

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact §§ 2.2-2499.8, 2.2-2818, 2.2-2905, 2.2-3114, 2.2-3711, as it is currently*  
3 *effective and as it shall become effective, 2.2-3802, 2.2-4024, 3.2-4112, 3.2-4113, 3.2-4116, 3.2-4126,*  
4 *3.2-5145.1, 3.2-5145.2:1, 3.2-5145.4, 4.1-103, 4.1-105, 4.1-352, 4.1-600, 4.1-601, 4.1-603, 4.1-604,*  
5 *4.1-606, 4.1-607, 4.1-611, 4.1-614, 4.1-621, 4.1-1100, 4.1-1101, 4.1-1121, 4.1-1402, 4.1-1500, 4.1-1501,*  
6 *4.1-1502, 4.1-1600 through 4.1-1603.2, 4.1-1604, 5.1-13, 9.1-1101, 15.2-912.4, 16.1-69.40:1, 16.1-260,*  
7 *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,*  
8 *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,*  
9 *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, 18.2-371.2,*  
10 *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*  
11 *through 19.2-386.25, 19.2-389, as it is currently effective and as it shall become effective, 19.2-389.3,*  
12 *19.2-392.02, 19.2-392.6 and 19.2-392.12:1, as they shall become effective, 22.1-206, 22.1-277.08,*  
13 *23.1-1301, 46.2-105.2, 46.2-347, 48-17.1, 53.1-231.2, 54.1-2903, 54.1-3401, 54.1-3443, 58.1-301, and*  
14 *59.1-200 of the Code of Virginia; to amend the Code of Virginia by adding in Subtitle II of Title 2.2 a part*  
15 *labeled D, containing a chapter numbered 61, consisting of a section numbered 2.2-6100, by adding in*  
16 *Chapter 6 of Title 4.1 sections numbered 4.1-629 and 4.1-630, by adding in Title 4.1 chapters numbered 7*  
17 *through 10, consisting of sections numbered 4.1-700 through 4.1-1010, by adding sections numbered*  
18 *4.1-1102 through 4.1-1105, 4.1-1106, 4.1-1106.1, 4.1-1113, 4.1-1114, 4.1-1115, 4.1-1117, 4.1-1118, and*  
19 *4.1-1119, by adding in Title 4.1 a chapter numbered 12, consisting of sections numbered 4.1-1200*  
20 *through 4.1-1206, by adding in Chapter 13 of Title 4.1 sections numbered 4.1-1300, 4.1-1301, and*  
21 *4.1-1303 through 4.1-1309, by adding in Chapter 14 of Title 4.1 sections numbered 4.1-1403 through*  
22 *4.1-1407, by adding a section numbered 4.1-1602.1, by adding in Title 4.1 a chapter numbered 17,*  
23 *consisting of sections numbered 4.1-1700 through 4.1-1705, by adding in Article 2 of Chapter 1 of Title*  
24 *6.2 a section numbered 6.2-108, and by adding in Chapter 44 of Title 54.1 a section numbered 54.1-4426;*  
25 *and to repeal Article 4 (§§ 3.2-4122 through 3.2-4126) of Chapter 41.1 of Title 3.2 and §§ 3.2-5145.4:1,*  
26 *4.1-1101.1, 4.1-1105.1, 18.2-248.1, and 18.2-251.1 of the Code of Virginia, relating to cannabis control;*  
27 *retail market; penalties.*

28 [S 542]  
29 Approved

30 **Be it enacted by the General Assembly of Virginia:**

31 **1. That §§ 2.2-2499.8, 2.2-2818, 2.2-2905, 2.2-3114, 2.2-3711, as it is currently effective and as it shall**  
32 **become effective, 2.2-3802, 2.2-4024, 3.2-4112, 3.2-4113, 3.2-4116, 3.2-4126, 3.2-5145.1, 3.2-5145.2:1,**  
33 **3.2-5145.4, 4.1-103, 4.1-105, 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,**  
34 **4.1-621, 4.1-1100, 4.1-1101, 4.1-1121, 4.1-1402, 4.1-1500, 4.1-1501, 4.1-1502, 4.1-1600 through**  
35 **4.1-1603.2, 4.1-1604, 5.1-13, 9.1-1101, 15.2-912.4, 16.1-69.40:1, 16.1-260, 16.1-273, 16.1-278.9, 18.2-46.1,**  
36 **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,**  
37 **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,**  
38 **18.2-265.3, 18.2-287.2, 18.2-308.012, 18.2-308.4, 18.2-371.2, 18.2-460, 18.2-474.1, 19.2-66, 19.2-81,**  
39 **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**  
40 **effective and as it shall become effective, 19.2-389.3, 19.2-392.02, 19.2-392.6 and 19.2-392.12:1 as they**  
41 **shall become effective, 22.1-206, 22.1-277.08, 23.1-1301, 46.2-105.2, 46.2-347, 48-17.1, 53.1-231.2,**  
42 **54.1-2903, 54.1-3401, 54.1-3443, 58.1-301, and 59.1-200 of the Code of Virginia are amended and**  
43 **reenacted and that the Code of Virginia is amended by adding in Subtitle II of Title 2.2 a part labeled**  
44 **D, containing a chapter numbered 61, consisting of a section numbered 2.2-6100, by adding in Chapter**  
45 **6 of Title 4.1 sections numbered 4.1-629 and 4.1-630, by adding in Title 4.1 chapters numbered 7**  
46 **through 10, consisting of sections numbered 4.1-700 through 4.1-1010, by adding sections numbered**  
47 **4.1-1102 through 4.1-1105, 4.1-1106, 4.1-1106.1, 4.1-1113, 4.1-1114, 4.1-1115, 4.1-1117, 4.1-1118, and**  
48 **4.1-1119, by adding in Title 4.1 a chapter numbered 12, consisting of sections numbered 4.1-1200**  
49 **through 4.1-1206, by adding in Chapter 13 of Title 4.1 sections numbered 4.1-1300, 4.1-1301, and**  
50 **4.1-1303 through 4.1-1309, by adding in Chapter 14 of Title 4.1 sections numbered 4.1-1403 through**  
51 **4.1-1407, by adding a section numbered 4.1-1602.1, by adding in Title 4.1 a chapter numbered 17,**  
52 **consisting of sections numbered 4.1-1700 through 4.1-1705, by adding in Article 2 of Chapter 1 of Title**  
53 **6.2 a section numbered 6.2-108, and by adding in Chapter 44 of Title 54.1 a section numbered**  
54 **54.1-4426 as follows:**

55 **§ 2.2-2499.8. Cannabis Equity Reinvestment Fund.**

56 There is hereby created in the state treasury a special nonreverting fund to be known as the Cannabis

57 Equity Reinvestment Fund, referred to in this section as "the Fund." The Fund shall be established on the  
 58 books of the Comptroller. All funds appropriated for such purpose and any gifts, donations, grants, bequests,  
 59 and other funds received on its behalf shall be paid into the state treasury and credited to the Fund. Interest  
 60 earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the  
 61 Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall  
 62 remain in the Fund. Moneys in the Fund shall be used solely for the purposes of:

63 1. Supporting persons, families, and communities historically and disproportionately targeted and affected  
 64 by drug enforcement;

65 2. Providing scholarship opportunities and educational and vocational resources for historically  
 66 marginalized persons, including persons in foster care, who have been adversely impacted by substance use  
 67 individually, in their families, or in their communities;

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

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

72 5. Contributing *50 percent of amounts deposited in the Fund* to the Virginia Cannabis Equity Business  
 73 Loan Fund established pursuant to § 4.1-1501.

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

78 **§ 2.2-2818. Health and related insurance for state employees.**

79 A. The Department of Human Resource Management shall establish a plan, subject to the approval of the  
 80 Governor, for providing health insurance coverage, including chiropractic treatment, hospitalization, medical,  
 81 surgical, and major medical coverage, for state employees and retired state employees with the  
 82 Commonwealth paying the cost thereof to the extent of the coverage included in such plan. The same plan  
 83 shall be offered to all part-time state employees, but the total cost shall be paid by such part-time employees.  
 84 The Department of Human Resource Management shall administer this section. The plan chosen shall  
 85 provide means whereby coverage for the families or dependents of state employees may be purchased. Except  
 86 for part-time employees, the Commonwealth may pay all or a portion of the cost thereof, and for such portion  
 87 as the Commonwealth does not pay, the employee, including a part-time employee, may purchase the  
 88 coverage by paying the additional cost over the cost of coverage for an employee.

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

90 B. The plan shall:

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

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

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

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

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

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

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

119 3. Include an appeals process for resolution of complaints that shall provide reasonable procedures for the  
 120 resolution of such complaints and shall be published and disseminated to all covered state employees. The  
 121 appeals process shall be compliant with federal rules and regulations governing nonfederal, self-insured  
 122 governmental health plans. The appeals process shall include a separate expedited emergency appeals  
 123 procedure that shall provide resolution within time frames established by federal law. For appeals involving  
 124 adverse decisions as defined in § 32.1-137.7, the Department shall contract with one or more independent  
 125 review organizations to review such decisions. Independent review organizations are entities that conduct  
 126 independent external review of adverse benefit determinations. The Department shall adopt regulations to  
 127 assure that the independent review organization conducting the reviews has adequate standards, credentials,  
 128 and experience for such review. The independent review organization shall examine the final denial of claims  
 129 to determine whether the decision is objective, clinically valid, and compatible with established principles of  
 130 health care. The decision of the independent review organization shall (i) be in writing, (ii) contain findings  
 131 of fact as to the material issues in the case and the basis for those findings, and (iii) be final and binding if  
 132 consistent with law and policy.

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

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

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

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

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

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

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

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

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

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

186 12. Include coverage (i) to persons age 50 and over and (ii) to persons age 40 and over who are at high  
187 risk for prostate cancer, according to the most recent published guidelines of the American Cancer Society,  
188 for one prostate-specific antigen test in a 12-month period and digital rectal examinations.

189 13. Permit any individual covered under the plan direct access to the health care services of a participating  
190 specialist (i) authorized to provide services under the plan and (ii) selected by the covered individual. The  
191 plan shall have a procedure by which an individual who has an ongoing special condition may, after  
192 consultation with the primary care physician, receive a referral to a specialist for such condition who shall be  
193 responsible for and capable of providing and coordinating the individual's primary and specialty care related  
194 to the initial specialty care referral. If such an individual's care would most appropriately be coordinated by  
195 such a specialist, the plan shall refer the individual to a specialist. For the purposes of this subdivision,  
196 "special condition" means a condition or disease that is (i) life-threatening, degenerative, or disabling and (ii)  
197 requires specialized medical care over a prolonged period of time. Within the treatment period authorized by  
198 the referral, such specialist shall be permitted to treat the individual without a further referral from the  
199 individual's primary care provider and may authorize such referrals, procedures, tests, and other medical  
200 services related to the initial referral as the individual's primary care provider would otherwise be permitted  
201 to provide or authorize. The plan shall have a procedure by which an individual who has an ongoing special  
202 condition that requires ongoing care from a specialist may receive a standing referral to such specialist for the  
203 treatment of the special condition. If the primary care provider, in consultation with the plan and the  
204 specialist, if any, determines that such a standing referral is appropriate, the plan or issuer shall make such a  
205 referral to a specialist. Nothing contained herein shall prohibit the plan from requiring a participating  
206 specialist to provide written notification to the covered individual's primary care physician of any visit to  
207 such specialist. Such notification may include a description of the health care services rendered at the time of  
208 the visit.

209 14. Include provisions allowing employees to continue receiving health care services for a period of up to  
210 90 days from the date of the primary care physician's notice of termination from any of the plan's provider  
211 panels. The plan shall notify any provider at least 90 days prior to the date of termination of the provider,  
212 except when the provider is terminated for cause.

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

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

223 Notwithstanding the provisions of this subdivision, any provider shall be permitted to continue rendering  
224 health services to any covered employee who is determined to be terminally ill (as defined under §  
225 1861(dd)(3)(A) of the Social Security Act) at the time of a provider's termination of participation, except  
226 when a provider is terminated for cause. Such treatment shall, at the covered employee's option, continue for  
227 the remainder of the employee's life for care directly related to the treatment of the terminal illness.

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

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

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

237 For purposes of this subdivision:

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

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

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

247 "NCI" means the National Cancer Institute.

248 "NIH" means the National Institutes of Health.

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

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

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

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

259 a. The National Cancer Institute;

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

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

262 d. The federal Department of Veterans Affairs; or

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

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

267 Coverage under this subdivision shall apply only if:

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

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

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

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

280 17. Include coverage for biologically based mental illness.

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

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

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

296 18. Offer and make available coverage for the treatment of morbid obesity through gastric bypass surgery  
 297 or such other methods as may be recognized by the National Institutes of Health as effective for the long-term  
 298 reversal of morbid obesity. Such coverage shall have durational limits, dollar limits, deductibles, copayments,  
 299 and coinsurance factors that are no less favorable than for physical illness generally. Access to surgery for  
 300 morbid obesity shall not be restricted based upon dietary or any other criteria not approved by the National  
 301 Institutes of Health. For purposes of this subdivision, "morbid obesity" means (i) a weight that is at least 100  
 302 pounds over or twice the ideal weight for frame, age, height, and gender as specified in the 1983 Metropolitan  
 303 Life Insurance tables, (ii) a body mass index (BMI) equal to or greater than 35 kilograms per meter squared

304 with comorbidity or coexisting medical conditions such as hypertension, cardiopulmonary conditions, sleep  
305 apnea, or diabetes, or (iii) a BMI of 40 kilograms per meter squared without such comorbidity. As used  
306 herein, "BMI" equals weight in kilograms divided by height in meters squared.

307 19. Include coverage for colorectal cancer screening, specifically screening with an annual fecal occult  
308 blood test, flexible sigmoidoscopy or colonoscopy, or in appropriate circumstances radiologic imaging, in  
309 accordance with the most recently published recommendations established by the American College of  
310 Gastroenterology, in consultation with the American Cancer Society, for the ages, family histories, and  
311 frequencies referenced in such recommendations. The coverage for colorectal cancer screening shall not be  
312 more restrictive than or separate from coverage provided for any other illness, condition, or disorder for  
313 purposes of determining deductibles, benefit year or lifetime durational limits, benefit year or lifetime dollar  
314 limits, lifetime episodes or treatment limits, copayment and coinsurance factors, and benefit year maximum  
315 for deductibles and copayments and coinsurance factors.

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

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

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

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

339 D. For the purposes of this section:

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

346 "Standard reference compendia" means:

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

350 "State employee" means state employee as defined in § 51.1-124.3; employee as defined in § 51.1-201;  
351 the Governor, Lieutenant Governor, and Attorney General; judge as defined in § 51.1-301 and judges, clerks,  
352 and deputy clerks of regional juvenile and domestic relations, county juvenile and domestic relations, and  
353 district courts of the Commonwealth; interns and residents employed by the School of Medicine and Hospital  
354 of the University of Virginia, and interns, residents, and employees of the Virginia Commonwealth  
355 University Health System Authority as provided in § 23.1-2415; and employees of the Virginia Alcoholic  
356 Beverage Control Authority as provided in § 4.1-101.05 *and the Virginia Cannabis Control Authority as*  
357 *provided in § 4.1-623.*

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

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

365 G. The plan shall include, in each planning district, at least two health coverage options, each sponsored

366 by unrelated entities. No later than July 1, 2006, one of the health coverage options to be available in each  
 367 planning district shall be a high deductible health plan that would qualify for a health savings account  
 368 pursuant to § 223 of the Internal Revenue Code of 1986, as amended.

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

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

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

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

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

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

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

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

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

404 The Ombudsman shall:

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

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

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

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

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

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

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

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

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

426 M. The plan established in accordance with this section shall not refuse to accept or make reimbursement

427 pursuant to an assignment of benefits made to a dentist or oral surgeon by a covered employee.

