
 9460 salaried or volunteer firefighters; (ii) Department of Emergency Management hazardous materials officers;
 9461 (iii) commercial vehicle enforcement officers or motor carrier safety troopers employed by the Department of
 9462 State Police; (iv) arson investigators or bomb investigators employed by the Department of State Police; (v)
 9463 full-time sworn members of the enforcement division of the Department of Motor Vehicles; or (vi) members
 9464 of the State Police Officers' Retirement System who collect, analyze, or handle hazardous materials, as
 9465 defined in § 44-146.34, infectious biological substances and radiological agents, as defined in § 18.2-52.1,
 9466 fentanyl or fentanyl analogs, or methamphetamine, its salts, isomers, or salts of its isomers shall be presumed
 9467 to be an occupational disease, suffered in the line of duty, that is covered by this title, unless such
 9468 presumption is overcome by a preponderance of competent evidence to the contrary. For colon, brain, or
 9469 testicular cancer, the presumption shall not apply for any individual who was diagnosed with such a condition
 9470 before July 1, 2020. For bladder or thyroid cancer, the presumption shall not apply for any individual who
 9471 was diagnosed with such a condition before July 1, 2023. For throat cancer, the presumption shall include
 9472 cancer that forms in the tissues of the pharynx, larynx, adenoid, tonsil, esophagus, trachea, nasopharynx,
 9473 oropharynx, or hypopharynx.

9474 D. The presumptions described in subsections A, B, and C shall only apply if persons entitled to invoke

9475 them have, if requested by the private employer, appointing authority or governing body employing them,
 9476 undergone preemployment physical examinations that (i) were conducted prior to the making of any claims
 9477 under this title that rely on such presumptions, (ii) were performed by physicians whose qualifications are as
 9478 prescribed by the private employer, appointing authority or governing body employing such persons, (iii)
 9479 included such appropriate laboratory and other diagnostic studies as the private employer, appointing
 9480 authorities or governing bodies may have prescribed, and (iv) found such persons free of respiratory diseases,
 9481 hypertension, cancer or heart disease at the time of such examinations.

9482 E. Persons making claims under this title who rely on such presumptions shall, upon the request of private
 9483 employers, appointing authorities or governing bodies employing such persons, submit to physical
 9484 examinations (i) conducted by physicians selected by such employers, authorities, bodies or their
 9485 representatives and (ii) consisting of such tests and studies as may reasonably be required by such physicians.
 9486 However, a qualified physician, selected and compensated by the claimant, may, at the election of such
 9487 claimant, be present at such examination.

9488 F. Whenever a claim for death benefits is made under this title and the presumptions of this section are
 9489 invoked, any person entitled to make such claim shall, upon the request of the appropriate private employer,
 9490 appointing authority or governing body that had employed the deceased, submit the body of the deceased to a
 9491 postmortem examination as may be directed by the Commission. A qualified physician, selected and
 9492 compensated by the person entitled to make the claim, may, at the election of such claimant, be present at
 9493 such postmortem examination.

9494 G. Volunteer law-enforcement chaplains, auxiliary and reserve deputy sheriffs, and auxiliary and reserve
 9495 police are not included within the coverage of this section.

9496 H. For purposes of this section, "firefighter" includes special forest wardens designated pursuant to
 9497 § 10.1-1135 and any persons who are employed by or contract with private employers primarily to perform
 9498 firefighting services.

9499 **§ 65.2-402.1. Presumption as to death or disability from infectious disease.**