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

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

434 O. Any group health insurance plan established by the Department of Human Resource Management that  
 435 contains a coordination of benefits provision shall provide written notification to any eligible employee as a  
 436 prominent part of its enrollment materials that if such eligible employee is covered under another group  
 437 accident and sickness insurance policy, group accident and sickness subscription contract, or group health  
 438 care plan for health care services, that insurance policy, subscription contract, or health care plan may have  
 439 primary responsibility for the covered expenses of other family members enrolled with the eligible employee.  
 440 Such written notification shall describe generally the conditions upon which the other coverage would be  
 441 primary for dependent children enrolled under the eligible employee's coverage and the method by which the  
 442 eligible enrollee may verify from the plan that coverage would have primary responsibility for the covered  
 443 expenses of each family member.

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

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

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

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

462 S. The Department of Human Resource Management shall report annually, by November 30 of each year,  
 463 on cost and utilization information for each of the mandated benefits set forth in subsection B, including any  
 464 mandated benefit made applicable, pursuant to subdivision B 22, to any plan established pursuant to this  
 465 section. The report shall be in the same detail and form as required of reports submitted pursuant to  
 466 § 38.2-3419.1, with such additional information as is required to determine the financial impact, including the  
 467 costs and benefits, of the particular mandated benefit.

468 **§ 2.2-2905. Certain officers and employees exempt from chapter.**

469 The provisions of this chapter shall not apply to:

- 470 1. Officers and employees for whom the Constitution specifically directs the manner of selection;
- 471 2. Officers and employees of the Supreme Court and the Court of Appeals;
- 472 3. Officers appointed by the Governor, whether confirmation by the General Assembly or by either house  
 473 thereof is required or not;
- 474 4. Officers elected by popular vote or by the General Assembly or either house thereof;
- 475 5. Members of boards and commissions however selected;
- 476 6. Judges, referees, receivers, arbiters, masters and commissioners in chancery, commissioners of  
 477 accounts, and any other persons appointed by any court to exercise judicial functions, and jurors and notaries  
 478 public;
- 479 7. Officers and employees of the General Assembly and persons employed to conduct temporary or  
 480 special inquiries, investigations, or examinations on its behalf;
- 481 8. The presidents and teaching and research staffs of state educational institutions;
- 482 9. Commissioned officers and enlisted personnel of the National Guard;
- 483 10. Student employees at institutions of higher education and patient or inmate help in other state  
 484 institutions;
- 485 11. Upon general or special authorization of the Governor, laborers, temporary employees, and employees  
 486 compensated on an hourly or daily basis;
- 487 12. County, city, town, and district officers, deputies, assistants, and employees;
- 488 13. The employees of the Virginia Workers' Compensation Commission;

- 489 14. The officers and employees of the Virginia Retirement System;
- 490 15. Employees whose positions are identified by the State Council of Higher Education and the boards of
- 491 the Virginia Museum of Fine Arts, The Science Museum of Virginia, the Jamestown-Yorktown Foundation,
- 492 the Frontier Culture Museum of Virginia, the Virginia Museum of Natural History, the New College Institute,
- 493 the Southern Virginia Higher Education Center, and The Library of Virginia, and approved by the Director of
- 494 the Department of Human Resource Management as requiring specialized and professional training;
- 495 16. Employees of the Virginia Lottery;
- 496 17. Employees of the Department for the Blind and Vision Impaired's rehabilitative manufacturing and
- 497 service industries who have a human resources classification of industry worker;
- 498 18. Employees of the Virginia Commonwealth University Health System Authority;
- 499 19. Employees of the University of Virginia Medical Center. Any changes in compensation plans for such
- 500 employees shall be subject to the review and approval of the Board of Visitors of the University of Virginia.
- 501 The University of Virginia shall ensure that its procedures for hiring University of Virginia Medical Center
- 502 personnel are based on merit and fitness. Such employees shall remain subject to the provisions of the State
- 503 Grievance Procedure (§ 2.2-3000 et seq.);
- 504 20. In executive branch agencies the employee who has accepted serving in the capacity of chief deputy,
- 505 or equivalent, and the employee who has accepted serving in the capacity of a confidential assistant for policy
- 506 or administration. An employee serving in either one of these two positions shall be deemed to serve on an
- 507 employment-at-will basis. An agency may not exceed two employees who serve in this exempt capacity;
- 508 21. Employees of Virginia Correctional Enterprises. Such employees shall remain subject to the
- 509 provisions of the State Grievance Procedure (§ 2.2-3000 et seq.);
- 510 22. Officers and employees of the Virginia Port Authority;
- 511 23. Employees of the Commonwealth Savers Plan;
- 512 24. Directors of state facilities operated by the Department of Behavioral Health and Developmental
- 513 Services employed or reemployed by the Commissioner after July 1, 1999, under a contract pursuant to
- 514 § 37.2-707. Such employees shall remain subject to the provisions of the State Grievance Procedure
- 515 (§ 2.2-3000 et seq.);
- 516 25. Employees of the Virginia Foundation for Healthy Youth. Such employees shall be treated as state
- 517 employees for purposes of participation in the Virginia Retirement System, health insurance, and all other
- 518 employee benefits offered by the Commonwealth to its classified employees;
- 519 26. Employees of the Virginia Indigent Defense Commission;
- 520 27. Any chief of a campus police department that has been designated by the governing body of a public
- 521 institution of higher education as exempt, pursuant to § 23.1-809;
- 522 28. The Chief Executive Officer, agents, officers, and employees of the Virginia Alcoholic Beverage
- 523 Control Authority; ~~and~~
- 524 29. *The Chief Executive Officer, agents, officers, and employees of the Virginia Cannabis Control*
- 525 *Authority; and*
- 526 30. Officers and employees of the Fort Monroe Authority.
- 527 **§ 2.2-3114. Disclosure by state officers and employees.**
- 528 A. In accordance with the requirements set forth in § 2.2-3118.2, the Governor, Lieutenant Governor,
- 529 Attorney General, Justices of the Supreme Court, judges of the Court of Appeals, judges of any circuit court,
- 530 judges and substitute judges of any district court, members of the State Corporation Commission, members of
- 531 the Virginia Workers' Compensation Commission, members of the Commonwealth Transportation Board,
- 532 members of the Board of Trustees of the Virginia Retirement System, members of the Board of Directors of
- 533 the Virginia Alcoholic Beverage Control Authority, *members of the Board of Directors of the Virginia*
- 534 *Cannabis Control Authority*, members of the board of directors of the Commonwealth of Virginia Innovation
- 535 Partnership Authority, members of the Board of the Commonwealth Savers Plan, and members of the
- 536 Virginia Lottery Board and other persons occupying such offices or positions of trust or employment in state
- 537 government, including members of the governing bodies of authorities, as may be designated by the
- 538 Governor, or officers or employees of the legislative branch, as may be designated by the Joint Rules
- 539 Committee of the General Assembly, shall file with the Council, as a condition to assuming office or
- 540 employment, a disclosure statement of their personal interests and such other information as is required on
- 541 the form prescribed by the Council pursuant to § 2.2-3117 and thereafter shall file such a statement annually
- 542 on or before February 1.
- 543 B. In accordance with the requirements set forth in § 2.2-3118.2, nonsalaried citizen members of all policy
- 544 and supervisory boards, commissions, and councils in the executive branch of state government, other than
- 545 the members of the Commonwealth Transportation Board, members of the Board of Trustees of the Virginia
- 546 Retirement System, members of the board of directors of the Commonwealth of Virginia Innovation
- 547 Partnership Authority, members of the Board of the Commonwealth Savers Plan, and members of the
- 548 Virginia Lottery Board, shall file with the Council, as a condition to assuming office, a disclosure form of
- 549 their personal interests and such other information as is required on the form prescribed by the Council
- 550 pursuant to § 2.2-3118 and thereafter shall file such form annually on or before February 1. Nonsalaried

551 citizen members of other boards, commissions, and councils, including advisory boards and authorities, may  
 552 be required to file a disclosure form if so designated by the Governor, in which case the form shall be that  
 553 prescribed by the Council pursuant to § 2.2-3118.

554 C. The disclosure forms required by subsections A and B shall be made available by the Council at least  
 555 30 days prior to the filing deadline. Disclosure forms shall be filed electronically with the Council in  
 556 accordance with the standards approved by it pursuant to § 30-356. All forms shall be maintained as public  
 557 records for five years in the office of the Council. Such forms shall be made public no later than six weeks  
 558 after the filing deadline.

559 D. Candidates for the offices of Governor, Lieutenant Governor, or Attorney General shall file a  
 560 disclosure statement of their personal interests as required by § 24.2-502.

561 E. Any officer or employee of state government who has a personal interest in any transaction before the  
 562 governmental or advisory agency of which he is an officer or employee and who is disqualified from  
 563 participating in that transaction pursuant to subsection A of § 2.2-3112, or otherwise elects to disqualify  
 564 himself, shall forthwith make disclosure of the existence of his interest, including the full name and address  
 565 of the business and the address or parcel number for the real estate if the interest involves a business or real  
 566 estate, and his disclosure shall also be reflected in the public records of the agency for five years in the office  
 567 of the administrative head of the officer's or employee's governmental agency or advisory agency or, if the  
 568 agency has a clerk, in the clerk's office.

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

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

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

593 **§ 2.2-3711. (Effective until July 1, 2026) Closed meetings authorized for certain limited purposes.**

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

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

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

612 3. Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition

613 of publicly held real property, where discussion in an open meeting would adversely affect the bargaining  
614 position or negotiating strategy of the public body.

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

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

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

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

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

633 9. Discussion or consideration by governing boards of public institutions of higher education of matters  
634 relating to gifts, bequests and fund-raising activities, and of grants and contracts for services or work to be  
635 performed by such institution. However, the terms and conditions of any such gifts, bequests, grants, and  
636 contracts made by a foreign government, a foreign legal entity, or a foreign person and accepted by a public  
637 institution of higher education in the Commonwealth shall be subject to public disclosure upon written  
638 request to the appropriate board of visitors. For the purpose of this subdivision, (i) "foreign government"  
639 means any government other than the United States government or the government of a state or a political  
640 subdivision thereof, (ii) "foreign legal entity" means any legal entity (a) created under the laws of the United  
641 States or of any state thereof if a majority of the ownership of the stock of such legal entity is owned by  
642 foreign governments or foreign persons or if a majority of the membership of any such entity is composed of  
643 foreign persons or foreign legal entities or (b) created under the laws of a foreign government, and (iii)  
644 "foreign person" means any individual who is not a citizen or national of the United States or a trust territory  
645 or protectorate thereof.

646 10. Discussion or consideration by the boards of trustees of the Virginia Museum of Fine Arts, the  
647 Virginia Museum of Natural History, the Jamestown-Yorktown Foundation, the Fort Monroe Authority, and  
648 The Science Museum of Virginia of matters relating to specific gifts, bequests, and grants from private  
649 sources.

650 11. Discussion or consideration of honorary degrees or special awards.

651 12. Discussion or consideration of tests, examinations, or other information used, administered, or  
652 prepared by a public body and subject to the exclusion in subdivision 4 of § 2.2-3705.1.

653 13. Discussion, consideration, or review by the appropriate House or Senate committees of possible  
654 disciplinary action against a member arising out of the possible inadequacy of the disclosure statement filed  
655 by the member, provided that the member may request in writing that the committee meeting not be  
656 conducted in a closed meeting.

657 14. Discussion of strategy with respect to the negotiation of a hazardous waste siting agreement or to  
658 consider the terms, conditions, and provisions of a hazardous waste siting agreement if the governing body in  
659 open meeting finds that an open meeting will have an adverse effect upon the negotiating position of the  
660 governing body or the establishment of the terms, conditions and provisions of the siting agreement, or both.  
661 All discussions with the applicant or its representatives may be conducted in a closed meeting.

662 15. Discussion by the Governor and any economic advisory board reviewing forecasts of economic  
663 activity and estimating general and nongeneral fund revenues.

664 16. Discussion or consideration of medical and mental health records subject to the exclusion in  
665 subdivision 1 of § 2.2-3705.5.

666 17. Deliberations of the Virginia Lottery Board in a licensing appeal action conducted pursuant to  
667 subsection D of § 58.1-4007 regarding the denial or revocation of a license of a lottery sales agent; and  
668 discussion, consideration or review of Virginia Lottery matters related to proprietary lottery game  
669 information and studies or investigations excluded from disclosure under subdivision 6 of § 2.2-3705.3 and  
670 subdivision 11 of § 2.2-3705.7.

671 18. Those portions of meetings in which the State Board of Local and Regional Jails discusses or discloses  
672 the identity of, or information tending to identify, any prisoner who (i) provides information about crimes or  
673 criminal activities, (ii) renders assistance in preventing the escape of another prisoner or in the apprehension  
674 of an escaped prisoner, or (iii) voluntarily or at the instance of a prison official renders other extraordinary

675 services, the disclosure of which is likely to jeopardize the prisoner's life or safety.

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

684 20. Discussion by the Board of the Virginia Retirement System, acting pursuant to § 51.1-124.30, or of  
685 any local retirement system, acting pursuant to § 51.1-803, or by a local finance board or board of trustees of  
686 a trust established by one or more local public bodies to invest funds for postemployment benefits other than  
687 pensions, acting pursuant to Article 8 (§ 15.2-1544 et seq.) of Chapter 15 of Title 15.2, or by the board of  
688 visitors of the University of Virginia, acting pursuant to § 23.1-2210, or by the Board of the Commonwealth  
689 Savers Plan, acting pursuant to § 23.1-706, regarding the acquisition, holding or disposition of a security or  
690 other ownership interest in an entity, where such security or ownership interest is not traded on a  
691 governmentally regulated securities exchange, to the extent that such discussion (i) concerns confidential  
692 analyses prepared for the board of visitors of the University of Virginia, prepared by the retirement system, or  
693 a local finance board or board of trustees, or the Commonwealth Savers Plan or provided to the retirement  
694 system, a local finance board or board of trustees, or the Commonwealth Savers Plan under a promise of  
695 confidentiality, of the future value of such ownership interest or the future financial performance of the  
696 entity, and (ii) would have an adverse effect on the value of the investment to be acquired, held, or disposed  
697 of by the retirement system, a local finance board or board of trustees, the board of visitors of the University  
698 of Virginia, or the Commonwealth Savers Plan. Nothing in this subdivision shall be construed to prevent the  
699 disclosure of information relating to the identity of any investment held, the amount invested or the present  
700 value of such investment.

701 21. Those portions of meetings in which individual child death cases are discussed by the State Child  
702 Fatality Review Team established pursuant to § 32.1-283.1, those portions of meetings in which individual  
703 child death cases are discussed by a regional or local child fatality review team established pursuant to  
704 § 32.1-283.2, those portions of meetings in which individual death cases are discussed by family violence  
705 fatality review teams established pursuant to § 32.1-283.3, those portions of meetings in which individual  
706 adult death cases are discussed by the state Adult Fatality Review Team established pursuant to § 32.1-283.5,  
707 those portions of meetings in which individual adult death cases are discussed by a local or regional adult  
708 fatality review team established pursuant to § 32.1-283.6, those portions of meetings in which individual  
709 death cases are discussed by overdose fatality review teams established pursuant to § 32.1-283.7, those  
710 portions of meetings in which individual maternal death cases are discussed by the Maternal Mortality  
711 Review Team pursuant to § 32.1-283.8, and those portions of meetings in which individual death cases of  
712 persons with developmental disabilities are discussed by the Developmental Disabilities Mortality Review  
713 Committee established pursuant to § 37.2-314.1.

714 22. Those portions of meetings of the board of visitors of the University of Virginia or Old Dominion  
715 University, as the case may be, and those portions of meetings of any persons to whom management  
716 responsibilities for the University of Virginia Medical Center or the Eastern Virginia Health Sciences Center  
717 at Old Dominion University, as the case may be, have been delegated, in which there is discussed proprietary,  
718 business-related information pertaining to the operations of the University of Virginia Medical Center or the  
719 Eastern Virginia Health Sciences Center at Old Dominion University, as the case may be, including business  
720 development or marketing strategies and activities with existing or future joint venturers, partners, or other  
721 parties with whom the University of Virginia Medical Center or the Eastern Virginia Health Sciences Center  
722 at Old Dominion University, as the case may be, has formed, or forms, any arrangement for the delivery of  
723 health care, if disclosure of such information would adversely affect the competitive position of the  
724 University of Virginia Medical Center or the Eastern Virginia Health Sciences Center at Old Dominion  
725 University, as the case may be.

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

735 24. Those portions of the meetings of the Health Practitioners' Monitoring Program Committee within the  
736 Department of Health Professions to the extent such discussions identify any practitioner who may be, or who

- 737 actually is, impaired pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1.
- 738 25. Meetings or portions of meetings of the Board of the Commonwealth Savers Plan wherein personal
- 739 information, as defined in § 2.2-3801, which has been provided to the Board or its employees by or on behalf
- 740 of individuals who have requested information about, applied for, or entered into prepaid tuition contracts or
- 741 savings trust account agreements pursuant to Chapter 7 (§ 23.1-700 et seq.) of Title 23.1 is discussed.
- 742 26. Discussion or consideration, by the former Wireless Carrier E-911 Cost Recovery Subcommittee
- 743 created pursuant to former § 56-484.15, of trade secrets submitted by CMRS providers, as defined in
- 744 § 56-484.12, related to the provision of wireless E-911 service.
- 745 27. Those portions of disciplinary proceedings by any regulatory board within the Department of
- 746 Professional and Occupational Regulation, Department of Health Professions, or the Board of Accountancy
- 747 conducted pursuant to § 2.2-4019 or 2.2-4020 during which the board deliberates to reach a decision or
- 748 meetings of health regulatory boards or conference committees of such boards to consider settlement
- 749 proposals in pending disciplinary actions or modifications to previously issued board orders as requested by
- 750 either of the parties.
- 751 28. Discussion or consideration of information subject to the exclusion in subdivision 11 of § 2.2-3705.6
- 752 by a responsible public entity or an affected locality or public entity, as those terms are defined in
- 753 § 33.2-1800, or any independent review panel appointed to review information and advise the responsible
- 754 public entity concerning such records.
- 755 29. Discussion of the award of a public contract involving the expenditure of public funds, including
- 756 interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in
- 757 an open session would adversely affect the bargaining position or negotiating strategy of the public body.
- 758 30. Discussion or consideration of grant or loan application information subject to the exclusion in
- 759 subdivision 17 of § 2.2-3705.6 by the Commonwealth Health Research Board.
- 760 31. Discussion or consideration by the Commitment Review Committee of information subject to the
- 761 exclusion in subdivision 5 of § 2.2-3705.2 relating to individuals subject to commitment as sexually violent
- 762 predators under Chapter 9 (§ 37.2-900 et seq.) of Title 37.2.
- 763 32. Discussion or consideration of confidential proprietary information and trade secrets developed and
- 764 held by a local public body providing certain telecommunication services or cable television services and
- 765 subject to the exclusion in subdivision 18 of § 2.2-3705.6. However, the exemption provided by this
- 766 subdivision shall not apply to any authority created pursuant to the BVU Authority Act (§ 15.2-7200 et seq.).
- 767 33. Discussion or consideration by a local authority created in accordance with the Virginia Wireless
- 768 Service Authorities Act (§ 15.2-5431.1 et seq.) of confidential proprietary information and trade secrets
- 769 subject to the exclusion in subdivision 19 of § 2.2-3705.6.
- 770 34. Discussion or consideration by the State Board of Elections or local electoral boards of voting security
- 771 matters made confidential pursuant to § 24.2-410.2 or 24.2-625.1.
- 772 35. Discussion or consideration by the Forensic Science Board or the Scientific Advisory Committee
- 773 created pursuant to Article 2 (§ 9.1-1109 et seq.) of Chapter 11 of Title 9.1 of criminal investigative files.
- 774 36. Discussion or consideration by the Brown v. Board of Education Scholarship Committee of
- 775 information or confidential matters subject to the exclusion in subdivision A 3 of § 2.2-3705.4, and meetings
- 776 of the Committee to deliberate concerning the annual maximum scholarship award, review and consider
- 777 scholarship applications and requests for scholarship award renewal, and cancel, rescind, or recover
- 778 scholarship awards.
- 779 37. Discussion or consideration by the Virginia Port Authority of information subject to the exclusion in
- 780 subdivision 1 of § 2.2-3705.6 related to certain proprietary information gathered by or for the Virginia Port
- 781 Authority.
- 782 38. Discussion or consideration by the Board of Trustees of the Virginia Retirement System acting
- 783 pursuant to § 51.1-124.30, by the Investment Advisory Committee appointed pursuant to § 51.1-124.26, by
- 784 any local retirement system, acting pursuant to § 51.1-803, by the Board of the Commonwealth Savers Plan
- 785 acting pursuant to § 23.1-706, or by the Commonwealth Savers Plan's Investment Advisory Committee
- 786 appointed pursuant to § 23.1-702 of information subject to the exclusion in subdivision 24 of § 2.2-3705.6.
- 787 39. Discussion or consideration of information subject to the exclusion in subdivision 3 of § 2.2-3705.6
- 788 related to economic development.
- 789 40. Discussion or consideration by the Board of Education of information relating to the denial,
- 790 suspension, or revocation of teacher licenses subject to the exclusion in subdivision 11 of § 2.2-3705.3.
- 791 41. Those portions of meetings of the Virginia Military Advisory Council or any commission created by
- 792 executive order for the purpose of studying and making recommendations regarding preventing closure or
- 793 realignment of federal military and national security installations and facilities located in Virginia and
- 794 relocation of such facilities to Virginia, or a local or regional military affairs organization appointed by a
- 795 local governing body, during which there is discussion of information subject to the exclusion in subdivision
- 796 8 of § 2.2-3705.2.
- 797 42. Discussion or consideration by the Board of Trustees of the Veterans Services Foundation of
- 798 information subject to the exclusion in subdivision 28 of § 2.2-3705.7 related to personally identifiable

799 information of donors.

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

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

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

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

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

820 48. Discussion or development of grant proposals by a regional council established pursuant to Article 26  
821 (§ 2.2-2484 et seq.) of Chapter 24 to be submitted for consideration to the Virginia Growth and Opportunity  
822 Board.

823 49. Discussion or consideration of (i) individual sexual assault cases by a sexual assault response team  
824 established pursuant to § 15.2-1627.4, (ii) individual child abuse or neglect cases or sex offenses involving a  
825 child by a child sexual abuse response team established pursuant to § 15.2-1627.5, (iii) individual cases  
826 involving abuse, neglect, or exploitation of adults as defined in § 63.2-1603 pursuant to §§ 15.2-1627.5 and  
827 63.2-1605, or (iv) individual human trafficking cases by any human trafficking response team established  
828 pursuant to § 15.2-1627.6.

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

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

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

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

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

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

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

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

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

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

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

867 **§ 2.2-3711. (Effective July 1, 2026) Closed meetings authorized for certain limited purposes.**

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

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

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

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

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

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

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

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

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

907 9. Discussion or consideration by governing boards of public institutions of higher education of matters  
 908 relating to gifts, bequests and fund-raising activities, and of grants and contracts for services or work to be  
 909 performed by such institution. However, the terms and conditions of any such gifts, bequests, grants, and  
 910 contracts made by a foreign government, a foreign legal entity, or a foreign person and accepted by a public  
 911 institution of higher education in the Commonwealth shall be subject to public disclosure upon written  
 912 request to the appropriate board of visitors. For the purpose of this subdivision, (i) "foreign government"  
 913 means any government other than the United States government or the government of a state or a political  
 914 subdivision thereof, (ii) "foreign legal entity" means any legal entity (a) created under the laws of the United  
 915 States or of any state thereof if a majority of the ownership of the stock of such legal entity is owned by  
 916 foreign governments or foreign persons or if a majority of the membership of any such entity is composed of  
 917 foreign persons or foreign legal entities or (b) created under the laws of a foreign government, and (iii)  
 918 "foreign person" means any individual who is not a citizen or national of the United States or a trust territory  
 919 or protectorate thereof.

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

922 The Science Museum of Virginia of matters relating to specific gifts, bequests, and grants from private  
923 sources.

924 11. Discussion or consideration of honorary degrees or special awards.

925 12. Discussion or consideration of tests, examinations, or other information used, administered, or  
926 prepared by a public body and subject to the exclusion in subdivision 4 of § 2.2-3705.1.

927 13. Discussion, consideration, or review by the appropriate House or Senate committees of possible  
928 disciplinary action against a member arising out of the possible inadequacy of the disclosure statement filed  
929 by the member, provided that the member may request in writing that the committee meeting not be  
930 conducted in a closed meeting.

931 14. Discussion of strategy with respect to the negotiation of a hazardous waste siting agreement or to  
932 consider the terms, conditions, and provisions of a hazardous waste siting agreement if the governing body in  
933 open meeting finds that an open meeting will have an adverse effect upon the negotiating position of the  
934 governing body or the establishment of the terms, conditions and provisions of the siting agreement, or both.  
935 All discussions with the applicant or its representatives may be conducted in a closed meeting.

936 15. Discussion by the Governor and any economic advisory board reviewing forecasts of economic  
937 activity and estimating general and nongeneral fund revenues.

938 16. Discussion or consideration of medical and mental health records subject to the exclusion in  
939 subdivision 1 of § 2.2-3705.5.

940 17. Deliberations of the Virginia Lottery Board in a licensing appeal action conducted pursuant to  
941 subsection D of § 58.1-4007 regarding the denial or revocation of a license of a lottery sales agent; and  
942 discussion, consideration or review of Virginia Lottery matters related to proprietary lottery game  
943 information and studies or investigations excluded from disclosure under subdivision 6 of § 2.2-3705.3 and  
944 subdivision 11 of § 2.2-3705.7.

945 18. Those portions of meetings in which the State Board of Local and Regional Jails discusses or discloses  
946 the identity of, or information tending to identify, any prisoner who (i) provides information about crimes or  
947 criminal activities, (ii) renders assistance in preventing the escape of another prisoner or in the apprehension  
948 of an escaped prisoner, or (iii) voluntarily or at the instance of a prison official renders other extraordinary  
949 services, the disclosure of which is likely to jeopardize the prisoner's life or safety.

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

958 20. Discussion by the Board of the Virginia Retirement System, acting pursuant to § 51.1-124.30, or of  
959 any local retirement system, acting pursuant to § 51.1-803, or by a local finance board or board of trustees of  
960 a trust established by one or more local public bodies to invest funds for postemployment benefits other than  
961 pensions, acting pursuant to Article 8 (§ 15.2-1544 et seq.) of Chapter 15 of Title 15.2, or by the board of  
962 visitors of the University of Virginia, acting pursuant to § 23.1-2210, or by the Board of the Commonwealth  
963 Savers Plan, acting pursuant to § 23.1-706, regarding the acquisition, holding or disposition of a security or  
964 other ownership interest in an entity, where such security or ownership interest is not traded on a  
965 governmentally regulated securities exchange, to the extent that such discussion (i) concerns confidential  
966 analyses prepared for the board of visitors of the University of Virginia, prepared by the retirement system, or  
967 a local finance board or board of trustees, or the Commonwealth Savers Plan or provided to the retirement  
968 system, a local finance board or board of trustees, or the Commonwealth Savers Plan under a promise of  
969 confidentiality, of the future value of such ownership interest or the future financial performance of the  
970 entity, and (ii) would have an adverse effect on the value of the investment to be acquired, held, or disposed  
971 of by the retirement system, a local finance board or board of trustees, the board of visitors of the University  
972 of Virginia, or the Commonwealth Savers Plan. Nothing in this subdivision shall be construed to prevent the  
973 disclosure of information relating to the identity of any investment held, the amount invested or the present  
974 value of such investment.

975 21. Those portions of meetings in which individual child death cases are discussed by the State Child  
976 Fatality Review Team established pursuant to § 32.1-283.1, those portions of meetings in which individual  
977 child death cases are discussed by a regional or local child fatality review team established pursuant to  
978 § 32.1-283.2, those portions of meetings in which individual death cases are discussed by family violence  
979 fatality review teams established pursuant to § 32.1-283.3, those portions of meetings in which individual  
980 adult death cases are discussed by the state Adult Fatality Review Team established pursuant to § 32.1-283.5,  
981 those portions of meetings in which individual adult death cases are discussed by a local or regional adult  
982 fatality review team established pursuant to § 32.1-283.6, those portions of meetings in which individual  
983 death cases are discussed by overdose fatality review teams established pursuant to § 32.1-283.7, those

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

988 22. Those portions of meetings of the board of visitors of the University of Virginia or Old Dominion  
 989 University, as the case may be, and those portions of meetings of any persons to whom management  
 990 responsibilities for the University of Virginia Medical Center or the Eastern Virginia Health Sciences Center  
 991 at Old Dominion University, as the case may be, have been delegated, in which there is discussed proprietary,  
 992 business-related information pertaining to the operations of the University of Virginia Medical Center or the  
 993 Eastern Virginia Health Sciences Center at Old Dominion University, as the case may be, including business  
 994 development or marketing strategies and activities with existing or future joint venturers, partners, or other  
 995 parties with whom the University of Virginia Medical Center or the Eastern Virginia Health Sciences Center  
 996 at Old Dominion University, as the case may be, has formed, or forms, any arrangement for the delivery of  
 997 health care, if disclosure of such information would adversely affect the competitive position of the  
 998 University of Virginia Medical Center or the Eastern Virginia Health Sciences Center at Old Dominion  
 999 University, as the case may be.

1000 23. Discussion or consideration by the Virginia Commonwealth University Health System Authority or  
 1001 the board of visitors of Virginia Commonwealth University of any of the following: the acquisition or  
 1002 disposition by the Authority of real property, equipment, or technology software or hardware and related  
 1003 goods or services, where disclosure would adversely affect the bargaining position or negotiating strategy of  
 1004 the Authority; matters relating to gifts or bequests to, and fund-raising activities of, the Authority; grants and  
 1005 contracts for services or work to be performed by the Authority; marketing or operational strategies plans of  
 1006 the Authority where disclosure of such strategies or plans would adversely affect the competitive position of  
 1007 the Authority; and members of the Authority's medical and teaching staffs and qualifications for  
 1008 appointments thereto.

1009 24. Those portions of the meetings of the Health Practitioners' Monitoring Program Committee within the  
 1010 Department of Health Professions to the extent such discussions identify any practitioner who may be, or who  
 1011 actually is, impaired pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1.

1012 25. Meetings or portions of meetings of the Board of the Commonwealth Savers Plan wherein personal  
 1013 information, as defined in § 2.2-3801, which has been provided to the Board or its employees by or on behalf  
 1014 of individuals who have requested information about, applied for, or entered into prepaid tuition contracts or  
 1015 savings trust account agreements pursuant to Chapter 7 (§ 23.1-700 et seq.) of Title 23.1 is discussed.

1016 26. Discussion or consideration, by the former Wireless Carrier E-911 Cost Recovery Subcommittee  
 1017 created pursuant to former § 56-484.15, of trade secrets submitted by CMRS providers, as defined in  
 1018 § 56-484.12, related to the provision of wireless E-911 service.

1019 27. Those portions of disciplinary proceedings by any regulatory board within the Department of  
 1020 Professional and Occupational Regulation, Department of Health Professions, or the Board of Accountancy  
 1021 conducted pursuant to § 2.2-4019 or 2.2-4020 during which the board deliberates to reach a decision or  
 1022 meetings of health regulatory boards or conference committees of such boards to consider settlement  
 1023 proposals in pending disciplinary actions or modifications to previously issued board orders as requested by  
 1024 either of the parties.

1025 28. Discussion or consideration of information subject to the exclusion in subdivision 11 of § 2.2-3705.6  
 1026 by a responsible public entity or an affected locality or public entity, as those terms are defined in  
 1027 § 33.2-1800, or any independent review panel appointed to review information and advise the responsible  
 1028 public entity concerning such records.

1029 29. Discussion of the award of a public contract involving the expenditure of public funds, including  
 1030 interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in  
 1031 an open session would adversely affect the bargaining position or negotiating strategy of the public body.

1032 30. Discussion or consideration of grant or loan application information subject to the exclusion in  
 1033 subdivision 17 of § 2.2-3705.6 by the Commonwealth Health Research Board.

1034 31. Discussion or consideration by the Commitment Review Committee of information subject to the  
 1035 exclusion in subdivision 5 of § 2.2-3705.2 relating to individuals subject to commitment as sexually violent  
 1036 predators under Chapter 9 (§ 37.2-900 et seq.) of Title 37.2.