9500 A. Hepatitis, meningococcal meningitis, tuberculosis or HIV causing the death of, or any health condition
 9501 or impairment resulting in total or partial disability of, any (i) salaried or volunteer firefighter, or salaried or
 9502 volunteer emergency medical services personnel; (ii) member of the State Police Officers' Retirement
 9503 System; (iii) member of county, city, or town police departments; (iv) sheriff or deputy sheriff; (v)
 9504 Department of Emergency Management hazardous materials officer; (vi) city sergeant or deputy city sergeant
 9505 of the City of Richmond; (vii) Virginia Marine Police officer; (viii) conservation police officer who is a
 9506 full-time sworn member of the enforcement division of the Department of Wildlife Resources; (ix) Capitol
 9507 Police officer; (x) special agent of the Virginia Alcoholic Beverage *and Cannabis* Control Authority
 9508 appointed under the provisions of Chapter 1 (§ 4.1-100 et seq.) of Title 4.1; (xi) for such period that the
 9509 Metropolitan Washington Airports Authority voluntarily subjects itself to the provisions of this chapter as
 9510 provided in § 65.2-305, officer of the police force established and maintained by the Metropolitan
 9511 Washington Airports Authority; (xii) officer of the police force established and maintained by the Norfolk
 9512 Airport Authority; (xiii) conservation officer of the Department of Conservation and Recreation
 9513 commissioned pursuant to § 10.1-115; (xiv) sworn officer of the police force established and maintained by
 9514 the Virginia Port Authority; (xv) campus police officer appointed under Article 3 (§ 23.1-809 et seq.) of
 9515 Chapter 8 of Title 23.1 and employed by any public institution of higher education; (xvi) correctional officer
 9516 as defined in § 53.1-1; or (xvii) full-time sworn member of the enforcement division of the Department of
 9517 Motor Vehicles who has a documented occupational exposure to blood or body fluids shall be presumed to be
 9518 occupational diseases, suffered in the line of government duty, that are covered by this title unless such
 9519 presumption is overcome by a preponderance of competent evidence to the contrary. For purposes of this
 9520 subsection, an occupational exposure occurring on or after July 1, 2002, shall be deemed "documented" if the
 9521 person covered under this subsection gave notice, written or otherwise, of the occupational exposure to his
 9522 employer, and an occupational exposure occurring prior to July 1, 2002, shall be deemed "documented"
 9523 without regard to whether the person gave notice, written or otherwise, of the occupational exposure to his
 9524 employer. For any correctional officer as defined in § 53.1-1 or full-time sworn member of the enforcement
 9525 division of the Department of Motor Vehicles, the presumption shall not apply if such individual was
 9526 diagnosed with hepatitis, meningococcal meningitis, or HIV before July 1, 2020.

9527 B. 1. COVID-19 causing the death of, or any health condition or impairment resulting in total or partial
 9528 disability of, any health care provider, as defined in § 8.01-581.1, who as part of the provider's employment is
 9529 directly involved in diagnosing or treating persons known or suspected to have COVID-19, shall be presumed
 9530 to be an occupational disease that is covered by this title unless such presumptions are overcome by a
 9531 preponderance of competent evidence to the contrary. For the purposes of this section, the COVID-19 virus
 9532 shall be established by a positive diagnostic test for COVID-19 and signs and symptoms of COVID-19 that
 9533 require medical treatment, as described in subdivision F 2.

9534 2. COVID-19 causing the death of, or any health condition or impairment resulting in total or partial
 9535 disability of, any (i) firefighter, as defined in § 65.2-102; (ii) law-enforcement officer, as defined in
 9536 § 9.1-101; (iii) correctional officer, as defined in § 53.1-1; or (iv) regional jail officer shall be presumed to be

9537 an occupational disease, suffered in the line of duty, as applicable, that is covered by this title unless such
 9538 presumption is overcome by a preponderance of competent evidence to the contrary. For the purposes of this
 9539 section, the COVID-19 virus shall be established by a positive diagnostic test for COVID-19, an incubation
 9540 period consistent with COVID-19, and signs and symptoms of COVID-19 that require medical treatment.

9541 C. As used in this section:

9542 "Blood or body fluids" means blood and body fluids containing visible blood and other body fluids to
 9543 which universal precautions for prevention of occupational transmission of blood-borne pathogens, as
 9544 established by the Centers for Disease Control, apply. For purposes of potential transmission of hepatitis,
 9545 meningococcal meningitis, tuberculosis, or HIV the term "blood or body fluids" includes respiratory,
 9546 salivary, and sinus fluids, including droplets, sputum, saliva, mucous, and any other fluid through which
 9547 infectious airborne or blood-borne organisms can be transmitted between persons.