1037 32. Discussion or consideration of confidential proprietary information and trade secrets developed and  
 1038 held by a local public body providing certain telecommunication services or cable television services and  
 1039 subject to the exclusion in subdivision 18 of § 2.2-3705.6. However, the exemption provided by this  
 1040 subdivision shall not apply to any authority created pursuant to the BVU Authority Act (§ 15.2-7200 et seq.).

1041 33. Discussion or consideration by a local authority created in accordance with the Virginia Wireless  
 1042 Service Authorities Act (§ 15.2-5431.1 et seq.) of confidential proprietary information and trade secrets  
 1043 subject to the exclusion in subdivision 19 of § 2.2-3705.6.

1044 34. Discussion or consideration by the State Board of Elections or local electoral boards of voting security  
 1045 matters made confidential pursuant to § 24.2-410.2 or 24.2-625.1 and review by the State Board of Elections

- 1046 of complaints related to the personal use of campaign funds pursuant to § 24.2-948.7.
- 1047 35. Discussion or consideration by the Forensic Science Board or the Scientific Advisory Committee  
1048 created pursuant to Article 2 (§ 9.1-1109 et seq.) of Chapter 11 of Title 9.1 of criminal investigative files.
- 1049 36. Discussion or consideration by the Brown v. Board of Education Scholarship Committee of  
1050 information or confidential matters subject to the exclusion in subdivision A 3 of § 2.2-3705.4, and meetings  
1051 of the Committee to deliberate concerning the annual maximum scholarship award, review and consider  
1052 scholarship applications and requests for scholarship award renewal, and cancel, rescind, or recover  
1053 scholarship awards.
- 1054 37. Discussion or consideration by the Virginia Port Authority of information subject to the exclusion in  
1055 subdivision 1 of § 2.2-3705.6 related to certain proprietary information gathered by or for the Virginia Port  
1056 Authority.
- 1057 38. Discussion or consideration by the Board of Trustees of the Virginia Retirement System acting  
1058 pursuant to § 51.1-124.30, by the Investment Advisory Committee appointed pursuant to § 51.1-124.26, by  
1059 any local retirement system, acting pursuant to § 51.1-803, by the Board of the Commonwealth Savers Plan  
1060 acting pursuant to § 23.1-706, or by the Commonwealth Savers Plan's Investment Advisory Committee  
1061 appointed pursuant to § 23.1-702 of information subject to the exclusion in subdivision 24 of § 2.2-3705.7.
- 1062 39. Discussion or consideration of information subject to the exclusion in subdivision 3 of § 2.2-3705.6  
1063 related to economic development.
- 1064 40. Discussion or consideration by the Board of Education of information relating to the denial,  
1065 suspension, or revocation of teacher licenses subject to the exclusion in subdivision 11 of § 2.2-3705.3.
- 1066 41. Those portions of meetings of the Virginia Military Advisory Council or any commission created by  
1067 executive order for the purpose of studying and making recommendations regarding preventing closure or  
1068 realignment of federal military and national security installations and facilities located in Virginia and  
1069 relocation of such facilities to Virginia, or a local or regional military affairs organization appointed by a  
1070 local governing body, during which there is discussion of information subject to the exclusion in subdivision  
1071 8 of § 2.2-3705.2.
- 1072 42. Discussion or consideration by the Board of Trustees of the Veterans Services Foundation of  
1073 information subject to the exclusion in subdivision 28 of § 2.2-3705.7 related to personally identifiable  
1074 information of donors.
- 1075 43. Discussion or consideration by the Virginia Tobacco Region Revitalization Commission of  
1076 information subject to the exclusion in subdivision 23 of § 2.2-3705.6 related to certain information contained  
1077 in grant applications.
- 1078 44. Discussion or consideration by the board of directors of the Commercial Space Flight Authority of  
1079 information subject to the exclusion in subdivision 24 of § 2.2-3705.6 related to rate structures or charges for  
1080 the use of projects of, the sale of products of, or services rendered by the Authority and certain proprietary  
1081 information of a private entity provided to the Authority.
- 1082 45. Discussion or consideration of personal and proprietary information related to the resource  
1083 management plan program and subject to the exclusion in (i) subdivision 25 of § 2.2-3705.6 or (ii) subsection  
1084 E of § 10.1-104.7. This exclusion shall not apply to the discussion or consideration of records that contain  
1085 information that has been certified for release by the person who is the subject of the information or  
1086 transformed into a statistical or aggregate form that does not allow identification of the person who supplied,  
1087 or is the subject of, the information.
- 1088 46. Discussion or consideration by the Board of Directors of the Virginia Alcoholic Beverage Control  
1089 Authority or the Board of Directors of the Virginia Cannabis Control Authority of information subject to the  
1090 exclusion in subdivision 1 of § 2.2-3705.3 related to investigations of applicants for licenses and permits and  
1091 of licensees and permittees.
- 1092 47. Discussion or consideration of grant, loan, or investment application records subject to the exclusion  
1093 in subdivision 28 of § 2.2-3705.6 for a grant, loan, or investment pursuant to Article 11 (§ 2.2-2351 et seq.)  
1094 of Chapter 22.
- 1095 48. Discussion or development of grant proposals by a regional council established pursuant to Article 26  
1096 (§ 2.2-2484 et seq.) of Chapter 24 to be submitted for consideration to the Virginia Growth and Opportunity  
1097 Board.
- 1098 49. Discussion or consideration of (i) individual sexual assault cases by a sexual assault response team  
1099 established pursuant to § 15.2-1627.4, (ii) individual child abuse or neglect cases or sex offenses involving a  
1100 child by a child sexual abuse response team established pursuant to § 15.2-1627.5, (iii) individual cases  
1101 involving abuse, neglect, or exploitation of adults as defined in § 63.2-1603 pursuant to §§ 15.2-1627.5 and  
1102 63.2-1605, or (iv) individual human trafficking cases by any human trafficking response team established  
1103 pursuant to § 15.2-1627.6.
- 1104 50. Discussion or consideration by the Board of the Virginia Economic Development Partnership  
1105 Authority, the Joint Legislative Audit and Review Commission, or any subcommittees thereof, of the portions  
1106 of the strategic plan, marketing plan, or operational plan exempt from disclosure pursuant to subdivision 33  
1107 of § 2.2-3705.7.

1108 51. Those portions of meetings of the subcommittee of the Board of the Virginia Economic Development  
 1109 Partnership Authority established pursuant to subsection F of § 2.2-2237.3 to review and discuss information  
 1110 received from the Virginia Employment Commission pursuant to subdivision C 2 of § 60.2-114 and the  
 1111 Department of Workforce Development and Advancement pursuant to subsection B of § 2.2-2040.

1112 52. Discussion or consideration by the Commonwealth of Virginia Innovation Partnership Authority (the  
 1113 Authority), an advisory committee of the Authority, or any other entity designated by the Authority, of  
 1114 information subject to the exclusion in subdivision 35 of § 2.2-3705.7.

1115 53. Deliberations of the Virginia Lottery Board conducted pursuant to § 58.1-4105 regarding the denial or  
 1116 revocation of a license of a casino gaming operator, or the refusal to issue, suspension of, or revocation of  
 1117 any license or permit related to casino gaming, and discussion, consideration, or review of matters related to  
 1118 investigations excluded from mandatory disclosure under subdivision 1 of § 2.2-3705.3.

1119 54. Deliberations of the Virginia Lottery Board in an appeal conducted pursuant to § 58.1-4007 regarding  
 1120 the denial of, revocation of, suspension of, or refusal to renew any license or permit related to sports betting  
 1121 and any discussion, consideration, or review of matters related to investigations excluded from mandatory  
 1122 disclosure under subdivision 1 of § 2.2-3705.3.

1123 55. Meetings or portions of meetings of the Board of Criminal Justice Services or the Department of  
 1124 Criminal Justice Services concerning the decertification of an identifiable law-enforcement or jail officer.

1125 B. No resolution, ordinance, rule, contract, regulation or motion adopted, passed or agreed to in a closed  
 1126 meeting shall become effective unless the public body, following the meeting, reconvenes in open meeting  
 1127 and takes a vote of the membership on such resolution, ordinance, rule, contract, regulation, or motion that  
 1128 shall have its substance reasonably identified in the open meeting.

1129 C. Public officers improperly selected due to the failure of the public body to comply with the other  
 1130 provisions of this section shall be de facto officers and, as such, their official actions are valid until they  
 1131 obtain notice of the legal defect in their election.

1132 D. Nothing in this section shall be construed to prevent the holding of conferences between two or more  
 1133 public bodies, or their representatives, but these conferences shall be subject to the same procedures for  
 1134 holding closed meetings as are applicable to any other public body.

1135 E. This section shall not be construed to (i) require the disclosure of any contract between the Department  
 1136 of Health Professions and an impaired practitioner entered into pursuant to Chapter 25.1 (§ 54.1-2515 et seq.)  
 1137 of Title 54.1 or (ii) require the board of directors of any authority created pursuant to the Industrial  
 1138 Development and Revenue Bond Act (§ 15.2-4900 et seq.), or any public body empowered to issue industrial  
 1139 revenue bonds by general or special law, to identify a business or industry to which subdivision A 5 applies.  
 1140 However, such business or industry shall be identified as a matter of public record at least 30 days prior to the  
 1141 actual date of the board's authorization of the sale or issuance of such bonds.

1142 **§ 2.2-3802. Systems to which chapter inapplicable.**

1143 The provisions of this chapter shall not apply to personal information systems:

1144 1. Maintained by any court of the Commonwealth;

1145 2. Which may exist in publications of general circulation;

1146 3. Contained in the Criminal Justice Information System as defined in §§ 9.1-126 through 9.1-137 or in  
 1147 the Sex Offender and Crimes Against Minors Registry maintained by the Department of State Police pursuant  
 1148 to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, except to the extent that information is required to be posted on  
 1149 the Internet pursuant to § 9.1-913;

1150 4. Contained in the Virginia Juvenile Justice Information System as defined in §§ 16.1-222 through  
 1151 16.1-225;

1152 5. Maintained by agencies concerning persons required by law to be licensed in the Commonwealth to  
 1153 engage in the practice of any profession, in which case the names and addresses of persons applying for or  
 1154 possessing the license may be disseminated upon written request to a person engaged in the profession or  
 1155 business of offering professional educational materials or courses for the sole purpose of providing the  
 1156 licensees or applicants for licenses with informational materials relating solely to available professional  
 1157 educational materials or courses, provided the disseminating agency is reasonably assured that the use of the  
 1158 information will be so limited;

1159 6. Maintained by the Parole Board, the Crime Commission, the Judicial Inquiry and Review Commission,  
 1160 the Virginia Racing Commission, the Virginia Criminal Sentencing Commission, and the Virginia Alcoholic  
 1161 Beverage Control Authority, and the Virginia Cannabis Control Authority;

1162 7. Maintained by any of the following and that deal with investigations and intelligence gathering related  
 1163 to criminal activity:

1164 a. The Department of State Police;

1165 b. The police department of the Chesapeake Bay Bridge and Tunnel Commission;

1166 c. Police departments of cities, counties, and towns;

1167 d. Sheriff's departments of counties and cities;

1168 e. Campus police departments of public institutions of higher education as established by Article 3  
 1169 (§ 23.1-809 et seq.) of Chapter 8 of Title 23.1; and

1170 f. The Division of Capitol Police.

1171 8. Maintained by local departments of social services regarding alleged cases of child abuse or neglect  
1172 while such cases are also subject to an ongoing criminal prosecution;

1173 9. Maintained by the Virginia Port Authority as provided in § 62.1-132.4 or 62.1-134.1;

1174 10. Maintained by the Virginia Tourism Authority in connection with or as a result of the promotion of  
1175 travel or tourism in the Commonwealth, in which case names and addresses of persons requesting  
1176 information on those subjects may be disseminated upon written request to a person engaged in the business  
1177 of providing travel services or distributing travel information, provided the Virginia Tourism Authority is  
1178 reasonably assured that the use of the information will be so limited;

1179 11. Maintained by the Division of Consolidated Laboratory Services of the Department of General  
1180 Services and the Department of Forensic Science, which deal with scientific investigations relating to  
1181 criminal activity or suspected criminal activity, except to the extent that § 9.1-1104 may apply;

1182 12. Maintained by the Department of Corrections or the Office of the State Inspector General that deal  
1183 with investigations and intelligence gathering by persons acting under the provisions of Chapter 3.2  
1184 (§ 2.2-307 et seq.);

1185 13. Maintained by (i) the Office of the State Inspector General or internal audit departments of state  
1186 agencies or institutions that deal with communications and investigations relating to the Fraud, Waste and  
1187 Abuse Hotline or (ii) an auditor appointed by the local governing body of any county, city, or town or a  
1188 school board that deals with local investigations required by § 15.2-2511.2;

1189 14. Maintained by the Department of Social Services or any local department of social services relating to  
1190 public assistance fraud investigations;

1191 15. Maintained by the Department of Social Services related to child welfare or public assistance  
1192 programs when requests for personal information are made to the Department of Social Services. Requests  
1193 for information from these systems shall be made to the appropriate local department of social services that is  
1194 the custodian of that record. Notwithstanding the language in this section, an individual shall not be  
1195 prohibited from obtaining information from the central registry in accordance with the provisions of  
1196 § 63.2-1515; and

1197 16. Maintained by the Department for Aging and Rehabilitative Services related to adult services, adult  
1198 protective services, or auxiliary grants when requests for personal information are made to the Department for  
1199 Aging and Rehabilitative Services. Requests for information from these systems shall be made to the  
1200 appropriate local department of social services that is the custodian of that record.

1201 **§ 2.2-4024. Hearing officers.**

1202 A. In all formal hearings conducted in accordance with § 2.2-4020, the hearing shall be presided over by a  
1203 hearing officer selected from a list prepared by the Executive Secretary of the Supreme Court and maintained  
1204 in the Office of the Executive Secretary of the Supreme Court. Parties to informal fact-finding proceedings  
1205 conducted pursuant to § 2.2-4019 may agree at the outset of the proceeding to have a hearing officer preside  
1206 at the proceeding, such agreement to be revoked only by mutual consent. The Executive Secretary may  
1207 promulgate rules necessary for the administration of the hearing officer system and shall have the authority to  
1208 establish the number of hearing officers necessary to preside over administrative hearings in the  
1209 Commonwealth.

1210 Prior to being included on the list, all hearing officers shall meet the following minimum standards:

1211 1. Active membership in good standing in the Virginia State Bar;

1212 2. Active practice of law for at least five years; and

1213 3. Completion of a course of training approved by the Executive Secretary of the Supreme Court. In order  
1214 to comply with the demonstrated requirements of the agency requesting a hearing officer, the Executive  
1215 Secretary may require additional training before a hearing officer shall be assigned to a proceeding before  
1216 that agency.

1217 B. On request from the head of an agency, the Executive Secretary shall name a hearing officer from the  
1218 list, selected on a rotation system administered by the Executive Secretary. Lists reflecting geographic  
1219 preference and specialized training or knowledge shall be maintained by the Executive Secretary if an agency  
1220 demonstrates the need.

1221 C. A hearing officer appointed in accordance with this section shall be subject to disqualification as  
1222 provided in § 2.2-4024.1. If the hearing officer denies a petition for disqualification pursuant to § 2.2-4024.1,  
1223 the petitioning party may request reconsideration of the denial by filing a written request with the Executive  
1224 Secretary along with an affidavit, prior to the taking of evidence at a hearing, stating with particularity the  
1225 grounds upon which it is claimed that a fair and impartial hearing cannot be accorded, or the applicable rule  
1226 of practice requiring disqualification.

1227 The issue shall be determined not less than 10 days prior to the hearing by the Executive Secretary.

1228 D. Any hearing officer empowered by the agency to provide a recommendation or conclusion in a case  
1229 decision matter shall render that recommendation or conclusion as follows:

1230 1. If the agency's written regulations or procedures require the hearing officer to render a recommendation  
1231 or conclusion within a specified time period, the hearing officer shall render the recommendation or

1232 conclusion on or before the expiration of the specified period; and  
1233 2. In all other cases, the hearing officer shall render the recommendation or conclusion within 90 days  
1234 from the date of the case decision proceeding or from a later date agreed to by the named party and the  
1235 agency.

1236 If the hearing officer does not render a decision within the time required by this subsection, then the  
1237 agency or the named party to the case decision may provide written notice to the hearing officer and the  
1238 Executive Secretary of the Supreme Court that a decision is due. If no decision is made within 30 days from  
1239 receipt by the hearing officer of the notice, then the Executive Secretary of the Supreme Court shall remove  
1240 the hearing officer from the hearing officer list and report the hearing officer to the Virginia State Bar for  
1241 possible disciplinary action, unless good cause is shown for the delay.

1242 E. The Executive Secretary shall remove hearing officers from the list, upon a showing of cause after  
1243 written notice and an opportunity for a hearing. When there is a failure by a hearing officer to render a  
1244 decision as required by subsection D, the burden shall be on the hearing officer to show good cause for the  
1245 delay. Decisions to remove a hearing officer may be reviewed by a request to the Executive Secretary for  
1246 reconsideration, followed by judicial review in accordance with this chapter.

1247 F. This section shall not apply to hearings conducted by (i) any commission or board where all of the  
1248 members, or a quorum, are present; (ii) the Virginia Alcoholic Beverage Control Authority, *the Virginia*  
1249 *Cannabis Control Authority*, the Virginia Workers' Compensation Commission, the State Corporation  
1250 Commission, the Virginia Employment Commission, the Department of Motor Vehicles under Title 46.2  
1251 (§ 46.2-100 et seq.), § 58.1-2409, or Chapter 27 (§ 58.1-2700 et seq.) of Title 58.1, or the Motor Vehicle  
1252 Dealer Board under Chapter 15 (§ 46.2-1500 et seq.) of Title 46.2; or (iii) any panel of a health regulatory  
1253 board convened pursuant to § 54.1-2400, including any panel having members of a relevant advisory board to  
1254 the Board of Medicine. All employees hired after July 1, 1986, pursuant to §§ 65.2-201 and 65.2-203 by the  
1255 Virginia Workers' Compensation Commission to conduct hearings pursuant to its basic laws shall meet the  
1256 minimum qualifications set forth in subsection A. Agency employees who are not licensed to practice law in  
1257 the Commonwealth, and are presiding as hearing officers in proceedings pursuant to clause (ii) shall  
1258 participate in periodic training courses.

1259 G. Notwithstanding the exemptions of subsection A of § 2.2-4002, this article shall apply to hearing  
1260 officers conducting hearings of the kind described in § 2.2-4020 for the Department of Wildlife Resources,  
1261 the Virginia Housing Development Authority, the Milk Commission, and the Virginia Resources Authority  
1262 pursuant to their basic laws.

1263 STATE AND TRIBAL RELATIONS.

1264 CHAPTER 61.

1265 GENERAL PROVISIONS.

1266 § 2.2-6100. Governor compacts with tribal government; marijuana; requirements.

1267 A. For the purpose of this section:

1268 "Marijuana" means the same as that term is defined in § 4.1-600.

1269 "Marijuana establishment" means the same as that term is defined in § 4.1-600.

1270 "Marijuana industry" means every item, product, person, process, action, business, or other thing or  
1271 activity related to marijuana or marijuana products and subject to regulation under the law of a Virginia  
1272 Tribal government or under a compact entered into under this section.

1273 "Marijuana products" means the same as that term is defined in § 4.1-600.

1274 "Tribal marijuana business" means a marijuana cultivation facility, microbusiness, delivery operator,  
1275 testing facility, processing facility, transporter, or retail marijuana store licensed by a Virginia Tribal  
1276 government, as well as any other marijuana-related business that may be provided or licensed under the laws  
1277 of a Virginia Tribal government.

1278 "Tribally regulated land" means (i) all land held in trust by the United States for the benefit of a Virginia  
1279 Tribal government, also known as trust land, and (ii) all land held by a Virginia Tribal government in  
1280 restricted fee status.

1281 "Virginia Tribal government" means the following federally recognized Indian Tribes located in the  
1282 Commonwealth:

- 1283 1. Chickahominy Indian Tribe;
- 1284 2. Chickahominy Indian Tribe-Eastern Division;
- 1285 3. Monacan Indian Nation;
- 1286 4. Nansemond Indian Nation;
- 1287 5. Pamunkey Indian Tribe;
- 1288 6. Rappahannock Indian Tribe;
- 1289 7. Upper Mattaponi Tribe.

1290 B. The Commonwealth acknowledges the sovereign right of Virginia Tribal governments to regulate the  
1291 marijuana industry and address other matters of marijuana regulation related to the internal affairs of  
1292 Virginia Tribal governments or otherwise on Tribally regulated land, without regard to whether such  
1293 Virginia Tribal government has entered into a compact authorized by this section. The Governor or his

1294 *designee shall negotiate in good faith and has the authority to execute and bind the Commonwealth to a*  
 1295 *compact with any Virginia Tribal government wishing to enter into such compact regulating marijuana and*  
 1296 *marijuana products.*

1297 *C. A compact agreed to under this section may address any issues related to the marijuana industry that*  
 1298 *affect the interests of both the Commonwealth and Virginia Tribal governments or otherwise have an impact*  
 1299 *on Tribal-state relations. Indian tribes are not required to enter into compacts pursuant to this section in*  
 1300 *order to (i) regulate the marijuana industry or engage in marijuana businesses or activities on Tribally*  
 1301 *regulated lands or (ii) participate as a licensee in the Commonwealth's legal marijuana market.*

1302 *D. The Commonwealth shall not, as a condition for entering into a compact under this section:*

1303 *1. Require any Virginia Tribal government to waive any right, privilege, or immunity based on their status*  
 1304 *as independent sovereigns;*

1305 *2. Require that any revenue generated by a Tribal marijuana business be subject to any license or*  
 1306 *privilege tax imposed by a locality pursuant to Chapter 37 (§ 58.1-3700 et seq.) of Title 58.1 or any taxes*  
 1307 *authorized pursuant to § 4.1-1004;*

1308 *3. Require any taxes collected by Virginia Tribal governments to be shared in any manner with the*  
 1309 *Commonwealth or any political subdivisions thereof;*

1310 *4. Require a Virginia Tribal government to consent to state licensing of marijuana businesses on the*  
 1311 *Tribally regulated land;*

1312 *5. Require any Virginia Tribal government or Tribal marijuana business to comply with specific state law*  
 1313 *or regulations on Tribally regulated land; or*

1314 *6. Impose or attempt to impose or require or attempt to require any Virginia Tribal government to impose*  
 1315 *any taxes, fees, assessments, and other charges related to the cultivation, processing, sale, purchase,*  
 1316 *transportation, delivery, or possession of marijuana or marijuana products on Virginia Tribal governments*  
 1317 *or their members on Tribally regulated land.*

1318 *E. Compacts agreed to under this section may allow an exemption from any otherwise applicable tax for*  
 1319 *(i) sales to a Virginia Tribal government, a Tribal marijuana business, or Tribal members of marijuana or*  
 1320 *marijuana products cultivated or processed as provided for in such compacts or (ii) activities of Tribal*  
 1321 *marijuana businesses.*

1322 *F. Without limiting any immunity or exemption that may apply under federal law, the following acts, when*  
 1323 *performed by a Tribal marijuana business or an employee in the course of their employment for a Tribal*  
 1324 *marijuana business, pursuant to a compact entered into pursuant to this section, do not constitute a criminal*  
 1325 *or civil offense under state law:*

1326 *1. The cultivation of marijuana and the processing of marijuana or marijuana products;*

1327 *2. The possession, purchase, and receipt of marijuana or marijuana products that are properly tested,*  
 1328 *packaged, and labeled as authorized under a compact entered into pursuant to this section or the sale,*  
 1329 *delivery, transport, or distribution of such marijuana or marijuana products to a licensed marijuana*  
 1330 *establishment; and*

1331 *3. The delivery, distribution, or sale of marijuana or marijuana products as authorized under a compact*  
 1332 *entered into pursuant to this section and that takes place on, or originates from, the premises of a Tribal*  
 1333 *marijuana business on Tribally regulated land, to any person 21 years of age or older.*

1334 *G. The following acts, when performed by a patron of a Tribal marijuana business, do not constitute a*  
 1335 *criminal or civil offense under state law: the purchase, possession, or receipt of marijuana or marijuana*  
 1336 *products by a person 21 years of age or older as authorized under a compact entered into pursuant to this*  
 1337 *section.*

1338 *H. Without limiting any immunity or exemption that may apply under federal law, actions by a Tribal*  
 1339 *marijuana business or a Tribal member, employee, or agent of a Virginia Tribal government or Tribal*  
 1340 *marijuana business on Tribally regulated land pursuant to Tribal laws governing marijuana, or a compact*  
 1341 *entered into under this section, do not constitute a criminal or civil offense under state law.*

1342 *I. The following acts, when performed by a licensed marijuana establishment or an employee of such*  
 1343 *licensed marijuana establishment, and which would be permitted pursuant to the Cannabis Control Act*  
 1344 *(§ 4.1-600 et seq.) if undertaken with another licensed marijuana establishment, shall be permitted when*  
 1345 *undertaken with a Tribal marijuana business and do not constitute a criminal or civil offense under state law:*  
 1346 *the possession, purchase, wholesale and retail sale, delivery, transport, distribution, and receipt of marijuana*  
 1347 *or marijuana products that are properly tested, packaged, and labeled as authorized under a compact*  
 1348 *entered into pursuant to this section.*

1349 *J. Without limiting any immunity or exemption that may apply under federal law, the following acts, when*  
 1350 *performed by a Virginia Tribal government, a Tribal marijuana business, or an employee of such Tribal*  
 1351 *government or Tribal marijuana business, regardless of whether the Virginia Tribal government issuing such*  
 1352 *license has entered into a compact with the Commonwealth under this section, do not constitute a criminal or*  
 1353 *civil offense under state law: purchase, sale, receipt, or delivery, including delivery that involves transit*  
 1354 *through the Commonwealth outside a reservation, of marijuana or marijuana products from or to another*  
 1355 *Virginia Tribal government or Tribal marijuana business.*

1356 *K. Notwithstanding any other provision of law, a marijuana testing facility, as defined in § 4.1-600, may*  
 1357 *provide testing services to a Tribal marijuana business and the possession or transport of marijuana or*  
 1358 *marijuana products for such purpose by a Tribal marijuana business shall not constitute a criminal or civil*  
 1359 *offense under state law.*

1360 *L. The Governor shall post any compact entered into pursuant this section on a publicly accessible*  
 1361 *website.*

1362 **§ 3.2-4112. Definitions.**

1363 As used in this chapter, unless the context requires a different meaning:

1364 "Cannabis sativa product" means a product made from any part of the plant Cannabis sativa with a  
 1365 concentration of tetrahydrocannabinol that is greater than that allowed by federal law.

1366 "Edible hemp product" means any hemp product that is or includes an industrial hemp extract, as defined  
 1367 in § 3.2-5145.1, and that is intended to be consumed orally.

1368 "Federally licensed hemp producer" means a person who holds a hemp producer license issued by the  
 1369 U.S. Department of Agriculture pursuant to 7 C.F.R. Part 990.

1370 "Grow" means to plant, cultivate, or harvest a plant or crop.

1371 "Grower" means any person registered pursuant to subsection A of § 3.2-4115 to grow industrial hemp.

1372 "Handle" means to temporarily possess industrial hemp grown in compliance with state or federal law that  
 1373 (i) has not been processed and (ii) was not grown by and will not be processed by the person temporarily  
 1374 possessing it.

1375 "Handler" means any person who is registered pursuant to subsection A of § 3.2-4115 to handle industrial  
 1376 hemp. "Handler" does not include a retail establishment that sells or offers for sale a hemp product.

1377 "Handler's storage site" means the location at which a handler stores or intends to store the industrial  
 1378 hemp he handles.

1379 "Hemp product" means a product, including any raw materials from industrial hemp that are used for or  
 1380 added to a food or beverage, that (i) contains industrial hemp and has completed all stages of processing  
 1381 needed for the product and (ii) when offered for retail sale (a) contains a total tetrahydrocannabinol  
 1382 concentration of no greater than 0.3 percent and (b) contains either no more than two milligrams of total  
 1383 tetrahydrocannabinol per package or an amount of cannabidiol that is no less than 25 times greater than the  
 1384 amount of total tetrahydrocannabinol per package the same as that term is defined in § 4.1-600.

1385 "Hemp product intended for smoking" means any hemp product intended to be consumed by inhalation.

1386 "Industrial hemp" means any part of the plant Cannabis sativa, including seeds thereof, whether growing  
 1387 or not, with a concentration of tetrahydrocannabinol that is no greater than that allowed by federal law.

1388 "Industrial hemp" includes an industrial hemp extract that has not completed all stages of processing needed  
 1389 to convert the extract into a hemp product.

1390 "Process" means to convert industrial hemp into a hemp product.

1391 "Processor" means a person registered pursuant to subsection A of § 3.2-4115 to process industrial hemp.

1392 "Process site" means the location at which a processor processes or intends to process industrial hemp.

1393 "Production field" means the land or area on which a grower or a federally licensed hemp producer is  
 1394 growing or intends to grow industrial hemp.

1395 "Regulated hemp product" means a hemp product intended for smoking or an edible hemp product.

1396 "Tetrahydrocannabinol" means any naturally occurring or synthetic tetrahydrocannabinol, including its  
 1397 salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is  
 1398 possible within the specific chemical designation and any preparation, mixture, or substance containing, or  
 1399 mixed or infused with, any detectable amount of tetrahydrocannabinol. For the purposes of this definition,  
 1400 "isomer" means the optical, position, and geometric isomers the same as that term is defined in § 4.1-600.

1401 "Topical hemp product" means a hemp product that (i) is intended to be rubbed, poured, sprinkled, or  
 1402 sprayed on or otherwise applied to the human body or any part thereof and (ii) is not intended to be consumed  
 1403 orally or by inhalation.

1404 "Total tetrahydrocannabinol" means the sum, after the application of any necessary conversion factor, of  
 1405 the percentage by weight of tetrahydrocannabinol and the percentage by weight of tetrahydrocannabinolic  
 1406 acid the same as that term is defined in § 4.1-600.

1407 **§ 3.2-4113. Production of industrial hemp lawful.**

1408 A. It is lawful for a grower, his agent, or a federally licensed hemp producer to grow, a handler or his  
 1409 agent to handle, or a processor or his agent to process industrial hemp in the Commonwealth for any lawful  
 1410 purpose. No federally licensed hemp producer or grower or his agent shall be prosecuted under Chapter 11  
 1411 (§ 4.1-1100 et seq.) of Title 4.1 or § ~~18.2-247~~, 18.2-248, 18.2-248.01, ~~18.2-248.1~~, or 18.2-250 for the  
 1412 possession or growing of industrial hemp or any Cannabis sativa with a tetrahydrocannabinol concentration  
 1413 that does not exceed the total tetrahydrocannabinol concentration percentage established in federal  
 1414 regulations applicable to negligent violations located at 7 C.F.R. § 990.6(b)(3). No handler or his agent or  
 1415 processor or his agent shall be prosecuted under Chapter 11 (§ 4.1-1100 et seq.) of Title 4.1 or § ~~18.2-247~~,  
 1416 18.2-248, 18.2-248.01, ~~18.2-248.1~~, or 18.2-250 or issued a summons or judgment for the possession,  
 1417 handling, or processing of industrial hemp. In any complaint, information, or indictment, and in any action or

1418 proceeding brought for the enforcement of any provision of *Chapter 11 (§ 4.1-1100 et seq.) of Title 4.1,*  
 1419 *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  
 1420 not be necessary to negate any exception, excuse, proviso, or exemption contained in this article or the Drug  
 1421 Control Act, and the burden of proof of any such exception, excuse, proviso, or exemption shall be on the  
 1422 defendant.

1423 B. Nothing in this article shall be construed to authorize any person to violate any federal law or  
 1424 regulation.