9548 "Hepatitis" means hepatitis A, hepatitis B, hepatitis non-A, hepatitis non-B, hepatitis C, or any other strain
 9549 of hepatitis generally recognized by the medical community.

9550 "HIV" means the medically recognized retrovirus known as human immunodeficiency virus, type I or
 9551 type II, causing immunodeficiency syndrome.

9552 "Occupational exposure," in the case of hepatitis, meningococcal meningitis, tuberculosis or HIV, means
 9553 an exposure that occurs during the performance of job duties that places a covered employee at risk of
 9554 infection.

9555 D. Persons covered under this section who test positive for exposure to the enumerated occupational
 9556 diseases, but have not yet incurred the requisite total or partial disability, shall otherwise be entitled to make a
 9557 claim for medical benefits pursuant to § 65.2-603, including entitlement to an annual medical examination to
 9558 measure the progress of the condition, if any, and any other medical treatment, prophylactic or otherwise.

9559 E. 1. Whenever any standard, medically-recognized vaccine or other form of immunization or prophylaxis
 9560 exists for the prevention of a communicable disease for which a presumption is established under this section,
 9561 if medically indicated by the given circumstances pursuant to immunization policies established by the
 9562 Advisory Committee on Immunization Practices of the United States Public Health Service, a person subject
 9563 to the provisions of this section may be required by such person's employer to undergo the immunization or
 9564 prophylaxis unless the person's physician determines in writing that the immunization or prophylaxis would
 9565 pose a significant risk to the person's health. Absent such written declaration, failure or refusal by a person
 9566 subject to the provisions of this section to undergo such immunization or prophylaxis shall disqualify the
 9567 person from any presumption established by this section.

9568 2. The presumptions described in subdivision B 1 shall not apply to any person offered by such person's
 9569 employer a vaccine for the prevention of COVID-19 with an Emergency Use Authorization issued by the
 9570 U.S. Food and Drug Administration, unless the person is immunized or the person's physician determines in
 9571 writing that the immunization would pose a significant risk to the person's health. Absent such written
 9572 declaration, failure or refusal by a person subject to the provisions of this section to undergo such
 9573 immunization shall disqualify the person from the presumptions described in subdivision B 1.

9574 F. 1. The presumptions described in subsection A shall only apply if persons entitled to invoke them have,
 9575 if requested by the appointing authority or governing body employing them, undergone preemployment
 9576 physical examinations that (i) were conducted prior to the making of any claims under this title that rely on
 9577 such presumptions; (ii) were performed by physicians whose qualifications are as prescribed by the
 9578 appointing authority or governing body employing such persons; (iii) included such appropriate laboratory
 9579 and other diagnostic studies as the appointing authorities or governing bodies may have prescribed; and (iv)
 9580 found such persons free of hepatitis, meningococcal meningitis, tuberculosis or HIV at the time of such
 9581 examinations. The presumptions described in subsection A shall not be effective until six months following
 9582 such examinations, unless such persons entitled to invoke such presumption can demonstrate a documented
 9583 exposure during the six-month period.

9584 2. The presumptions described in subdivision B 1 shall apply to any person entitled to invoke them for
 9585 any death or disability occurring on or after March 12, 2020, caused by infection from the COVID-19 virus,
 9586 provided that for any such death or disability that occurred on or after March 12, 2020, and prior to December
 9587 31, 2022, and;

9588 a. Prior to July 1, 2020, the claimant received a positive diagnosis of COVID-19 from a licensed
 9589 physician, an advanced practice registered nurse, or a physician assistant after either (i) a presumptive
 9590 positive test or a laboratory-confirmed test for COVID-19 and presenting with signs and symptoms of
 9591 COVID-19 that required medical treatment, or (ii) presenting with signs and symptoms of COVID-19 that
 9592 required medical treatment absent a presumptive positive test or a laboratory-confirmed test for COVID-19;
 9593 or

9594 b. On or after July 1, 2020, and prior to December 31, 2022, the claimant received a positive diagnosis of
 9595 COVID-19 from a licensed physician, an advanced practice registered nurse, or a physician assistant after a
 9596 presumptive positive test or a laboratory-confirmed test for COVID-19 and presented with signs and
 9597 symptoms of COVID-19 that required medical treatment.