1425 C. No person shall be prosecuted under Chapter 11 (§ 4.1-1100 et seq.) of Title 4.1 or § ~~18.2-247,~~  
 1426 ~~18.2-248, 18.2-248.01, 18.2-248.1,~~ or 18.2-250 for the involuntary growth of industrial hemp through the  
 1427 inadvertent natural spread of seeds or pollen as a result of proximity to a production field, handler's storage  
 1428 site, or process site.

1429 **§ 3.2-4116. Registration conditions.**

1430 A. A person who is not a federally licensed hemp producer shall obtain a registration pursuant to  
 1431 subsection A of § 3.2-4115 prior to growing, handling, or processing any industrial hemp in the  
 1432 Commonwealth.

1433 B. A person issued a registration pursuant to subsection A of § 3.2-4115 shall:

1434 1. Maintain records that reflect compliance with this article;

1435 2. Retain all industrial hemp growing, handling, or processing records for at least three years;

1436 3. Allow his production field, handler's storage site, or process site to be inspected by and at the discretion  
 1437 of the Commissioner or his designee, the Department of State Police, or the chief law-enforcement officer of  
 1438 the locality in which the production field, or handler's storage site, or process site exists;

1439 4. Allow the Commissioner or his designee to monitor and test the grower's, handler's, or processor's  
 1440 industrial hemp for compliance with tetrahydrocannabinol levels and for other appropriate purposes  
 1441 established pursuant to § 3.2-4114, at the cost of the grower, handler, or processor; and

1442 5. If required by the Commissioner, destroy, at the cost of the grower, handler, or processor and in a  
 1443 manner approved of and verified by the Commissioner, any Cannabis sativa that the grower grows, the  
 1444 handler handles, or the processor processes that has been tested and, following any re-sampling and retesting  
 1445 as authorized pursuant to the provisions of § 3.2-4114.2, is found to have a concentration of  
 1446 tetrahydrocannabinol that is greater than that allowed by federal law, or any Cannabis sativa product that the  
 1447 processor produces.

1448 C. A processor shall not sell industrial hemp or a substance containing an industrial hemp extract, as  
 1449 defined in § 3.2-5145.1, to a person if the processor knows or has reason to know that such person will use  
 1450 the industrial hemp or substance containing an industrial hemp extract in a substance that (i) contains a total  
 1451 tetrahydrocannabinol concentration that is greater than 0.3 percent or (ii) contains more than two milligrams  
 1452 of total tetrahydrocannabinol per package ~~and does not contain an amount of cannabidiol that is at least 25~~  
 1453 ~~times greater than the amount of total tetrahydrocannabinol per package.~~

1454 **§ 3.2-4126. Civil penalties.**

1455 A. The Commissioner may, in accordance with the Administrative Process Act (§ 2.2-4000 et seq.), deny  
 1456 the application for a regulated hemp product retail facility registration or suspend or revoke the regulated  
 1457 hemp product retail facility registration of any person that violates a provision of this article.

1458 B. Any person that (i) offers for sale or sells at retail a regulated hemp product without first obtaining a  
 1459 registration to do so from the Commissioner in accordance with § 3.2-4122, (ii) continues to offer for sale or  
 1460 sell at retail a regulated hemp product after revocation or suspension of such registration, (iii) offers for sale  
 1461 or sells at retail a substance intended for human consumption, orally or by inhalation, that (a) contains a total  
 1462 tetrahydrocannabinol concentration that is greater than 0.3 percent or (b) contains more than two milligrams  
 1463 of total tetrahydrocannabinol per package ~~and does not contain an amount of cannabidiol that is at least 25~~  
 1464 ~~times greater than the amount of total tetrahydrocannabinol per package,~~ (iv) offers for sale or sells at retail a  
 1465 regulated hemp product in violation of § 3.2-4123, or (v) offers for sale or sells at retail a substance intended  
 1466 for human consumption, orally or by inhalation, that is advertised or labeled as containing an industrial  
 1467 hemp-derived cannabinoid without a regulated hemp product retail facility registration is, in addition to any  
 1468 other penalties provided, subject to a civil penalty not to exceed \$10,000 for each day a violation occurs.  
 1469 Such penalty shall be collected by the Commissioner and the proceeds shall be payable to the State Treasurer  
 1470 for remittance to the Department.

1471 **§ 3.2-5145.1. Definitions.**

1472 As used in this article, unless the context requires a different meaning:

1473 "Food" means any article that is intended for human consumption and introduction into commerce,  
 1474 whether the article is simple, mixed, or compound, and all substances or ingredients used in the preparation  
 1475 thereof. "Food" does not mean drug as defined in § 54.1-3401.

1476 "Industrial hemp" means a Cannabis sativa plant that has a concentration of tetrahydrocannabinol that is  
 1477 no greater than that allowed by federal law.

1478 "Industrial hemp extract" means an extract (i) of industrial hemp, (ii) that is intended for human  
 1479 consumption, and (iii) except as otherwise provided in subsection M of § 54.1-3442.6, when offered for retail

1480 sale, that (a) contains a total tetrahydrocannabinol concentration that is no greater than 0.3 percent and (b)  
 1481 contains either no more than two milligrams of total tetrahydrocannabinol per package ~~or an amount of~~  
 1482 ~~cannabidiol that is no less than 25 times greater than the amount of total tetrahydrocannabinol per package.~~  
 1483 "Industrial hemp extract" is not a hemp seed-derived ingredient that is approved by the U.S. Food and Drug  
 1484 Administration or is the subject of a generally recognized as safe notice for which the U.S. Food and Drug  
 1485 Administration had no questions.

1486 "Tetrahydrocannabinol" means the same as that term is defined in § ~~3.2-4112~~ 4.1-600.

1487 "Total tetrahydrocannabinol" means the same as that term is defined in § ~~3.2-4112~~ 4.1-600.

1488 **§ 3.2-5145.2:1. Manufacturers of industrial hemp extract; penalties.**

1489 A. Any person who manufactures, sells, or offers for sale an industrial hemp extract or food containing an  
 1490 industrial hemp extract shall be subject to the requirements of this chapter and regulations adopted pursuant  
 1491 to this chapter.

1492 B. Any person who (i) manufactures, sells, or offers for sale an industrial hemp extract or food containing  
 1493 an industrial hemp extract without first obtaining a permit to do so from the Commissioner pursuant to  
 1494 § 3.2-5100, unless exempt from a permit pursuant to subdivision C 6 of § 3.2-5130; (ii) continues to  
 1495 manufacture, sell, or offer for sale an industrial hemp extract or food containing an industrial hemp extract  
 1496 after revocation or suspension of such permit; (iii) fails to disclose on a form prescribed by the Commissioner  
 1497 that he intends to manufacture, sell, or offer for sale a substance intended to be consumed orally that contains  
 1498 an industrial hemp-derived cannabinoid; (iv) sells or offers for sale at retail a food that (a) contains a total  
 1499 tetrahydrocannabinol concentration that is greater than 0.3 percent or (b) contains more than two milligrams  
 1500 of total tetrahydrocannabinol per package ~~and does not contain an amount of cannabidiol that is at least 25~~  
 1501 ~~times greater than the amount of total tetrahydrocannabinol per package;~~ (v) manufactures, offers for sale, or  
 1502 sells in violation of this chapter or a regulation adopted pursuant to this chapter a substance intended to be  
 1503 consumed orally that is advertised or labeled as containing an industrial hemp-derived cannabinoid; or (vi)  
 1504 otherwise violates any provision of this chapter or a regulation adopted pursuant to this chapter, in addition to  
 1505 any other penalties provided, is subject to a civil penalty not to exceed \$10,000 for each day a violation  
 1506 occurs. Such penalty shall be collected by the Commissioner and the proceeds shall be payable to the State  
 1507 Treasurer for remittance to the Department.

1508 C. Any person who (i) manufactures, sells, or offers for sale an industrial hemp extract or food containing  
 1509 an industrial hemp extract without first obtaining a permit to do so from the Commissioner pursuant to  
 1510 § 3.2-5100, unless exempt from a permit pursuant to subdivision C 6 of § 3.2-5130; (ii) continues to  
 1511 manufacture, sell, or offer for sale an industrial hemp extract or food containing an industrial hemp extract  
 1512 after revocation or suspension of such permit; (iii) fails to disclose on a form prescribed by the Commissioner  
 1513 that he intends to manufacture, sell, or offer for sale a substance intended to be consumed orally that contains  
 1514 an industrial hemp-derived cannabinoid; (iv) manufactures, offers for sale, or sells in violation of this chapter  
 1515 or a regulation adopted pursuant to this chapter a substance intended to be consumed orally that is advertised  
 1516 or labeled as containing an industrial hemp-derived cannabinoid; or (v) otherwise violates any provision of  
 1517 this chapter or a regulation adopted pursuant to this chapter, in addition to any other penalties provided, is  
 1518 guilty of a Class 1 misdemeanor. Each day in which a violation occurs shall constitute a separate offense.

1519 D. The Commissioner may, in accordance with the Administrative Process Act (§ 2.2-4000 et seq.), deny,  
 1520 suspend, or revoke a permit issued pursuant to § 3.2-5100 if the permitted entity is found to have violated  
 1521 subdivision A 69, 70, 71, 72, 73, or 74 of § 59.1-200 by a court of competent jurisdiction.

1522 E. This section shall not apply to products that are (i) approved for marketing by the U.S. Food and Drug  
 1523 Administration and scheduled in the Drug Control Act (§ 54.1-3400 et seq.) or (ii) dispensed pursuant to  
 1524 Article 4.2 (§ 54.1-3442.5 et seq.) of Chapter 34 of Title 54.1.

1525 **§ 3.2-5145.4. Industrial hemp extract requirements.**

1526 A. An industrial hemp extract shall (i) be produced from industrial hemp grown in compliance with  
 1527 applicable law and (ii) when offered for retail sale, (a) contain a total tetrahydrocannabinol concentration of  
 1528 no greater than 0.3 percent and (b) contain either no more than two milligrams of total tetrahydrocannabinol  
 1529 per package ~~or an amount of cannabidiol that is no less than 25 times greater than the amount of total~~  
 1530 ~~tetrahydrocannabinol per package.~~

1531 B. In addition to the requirements of this chapter, an industrial hemp extract or food containing an  
 1532 industrial hemp extract shall comply with regulations adopted by the Board pursuant to § 3.2-5145.5.

1533 **§ 4.1-103. General powers of Board.**

1534 The Board shall have the power to:

1535 1. Sue and be sued, implead and be impleaded, and complain and defend in all courts;

1536 2. Adopt, use, and alter at will a common seal;

1537 3. Fix, alter, charge, and collect rates, rentals, fees, and other charges for the use of property of, the sale of  
 1538 products of, or services rendered by the Authority at rates to be determined by the Authority for the purpose  
 1539 of providing for the payment of the expenses of the Authority;

1540 4. Make and enter into all contracts and agreements necessary or incidental to the performance of its  
 1541 duties, the furtherance of its purposes, and the execution of its powers under this subtitle, including

1542 agreements with any person or federal agency;

1543 5. Employ, at its discretion, consultants, researchers, architects, engineers, accountants, financial experts,  
 1544 investment bankers, superintendents, managers, and such other employees and special agents as may be  
 1545 necessary and fix their compensation to be payable from funds made available to the Authority. Legal  
 1546 services for the Authority shall be provided by the Attorney General in accordance with Chapter 5 (§ 2.2-500  
 1547 et seq.) of Title 2.2;

1548 6. Receive and accept from any federal or private agency, foundation, corporation, association, or person  
 1549 grants or other aid to be expended in accomplishing the objectives of the Authority, and receive and accept  
 1550 from the Commonwealth or any state and any municipality, county, or other political subdivision thereof or  
 1551 from any other source aid or contributions of either money, property, or other things of value, to be held,  
 1552 used, and applied only for the purposes for which such grants and contributions may be made. All federal  
 1553 moneys accepted under this section shall be accepted and expended by the Authority upon such terms and  
 1554 conditions as are prescribed by the United States and as are consistent with state law, and all state moneys  
 1555 accepted under this section shall be expended by the Authority upon such terms and conditions as are  
 1556 prescribed by the Commonwealth;

1557 7. Adopt, alter, and repeal bylaws, rules, and regulations governing the manner in which its business shall  
 1558 be transacted and the manner in which the powers of the Authority shall be exercised and its duties  
 1559 performed. The Board may delegate or assign any duty or task to be performed by the Authority to any  
 1560 officer or employee of the Authority. The Board shall remain responsible for the performance of any such  
 1561 duties or tasks. Any delegation pursuant to this subdivision shall, where appropriate, be accompanied by  
 1562 written guidelines for the exercise of the duties or tasks delegated. Where appropriate, the guidelines shall  
 1563 require that the Board receive summaries of actions taken. Such delegation or assignment shall not relieve the  
 1564 Board of the responsibility to ensure faithful performance of the duties and tasks;

1565 8. Conduct or engage in any lawful business, activity, effort, or project consistent with the Authority's  
 1566 purposes or necessary or convenient to exercise its powers;

1567 9. Develop policies and procedures generally applicable to the procurement of goods, services, and  
 1568 construction, based upon competitive principles;

1569 10. Develop policies and procedures consistent with Article 4 (§ 2.2-4347 et seq.) of Chapter 43 of Title  
 1570 2.2;

1571 11. Buy, import and sell alcoholic beverages other than beer and wine not produced by farm wineries, and  
 1572 to have alcoholic beverages other than beer and wine not produced by farm wineries in its possession for sale;

1573 12. Buy and sell any mixers;

1574 13. Buy and sell products licensed by the Virginia Tourism Corporation that are within international  
 1575 trademark classes 16 (paper goods and printer matters), 18 (leather goods), 21 (housewares and glass), and 25  
 1576 (clothing);

1577 14. Control the possession, sale, transportation, and delivery of alcoholic beverages;

1578 15. Determine, subject to § 4.1-121, the localities within which government stores shall be established or  
 1579 operated and the location of such stores;

1580 16. Maintain warehouses for alcoholic beverages and control the storage and delivery of alcoholic  
 1581 beverages to and from such warehouses;

1582 17. Acquire, purchase, hold, use, lease, or otherwise dispose of any property, real, personal or mixed,  
 1583 tangible or intangible, or any interest therein necessary or desirable for carrying out the purposes of the  
 1584 Authority; lease as lessee any property, real, personal or mixed, tangible or intangible, or any interest therein,  
 1585 at such annual rental and on such terms and conditions as may be determined by the Board; lease as lessor to  
 1586 any person any property, real, personal or mixed, tangible or intangible, or any interest therein, at any time  
 1587 acquired by the Authority, whether wholly or partially completed, at such annual rental and on such terms  
 1588 and conditions as may be determined by the Board; sell, transfer, or convey any property, real, personal or  
 1589 mixed, tangible or intangible, or any interest therein, at any time acquired or held by the Authority on such  
 1590 terms and conditions as may be determined by the Board; and occupy and improve any land or building  
 1591 required for the purposes of this subtitle;

1592 18. Purchase, lease, or acquire the use of, by any manner, any plant or equipment that may be considered  
 1593 necessary or useful in carrying into effect the purposes of this subtitle, including rectifying, blending, and  
 1594 processing plants. The Board may purchase, build, lease, and operate distilleries and manufacture alcoholic  
 1595 beverages;

1596 19. Determine the nature, form and capacity of all containers used for holding alcoholic beverages to be  
 1597 kept or sold under this subtitle, and prescribe the form and content of all labels and seals to be placed thereon;  
 1598 however, no container sold in or shipped into the Commonwealth shall include powdered or crystalline  
 1599 alcohol;

1600 20. Appoint every agent and employee required for its operations; require any or all of them to give bonds  
 1601 payable to the Commonwealth in such penalty as shall be fixed by the Board; and engage the services of  
 1602 experts and professionals;

1603 21. Hold and conduct hearings; issue subpoenas requiring the attendance of witnesses and the production