9598 3. The presumptions described in subdivision B 2 shall apply to any person entitled to invoke them for

9599 any death or disability occurring on or after July 1, 2020, caused by infection from the COVID-19 virus,
9600 provided that for any such death or disability that occurred on or after July 1, 2020, and prior to December
9601 31, 2021, the claimant received a diagnosis of COVID-19 from a licensed physician, after either a
9602 presumptive positive test or a laboratory confirmed test for COVID-19, and presented with signs and
9603 symptoms of COVID-19 that required medical treatment.

9604 G. Persons making claims under this title who rely on such presumption shall, upon the request of
9605 appointing authorities or governing bodies employing such persons, submit to physical examinations (i)
9606 conducted by physicians selected by such appointing authorities or governing bodies or their representatives
9607 and (ii) consisting of such tests and studies as may reasonably be required by such physicians. However, a
9608 qualified physician, selected and compensated by the claimant, may, at the election of such claimant, be
9609 present at such examination.

9610 **2. That §§ 4.1-611 through 4.1-628, 4.1-1101.1, 4.1-1105.1, 18.2-248.1, and 18.2-251.1 of the Code of**
9611 **Virginia are repealed.**

9612 **3. That, except as provided subsequent enactments of this act, the provisions of this act shall become**
9613 **effective on January 1, 2027.**

9614 **4. That the Board of Directors of the Virginia Alcoholic Beverage and Cannabis Control Authority (the**
9615 **Board), as renamed by the first enactment of this act, shall promulgate regulations to implement the**
9616 **provisions of this act by December 1, 2026. With the exception of § 2.2-4031 of the Code of Virginia,**
9617 **neither the provisions of the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia) nor**
9618 **public participation guidelines adopted pursuant thereto shall apply to the adoption of any regulation**
9619 **pursuant to this act. Prior to adopting any regulation pursuant to this act, the Board shall publish a**
9620 **notice of opportunity to comment in the Virginia Register of Regulations and post the action on the**
9621 **Virginia Regulatory Town Hall. Such notice of opportunity to comment shall contain (i) a summary of**
9622 **the proposed regulation; (ii) the text of the proposed regulation; and (iii) the name, address, and**
9623 **telephone number of the agency contact person responsible for receiving public comments. Such notice**
9624 **shall be made at least 60 days in advance of the last date prescribed in such notice for submittals of**
9625 **public comment. The legislative review provisions of subsections A and B of § 2.2-4014 of the Code of**
9626 **Virginia shall apply to the promulgation or final adoption process for regulations pursuant to this act.**
9627 **The Board shall consider and keep on file all public comments received for any regulation adopted**
9628 **pursuant to this act.**