1604 of records, memoranda, papers and other documents before the Board or any agent of the Board; and  
 1605 administer oaths and take testimony thereunder. The Board may authorize any Board member or agent of the  
 1606 Board to hold and conduct hearings, issue subpoenas, administer oaths and take testimony thereunder, and  
 1607 decide cases, subject to final decision by the Board, on application of any party aggrieved. The Board may  
 1608 enter into consent agreements and may request and accept from any applicant or licensee a consent agreement  
 1609 in lieu of proceedings on (i) objections to the issuance of a license or (ii) disciplinary action. Any such  
 1610 consent agreement shall include findings of fact and may include an admission or a finding of a violation. A  
 1611 consent agreement shall not be considered a case decision of the Board and shall not be subject to judicial  
 1612 review under the provisions of the Administrative Process Act (§ 2.2-4000 et seq.), but may be considered by  
 1613 the Board in future disciplinary proceedings;

1614 22. Make a reasonable charge for preparing and furnishing statistical information and compilations to  
 1615 persons other than (i) officials, including court and police officials, of the Commonwealth and of its  
 1616 subdivisions if the information requested is for official use and (ii) persons who have a personal or legal  
 1617 interest in obtaining the information requested if such information is not to be used for commercial or trade  
 1618 purposes;

1619 23. Promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) and  
 1620 § 4.1-111;

1621 24. Grant, suspend, and revoke licenses for the manufacture, bottling, distribution, importation, and sale  
 1622 of alcoholic beverages;

1623 25. Assess and collect civil penalties and civil charges for violations of this subtitle and Board regulations;

1624 26. Maintain actions to enjoin common nuisances as defined in § 4.1-317;

1625 27. Establish minimum food sale requirements for all retail licensees;

1626 28. Review and approve any proposed legislative or regulatory changes suggested by the Chief Executive  
 1627 Officer as the Board deems appropriate;

1628 29. Report quarterly to the Secretary of Public Safety and Homeland Security on the law-enforcement  
 1629 activities undertaken to enforce the provisions of this subtitle;

1630 30. Establish and collect fees for all permits set forth in this subtitle, including fees associated with  
 1631 applications for such permits;

1632 31. Impose a requirement that a mixed beverage casino licensee pursuant to subdivision A 14 of  
 1633 § 4.1-206.3 pay for any cost incurred by the Board to enforce such license in excess of the applicable state  
 1634 license fee; ~~and~~

1635 32. *Establish, advertise, and administer a tip line, which may be accessed by phone and by internet, for*  
 1636 *members of the public to anonymously report concerns about, or suspected instances of, unlicensed*  
 1637 *cultivation, processing, sale, or distribution of marijuana and marijuana products in violation of the*  
 1638 *Cannabis Control Act (§ 4.1-600 et seq.), review and investigate reports of such unlicensed activity submitted*  
 1639 *through the tip line, and take appropriate enforcement action or refer such matters to the appropriate*  
 1640 *enforcement agency or authority;*

1641 33. *Enforce the provisions of the Cannabis Control Act (§ 4.1-600 et seq.) related to the unlicensed*  
 1642 *cultivation, processing, sale, or distribution of marijuana and marijuana products only with respect to*  
 1643 *reports received through the tip line established pursuant to subdivision 32;*

1644 34. *Conduct outreach to all licensees and businesses selling liquid nicotine or nicotine vapor products to*  
 1645 *inform and educate such licensees and businesses on the Cannabis Control Act (§ 4.1-600 et seq.) and laws*  
 1646 *and regulations related to the illegal cultivation, processing, sale, and distribution of marijuana and*  
 1647 *marijuana products; and*

1648 35. Do all acts necessary or advisable to carry out the purposes of this subtitle.

1649 **§ 4.1-105. Police power of members, agents and employees of Board.**

1650 Members of the Board are vested, and such agents and employees of the Board designated by it shall be  
 1651 vested, with like power to enforce the provisions of (i) this subtitle and the criminal laws of the  
 1652 Commonwealth as is vested in the chief law-enforcement officer of a county, city, or town; (ii) § 3.2-4207;  
 1653 (iii) § 18.2-246.14; (iv) § 18.2-371.2; (v) § 58.1-1015; (vi) § 58.1-1017; ~~and~~ (vii) § 58.1-1037; *and (viii) the*  
 1654 *Cannabis Control Act (§ 4.1-600 et seq.) related to the unlicensed cultivation, processing, sale, or*  
 1655 *distribution of marijuana and marijuana products only with respect to reports received through the tip line*  
 1656 *established pursuant to subdivision 32 of § 4.1-103.*

1657 **§ 4.1-352. Certificate of forensic scientist as evidence; requiring forensic scientist to appear.**

1658 The certificate of any forensic scientist employed by the Commonwealth on behalf of the Board or the  
 1659 Department of Forensic Science, when signed by him, shall be *admissible as evidence in all prosecutions for*  
 1660 *violations of this subtitle and all controversies in any judicial proceedings touching the mixture analyzed by*  
 1661 *him of the facts therein stated and of the results of such analysis (i) in any criminal proceeding, provided the*  
 1662 *requirements of subsection A of § 19.2-187.1 have been satisfied and the accused has not objected to the*  
 1663 *admission of the certificate pursuant to subsection B of § 19.2-187.1 or (ii) in any civil proceeding. On*  
 1664 *motion of the accused or any party in interest, the court may require the forensic scientist making the analysis*  
 1665 *to appear as a witness and be subject to cross-examination, provided such motion is made within a reasonable*

1666 time prior to the day on which the case is set for trial.

1667 **§ 4.1-600. Definitions.**

1668 As used in this subtitle, unless the context requires a different meaning:

1669 "Advertisement" or "advertising" means any written or verbal statement, illustration, or depiction that is  
1670 calculated to induce sales of ~~retail~~ marijuana, ~~retail~~ marijuana products, marijuana plants, or marijuana seeds,  
1671 including any written, printed, graphic, digital, electronic, or other material, billboard, sign, or other outdoor  
1672 display, publication, or radio or television broadcast.

1673 "Authority" means the Virginia Cannabis Control Authority created pursuant to this subtitle.

1674 "Board" means the Board of Directors of the Virginia Cannabis Control Authority.

1675 "Cannabis Control Act" means Subtitle II (§ 4.1-600 et seq.).

1676 "*Canopy*" means the space used by a licensee to produce flowering marijuana plants, including areas  
1677 between plants, pathways, walkways, and empty space between rows that allow for airflow, light, growth,  
1678 access for watering, trimming, and other activities associated with marijuana cultivation. "*Canopy*" does not  
1679 include space used for mother plants, clones, immature or nonflowering plants, processing, drying, curing,  
1680 trimming, storage, offices, hallways, work areas, or other administrative and nonproduction uses. If  
1681 flowering marijuana plants are cultivated using a shelving or other layered system, the surface area of each  
1682 level shall be included for purposes of calculating canopy.

1683 "Child-resistant" means, with respect to packaging or a container, (i) specially designed or constructed to  
1684 be significantly difficult for a typical child ~~under~~ younger than five years of age to open and not to be  
1685 significantly difficult for a typical adult to open and reseal and (ii) for any product intended for more than a  
1686 single use or that contains multiple servings, resealable.

1687 "Cultivation" or "cultivate" means the planting, propagation, growing, harvesting, drying, curing, grading,  
1688 trimming, *packaging*, or other similar ~~processing~~ *manufacturing* of marijuana for use or sale. "Cultivation" or  
1689 "cultivate" does not include ~~manufacturing~~ *processing* or testing.

1690 "*Edible hemp product*" means any hemp product that is or includes an industrial hemp extract, as defined  
1691 in § 3.2-5145.1, and that is intended to be consumed orally.

1692 "Edible marijuana product" means a marijuana product intended to be consumed orally, including  
1693 marijuana intended to be consumed orally or marijuana concentrate intended to be consumed orally.

1694 "*Hemp product*" means a product, including any raw materials from industrial hemp that are used for or  
1695 added to a food or beverage, that (i) contains industrial hemp and has completed all stages of processing  
1696 needed for the product and (ii) when offered for retail sale (a) contains a total tetrahydrocannabinol  
1697 concentration of no greater than 0.3 percent and (b) contains no more than two milligrams of total  
1698 tetrahydrocannabinol per package.

1699 "*Hemp product intended for smoking*" means any hemp product intended to be consumed by inhalation.

1700 "*Historically economically disadvantaged community*" means either (i) a jurisdiction identified by the  
1701 Board utilizing census tract data made available by the United States Census Bureau in which offenses for  
1702 marijuana possession were committed at a rate in excess of 150 percent of the statewide average for  
1703 marijuana possession offenses during the 10-year period of 2009 to 2019 or (ii) a historically underutilized  
1704 business zone as defined in 15 U.S.C. § 657a.

1705 "Immature plant" means a nonflowering marijuana plant that is no taller than eight inches and no wider  
1706 than eight inches, is produced from a cutting, clipping, or seedling, and is growing in a container.

1707 "*Impact licensee*" means a licensee that meets the criteria set forth in subdivision B 13 of § 4.1-606.

1708 "*Industrial hemp*" means the same as that term is defined in § 3.2-4112.

1709 "*Industrial hemp extract*" means the same as that term is defined in § 3.2-5145.1.

1710 "*Inhalable marijuana product*" means a marijuana product that is intended to be inhaled, including  
1711 marijuana intended to be inhaled or marijuana concentrate intended to be inhaled.

1712 "Licensed" means the holding of a valid license or permit granted by the Authority.

1713 "Licensee" means any person to whom a license or permit has been granted by the Authority.

1714 "~~Manufacturing~~" or "~~manufacture~~" means the ~~production of marijuana products or the blending, infusing,~~  
1715 ~~compounding, or other preparation of marijuana and marijuana products, including marijuana extraction or~~  
1716 ~~preparation by means of chemical synthesis. "Manufacturing" or "manufacture" does not include cultivation~~  
1717 ~~or testing.~~

1718 "Marijuana" means any part of a plant of the genus Cannabis, whether growing or not, its seeds or resin;  
1719 and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, its resin,  
1720 or any extract containing one or more cannabinoids. "Marijuana" does not include (i) the mature stalks of  
1721 such plant, fiber produced from such stalk, or oil or cake made from the seed of such plant, unless such  
1722 stalks, fiber, oil, or cake is combined with other parts of plants of the genus Cannabis; (ii) industrial hemp; as  
1723 defined in § 3.2-4112; that is possessed by a person registered pursuant to subsection A of § 3.2-4115 or his  
1724 agent; (iii) industrial hemp; as defined in § 3.2-4112; that is possessed by a person who holds a hemp  
1725 producer license issued by the U.S. Department of Agriculture pursuant to 7 C.F.R. Part 990; (iv) a hemp  
1726 product; as defined in § 3.2-4112; (v) an industrial hemp extract; as defined in § 3.2-5145.1; or (vi) any  
1727 substance containing a tetrahydrocannabinol isomer, ester, ether, salt, or salts of such isomer, ester, or ether

1728 that has been placed by the Board of Pharmacy into one of the schedules set forth in the Drug Control Act  
1729 (§ 54.1-3400 et seq.) pursuant to § 54.1-3443.

1730 "Marijuana concentrate" means marijuana that has undergone a process to concentrate one or more active  
1731 cannabinoids, thereby increasing the product's potency. Resin from granular trichomes from a marijuana plant  
1732 is a concentrate for purposes of this subtitle.

1733 "~~Marijuana cultivation facility~~" means a facility licensed under this subtitle to cultivate, label, and  
1734 ~~package retail marijuana; to purchase or take possession of marijuana plants and seeds from other marijuana~~  
1735 ~~cultivation facilities; to transfer possession of and sell retail marijuana, immature marijuana plants, and~~  
1736 ~~marijuana seeds to marijuana wholesalers and retail marijuana stores; to transfer possession of and sell retail~~  
1737 ~~marijuana, marijuana plants, and marijuana seeds to other marijuana cultivation facilities; to transfer~~  
1738 ~~possession of and sell retail marijuana to marijuana manufacturing facilities; and to sell immature marijuana~~  
1739 ~~plants and marijuana seeds to consumers for the purpose of cultivating marijuana at home for personal use~~  
1740 ~~§ 4.1-800.~~

1741 "*Marijuana delivery operator*" means an entity licensed under § 4.1-805.

1742 "Marijuana establishment" means a marijuana cultivation facility, a *marijuana microbusiness*, *marijuana*  
1743 *delivery operator*, marijuana testing facility, a ~~marijuana manufacturing processing~~ facility, a marijuana  
1744 ~~wholesaler transporter~~, or a retail marijuana store, or *pharmaceutical processor* or *cannabis dispensing*  
1745 *facility authorized to exercise dual-use privileges pursuant to § 4.1-1602.1*.

1746 "~~Marijuana manufacturing facility~~" means a facility licensed under this subtitle to manufacture, label, and  
1747 ~~package retail marijuana and retail marijuana products; to purchase or take possession of retail marijuana~~  
1748 ~~from a marijuana cultivation facility or another marijuana manufacturing facility; and to transfer possession~~  
1749 ~~of and sell retail marijuana and retail marijuana products to marijuana wholesalers, retail marijuana stores, or~~  
1750 ~~other marijuana manufacturing facilities.~~

1751 "Marijuana paraphernalia" means all equipment, products, and materials of any kind that are either  
1752 designed for use or are intended for use in planting, propagating, cultivating, growing, harvesting,  
1753 manufacturing, compounding, converting, producing, processing, preparing, strength testing, analyzing,  
1754 packaging, repackaging, storing, containing, concealing, ingesting, inhaling, or otherwise introducing into the  
1755 human body marijuana.

1756 "*Marijuana processing facility*" means a facility licensed under § 4.1-801.

1757 "Marijuana products" means (i) products that are composed of marijuana and other ingredients and are  
1758 intended for use or consumption, ointments, and tinctures or (ii) marijuana concentrate.

1759 "Marijuana testing facility" means a facility licensed under this subtitle to develop, research, or test  
1760 marijuana, marijuana products, and other substances § 4.1-806.

1761 "~~Marijuana wholesaler transporter~~" means a facility licensed under this subtitle to purchase or take  
1762 possession of retail marijuana, retail marijuana products, immature marijuana plants, and marijuana seeds  
1763 from a marijuana cultivation facility, a marijuana manufacturing facility, or another marijuana wholesaler and  
1764 to transfer possession and sell or resell retail marijuana, retail marijuana products, immature marijuana plants,  
1765 and marijuana seeds to a marijuana cultivation facility, marijuana manufacturing facility, retail marijuana  
1766 store, or another marijuana wholesaler § 4.1-804.

1767 "Non-retail marijuana" means marijuana that is not cultivated, manufactured, or sold by a licensed  
1768 marijuana establishment.

1769 "Non-retail marijuana products" means marijuana products that are not manufactured and sold by a  
1770 licensed marijuana establishment.

1771 "*Microbusiness*" means a facility licensed under § 4.1-803.

1772 "*Outdoor cultivation*" means cultivation in an area exposed to natural sunlight and open to environmental  
1773 conditions, including variable temperature, precipitation, and wind.

1774 "Place or premises" means the real estate, together with any buildings or other improvements thereon,  
1775 designated in the application for a license as the place at which the cultivation, ~~manufacture processing~~, sale,  
1776 or testing of retail marijuana or retail marijuana products shall be performed; ~~except that portion of any such~~  
1777 ~~building or other improvement actually and exclusively used as a private residence.~~

1778 "*Principal*" means (i) any individual who solely or together with his immediate family members (a) owns  
1779 or controls, directly or indirectly, five percent or more of the pecuniary interest in any entity that is a licensee  
1780 or permittee or (b) has the power to vote or cause the vote of five percent or more of the voting securities or  
1781 other ownership interests of such entity and (ii) any person who manages marijuana establishment  
1782 operations on behalf of a licensee or permittee.

1783 "*Processing*" or "*process*" means the production of marijuana products or the blending, infusing,  
1784 compounding, or other preparation of marijuana or marijuana products, including marijuana extraction or  
1785 preparation by means of chemical synthesis. "*Processing*" or "*process*" does not include cultivation or  
1786 testing.

1787 "Public place" means any place, building, or conveyance to which the public has, or is permitted to have,  
1788 access, including restaurants, soda fountains, hotel dining areas, lobbies and corridors of hotels, and any park,  
1789 place of public resort or amusement, highway, street, lane, or sidewalk adjoining any highway, street, or lane.