9629 **5. That a pharmaceutical processor or cannabis dispensing facility issued a permit by the Board of**
9630 **Directors (the Board) of the Virginia Cannabis Control Authority pursuant to Chapter 16 (§ 4.1-1600**
9631 **et seq.) of the Code of Virginia, as it existed on December 31, 2025, shall apply for a dual-use**
9632 **marijuana facility license in a manner prescribed by the Board of Directors of the Virginia Alcoholic**
9633 **Beverage and Cannabis Control Authority (the Authority), as renamed by the first enactment of this**
9634 **act, between September 1, 2026, and October 1, 2026. No later than August 15, 2026, the Authority**
9635 **shall create a streamlined application process for pharmaceutical processors and cannabis dispensing**
9636 **facilities to apply for such dual-use marijuana facility licenses which shall include a requirement that a**
9637 **pharmaceutical processor submit to and obtain approval from the Authority for a detailed medical**
9638 **cannabis program preservation plan describing how such processor will prioritize sales and access to**
9639 **medical cannabis products for qualifying patients, including a plan for managing customer traffic flow,**
9640 **preventing supply shortages, and ensuring appropriate staffing. Provided the applicable licensing**
9641 **requirements are met, by December 1, 2026, the Board shall issue the applicable dual-use marijuana**
9642 **facility licenses pursuant to § 4.1-807 of the Code of Virginia, as created by this act, for any location for**
9643 **which a permit has been issued upon the payment of a one-time \$15 million conversion fee to the**
9644 **Authority. On and after December 1, 2026, a pharmaceutical processor or cannabis dispensing facility**
9645 **issued a permit pursuant to Chapter 16 (§ 4.1-1600 et seq.) of the Code of Virginia who has not applied**
9646 **for a dual-use marijuana facility license and paid the conversion fee shall not operate under a dual-use**
9647 **marijuana facility license or renew such license. Any such pharmaceutical processor or cannabis**
9648 **dispensing facility may continue to hold the dual-use marijuana facility license for resale to another**
9649 **person; however, the purchaser of such license shall be responsible for paying the one-time \$15 million**
9650 **conversion fee.**

9651 **6. That the Board of Directors of the Virginia Alcoholic Beverage and Cannabis Control Authority (the**
9652 **Authority), as renamed by the first enactment of this act, may start accepting applications for licenses**
9653 **under this act on September 1, 2026, and shall, from December 1, 2026, until July 1, 2027, give**
9654 **preference to qualified micro business applicants, as defined in the provisions of the first enactment of**
9655 **this act, and as determined by regulations promulgated by the Board of Directors of the Authority in**
9656 **accordance with this act. The Authority may issue any license authorized by this act to any applicant**
9657 **who meets the requirements for licensure established by this act and by any regulations promulgated**
9658 **by the Board of Directors of the Authority in accordance with this act. Any applicant issued a license**
9659 **by the Authority may operate in accordance with the provisions of this act prior to January 1, 2027;**
9660 **however, no retail marijuana store licensee may sell retail marijuana or retail marijuana products to a**

9661 consumer prior to January 1, 2027.

9662 7. That the Board of Directors of the Virginia Alcoholic Beverage and Cannabis Control Authority (the
9663 Authority), as renamed by the first enactment of this act, shall establish a seed-to-sale tracking system
9664 pursuant to the first enactment of this act by December 31, 2026.

9665 8. That the Board of Directors of the Virginia Alcoholic Beverage and Cannabis Control Authority (the
9666 Authority), as renamed by the first enactment of this act, shall (i) analyze whether any limits should be
9667 placed on the number of licenses issued to operate a marijuana establishment, (ii) analyze and identify
9668 any necessary adjustments regarding canopy limits for marijuana cultivation facility licensees, and (iii)
9669 report its finding to the General Assembly by November 1, 2027. The Authority shall continue such
9670 analysis and submit updated findings to the General Assembly for two years after such initial report
9671 and shall submit such updated findings by November 1 during the two subsequent years.

9672 9. That the Board of Directors of the Virginia Alcoholic Beverage and Cannabis Control Authority (the
9673 Authority), as renamed by the first enactment of this act, shall promulgate regulations to implement
9674 the provisions of this act by November 15, 2026. With the exception of § 2.2-4031 of the Code of
9675 Virginia, neither the provisions of the Administrative Process Act (§ 2.2-4000 et seq. of the Code of
9676 Virginia) nor public participation guidelines adopted pursuant thereto shall apply to the Board's initial
9677 adoption of such regulations.

9678 10. That the provisions of this act may result in a net increase in periods of imprisonment or
9679 commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary
9680 appropriation is _____ for periods of imprisonment in state adult correctional facilities; therefore,
9681 Chapter 725 of the Acts of Assembly of 2025 requires the Virginia Criminal Sentencing Commission to
9682 assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the
9683 estimated amount of the necessary appropriation is _____ for periods of commitment to the custody
9684 of the Department of Juvenile Justice.

INTROUCED

SB826