1790 *"Regulated hemp product" means a hemp product intended for smoking or an edible hemp product.*

1791 *"Residence" means any building or part of a building or structure where a person resides, but does not*  
 1792 *include any part of a building that is not actually and exclusively used as a private residence, nor any part of a*  
 1793 *hotel or club other than a private guest room thereof.*

1794 *"Retail marijuana" means marijuana that is cultivated, manufactured, or sold by a licensed marijuana*  
 1795 *establishment.*

1796 *"Retail marijuana products" means marijuana products that are manufactured and sold by a licensed*  
 1797 *marijuana establishment.*

1798 *"Retail marijuana store" means a facility licensed under this subtitle to purchase or take possession of*  
 1799 *retail marijuana, retail marijuana products, immature marijuana plants, or marijuana seeds from a marijuana*  
 1800 *cultivation facility, marijuana manufacturing facility, or marijuana wholesaler and to sell retail marijuana,*  
 1801 *retail marijuana products, immature marijuana plants, or marijuana seeds to consumers § 4.1-802.*

1802 *"Security" means the same as that term is defined in § 13.1-501. If the Board finds that any obligation,*  
 1803 *stock, or other equity interest creates control of or voice in the management operations of an entity in the*  
 1804 *manner of a security, then such interest shall be considered a security.*

1805 *"Sale" and "sell" includes soliciting or receiving an order for; keeping, offering, or exposing for sale;*  
 1806 *peddling, exchanging, or bartering; or delivering otherwise other than gratuitously, by any means, retail*  
 1807 *marijuana or retail marijuana products.*

1808 *"Secure agricultural greenhouse" means an enclosed structure that has transparent walls and roofing and*  
 1809 *is used for controlled-environment agriculture.*

1810 *"Special agent" means an employee of the Virginia Cannabis Control Authority whom the Board has*  
 1811 *designated as a law-enforcement officer pursuant to this subtitle.*

1812 *"Testing" or "test" means the research and analysis of marijuana, marijuana products, or other substances*  
 1813 *for contaminants, safety, or potency. "Testing" or "test" does not include cultivation or manufacturing*  
 1814 *processing.*

1815 *"Tetrahydrocannabinol" means the same as that term is defined in § 3-2-4112 any naturally occurring or*  
 1816 *synthetic tetrahydrocannabinol, including its salts, isomers, and salts of isomers whenever the existence of*  
 1817 *such salts, isomers, and salts of isomers is possible within the specific chemical designation and any*  
 1818 *preparation, mixture, or substance containing, or mixed or infused with, any detectable amount of*  
 1819 *tetrahydrocannabinol. For the purposes of this definition, "isomer" means the optical, position, and*  
 1820 *geometric isomers.*

1821 *"Topical hemp product" means a hemp product that (i) is intended to be rubbed, poured, sprinkled, or*  
 1822 *sprayed on or otherwise applied to the human body or any part thereof and (ii) is not intended to be*  
 1823 *consumed orally or by inhalation.*

1824 *"Topical marijuana product" means a marijuana product that is intended to be applied topically to the*  
 1825 *skin.*

1826 *"Total tetrahydrocannabinol" means the same as that term is defined in § 3-2-4112 sum, after the*  
 1827 *application of any necessary conversion factor, of the percentage by weight of tetrahydrocannabinol and the*  
 1828 *percentage by weight of tetrahydrocannabinolic acid.*

1829 **§ 4.1-601. Virginia Cannabis Control Authority created; statement of purpose.**

1830 A. The General Assembly has determined that there exists in the Commonwealth a need to control the  
 1831 possession, sale, transportation, distribution, and delivery of ~~retail marijuana and retail, marijuana products,~~  
 1832 *and regulated hemp products* in the Commonwealth. *Further, the General Assembly finds that laws*  
 1833 *prohibiting the use and sale of marijuana have been ineffective and have had devastating collateral*  
 1834 *consequences for individuals and communities across the Commonwealth, disproportionately impacting*  
 1835 *African Americans. The purpose of this subtitle is to create an approach to marijuana regulation that is*  
 1836 *rooted in principles of restorative justice, economic equity, and public health in order to generate significant*  
 1837 *revenue dedicated to community reinvestment, create small and local businesses, strengthen the*  
 1838 *Commonwealth's vital agriculture sector, end the racially disparate impacts of prohibition, and protect the*  
 1839 *health and safety of all citizens of the Commonwealth. This subtitle is further intended to establish a*  
 1840 *competitive, sustainable, and decentralized market structure built for long-term success, prioritizing the*  
 1841 *creation of durable, independent businesses over the maximization of short-term tax revenue.*

1842 B. Further, the General Assembly determines that the creation of an authority for this purpose is in the  
 1843 public interest, serves a public purpose, and will promote the health, safety, welfare, convenience, and  
 1844 prosperity of the people of the Commonwealth. To achieve this objective, there is hereby created an  
 1845 independent political subdivision of the Commonwealth, exclusive of the legislative, executive, or judicial  
 1846 branches of state government, to be known as the Virginia Cannabis Control Authority. The Authority's  
 1847 exercise of powers and duties conferred by this subtitle shall be deemed the performance of an essential  
 1848 governmental function and a matter of public necessity for which public moneys may be spent.

1849 B- C. The Board of Directors of the Authority is vested with control of the possession, sale, transportation,  
 1850 distribution, and delivery of ~~retail marijuana and retail, marijuana products,~~ *and regulated hemp products* in  
 1851 the Commonwealth, with plenary power to prescribe and enforce regulations and conditions under which

1852 ~~retail~~ marijuana ~~and retail~~, marijuana products, *and regulated hemp products* are possessed, sold, transported,  
 1853 distributed, and delivered, so as to prevent any corrupt, incompetent, dishonest, or unprincipled practices and  
 1854 to promote the health, safety, welfare, convenience, and prosperity of the people of the Commonwealth. The  
 1855 exercise of the powers granted by this subtitle shall be in all respects for the benefit of the citizens of the  
 1856 Commonwealth and for the promotion of their safety, health, welfare, and convenience. No part of the assets  
 1857 or net earnings of the Authority shall inure to the benefit of, or be distributable to, any private individual,  
 1858 except that reasonable compensation may be paid for services rendered to or for the Authority affecting one  
 1859 or more of its purposes, and benefits may be conferred that are in conformity with said purposes, and no  
 1860 private individual shall be entitled to share in the distribution of any of the corporate assets on dissolution of  
 1861 the Authority.

1862 **§ 4.1-603. Cannabis Public Health Advisory Council; purpose; membership; quorum; meetings;**  
 1863 **compensation and expenses; duties.**

1864 A. The Cannabis Public Health Advisory Council (the Advisory Council) is established as an advisory  
 1865 council to the Board. The purpose of the Advisory Council is to assess and monitor public health issues,  
 1866 trends, and impacts related to marijuana and marijuana legalization and make recommendations regarding  
 1867 health warnings; ~~retail~~; marijuana ~~and retail~~, marijuana products, *and regulated hemp products* safety and  
 1868 product composition; and public health awareness, programming, and related resource needs.

1869 B. The Advisory Council shall have a total membership of 21 members that shall consist of 14  
 1870 nonlegislative citizen members and seven ex officio members. Nonlegislative citizen members of the Council  
 1871 shall be citizens of the Commonwealth and shall reflect the racial, ethnic, gender, and geographic diversity of  
 1872 the Commonwealth. Nonlegislative citizen members shall be appointed as follows: four to be appointed by  
 1873 the Senate Committee on Rules, one of whom shall be a representative from the Virginia Foundation for  
 1874 Healthy Youth, one of whom shall be a representative from the Virginia Chapter of the American Academy  
 1875 of Pediatrics, one of whom shall be a representative from the Medical Society of Virginia, and one of whom  
 1876 shall be a representative from the Virginia Pharmacists Association; six to be appointed by the Speaker of the  
 1877 House of Delegates, one of whom shall be a representative from a community services board, one of whom  
 1878 shall be a person or health care provider with expertise in substance use disorder treatment and recovery, one  
 1879 of whom shall be a person or health care provider with expertise in substance use disorder prevention, one of  
 1880 whom shall be a person with experience in disability rights advocacy, one of whom shall be a person with  
 1881 experience in veterans health care, and one of whom shall be a person with a social or health equity  
 1882 background; and four to be appointed by the Governor, subject to confirmation by the General Assembly, one  
 1883 of whom shall be a representative of a local health district, one of whom shall be a person who is part of the  
 1884 cannabis industry, one of whom shall be an academic researcher knowledgeable about cannabis, and one of  
 1885 whom shall be a registered medical cannabis patient.

1886 The Secretary of Health and Human Resources, the Commissioner of Health, the Commissioner of  
 1887 Behavioral Health and Developmental Services, the Commissioner of Agriculture and Consumer Services,  
 1888 the Director of the Department of Health Professions, the Director of the Department of Forensic Science,  
 1889 and the Chief Executive Officer of the Virginia Cannabis Control Authority, or their designees, shall serve ex  
 1890 officio with voting privileges. Ex officio members of the Advisory Council shall serve terms coincident with  
 1891 their terms of office.

1892 After the initial staggering of terms, nonlegislative citizen members shall be appointed for a term of four  
 1893 years. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms.  
 1894 Vacancies shall be filled in the same manner as the original appointments. All members may be reappointed.

1895 ~~The Advisory Council shall be chaired by the Secretary of Health and Human Resources or his designee.~~  
 1896 The Advisory Council shall select a ~~vice-chairman~~ *chair and vice-chair* from among its membership. A  
 1897 majority of the members shall constitute a quorum *unless the Advisory Council adopts a policy by the*  
 1898 *affirmative vote of a majority of the Advisory Council members that allows for a lesser number of members to*  
 1899 *constitute a quorum, which shall be no less than nine members.* The Advisory Council shall meet at least two  
 1900 times each year and shall meet at the call of the ~~chairman~~ *or chair*, whenever the majority of the members so  
 1901 request, *or upon the Board's submission of regulations to the Advisory Council for approval.*

1902 The Advisory Council shall have the authority to create subgroups with additional stakeholders, experts,  
 1903 and state agency representatives.

1904 C. Members shall receive no compensation for the performance of their duties but shall be reimbursed for  
 1905 all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813  
 1906 and 2.2-2825.

1907 D. The Advisory Council shall have the following duties, in addition to duties that may be necessary to  
 1908 fulfill its purpose as described in subsection A:

1909 1. To review multi-agency efforts to support collaboration and a unified approach on public health  
 1910 responses related to marijuana and marijuana legalization in the Commonwealth and to develop  
 1911 recommendations as necessary.

1912 2. To monitor changes in drug use data related to marijuana and marijuana legalization in the  
 1913 Commonwealth and the science and medical information relevant to the potential health risks associated with

1914 such drug use, and make appropriate recommendations to the Department of Health and the Board.

1915 3. ~~Submit~~ To review and approve Board regulations related to public health pursuant to subsection F of  
 1916 § 4.1-606. The Advisory Council shall approve or deny such regulations within 30 calendar days of the  
 1917 Board's submission of the regulations to the Advisory Council. If the Advisory Council fails to approve or  
 1918 deny a regulation within 30 calendar days, the Advisory Council shall request a 30-day extension to review  
 1919 the regulations from the Board or provide a written explanation to the Board on why the Advisory Council  
 1920 failed to approve or deny the regulation within 30 calendar days. If the Advisory Council fails to approve or  
 1921 deny a regulation within 30 calendar days and does not request an extension, the Board may adopt such  
 1922 regulation without approval by the Advisory Council.

1923 4. To submit an annual report to the Governor and the General Assembly for publication as a report  
 1924 document as provided in the procedures of the Division of Legislative Automated Systems for the processing  
 1925 of legislative documents and reports. The ~~chairman~~ chair shall submit to the Governor and the General  
 1926 Assembly an annual executive summary of the interim activity and work of the Advisory Council no later  
 1927 than the first day of each regular session of the General Assembly. The executive summary shall be submitted  
 1928 as a report document as provided in the procedures of the Division of Legislative Automated Systems for the  
 1929 processing of legislative documents and reports and shall be posted on the General Assembly's website.

1930 **§ 4.1-604. Powers and duties of the Board.**

1931 The Board shall have the following powers and duties:

1932 1. Promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) and  
 1933 § 4.1-606;

1934 2. Control the possession, sale, transportation, and delivery of marijuana ~~and~~, marijuana products, *and*  
 1935 *regulated hemp products*;

1936 3. Grant, suspend, restrict, revoke, or refuse to grant or renew any license ~~or~~, permit, *or registration* issued  
 1937 or authorized pursuant to this subtitle;

1938 4. Determine the nature, form, and capacity of all containers used for holding marijuana products *or*  
 1939 *regulated hemp products* to be kept or sold and prescribe the form and content of all labels and seals to be  
 1940 placed thereon;

1941 5. Maintain actions to enjoin common nuisances as defined in § 4.1-1113;

1942 6. Establish standards and implement an online course for employees of retail marijuana stores *and*  
 1943 *microbusinesses* that trains employees on how to educate consumers on the potential risks of marijuana use;

1944 7. Establish a plan to develop and disseminate to retail marijuana store *and microbusinesses* licensees a  
 1945 pamphlet or similar document regarding the potential risks of marijuana use to be prominently displayed and  
 1946 made available to consumers;

1947 8. Establish a position for a Cannabis ~~Social Equity~~ *Social Equity Impact Business* Liaison who shall lead the Cannabis  
 1948 *Impact Business Equity and Diversity* Support Team and liaise with the Director of Diversity, Equity, and  
 1949 Inclusion on matters related to ~~diversity, equity, and inclusion standards~~ *impact licensee participation* in the  
 1950 marijuana industry;

1951 9. Establish a Cannabis ~~Impact Business Equity and Diversity~~ *Impact Business Equity and Diversity* Support Team, which shall (i) develop  
 1952 requirements for the creation and submission of diversity, equity, and inclusion *plans*; (ii) *define impact*  
 1953 *licensee business accelerator plans* ~~by persons who wish to possess a license in more than one license~~  
 1954 ~~category pursuant to subsection C of § 4.1-805, which may include a requirement that the licensee participate~~  
 1955 ~~in social equity apprenticeship plan, and in coordination with public institutions of higher education as~~  
 1956 ~~appropriate, which shall include guidelines for the provision of technical assistance to impact licensees by~~  
 1957 ~~pharmaceutical processors provided that such assistance does not result in undue operational control and~~  
 1958 ~~preserves termination rights of the impact licensee;~~ (iii) develop an approval process and requirements for  
 1959 implementation of such *diversity, equity, and inclusion and impact licensee business accelerator plans*; (ii) ~~(ii)~~  
 1960 ~~(iv)~~ be responsible for conducting an analysis of potential barriers to entry for ~~small, women-owned, and~~  
 1961 ~~minority-owned businesses and veteran-owned~~ *impact businesses* interested in participating in the marijuana  
 1962 industry and recommending strategies to effectively mitigate such potential barriers; ~~(iii)~~ (v) provide  
 1963 assistance with business planning for potential marijuana establishment licensees; ~~(iv)~~ (vi) spread awareness  
 1964 of business opportunities related to the marijuana marketplace in ~~areas disproportionately impacted by~~  
 1965 ~~marijuana prohibition and enforcement~~ *historically economically disadvantaged communities*; ~~(v)~~ (vi)  
 1966 provide technical assistance in navigating the administrative process to potential marijuana establishment  
 1967 licensees; and ~~(vi)~~ (vii) conduct other outreach initiatives in ~~areas disproportionately impacted by~~  
 1968 ~~marijuana prohibition and enforcement~~ *historically economically disadvantaged communities* as necessary;

1969 10. Establish a position for an individual with professional experience in a health related field who shall  
 1970 staff the Cannabis Public Health Advisory Council, established pursuant to § 4.1-603, liaise with the Office  
 1971 of the Secretary of Health and Human Resources and relevant health and human services agencies and  
 1972 organizations, and perform other duties as needed;

1973 11. Establish and implement a plan, in coordination with the Cannabis ~~Social Equity~~ *Social Equity Impact Business*  
 1974 ~~Liaison and the Director of Diversity, Equity, and Inclusion~~, to promote and encourage participation in the  
 1975 marijuana industry by people from *historically economically disadvantaged communities that have been*

- 1976 disproportionately impacted by marijuana prohibition and enforcement and to positively impact those  
 1977 communities;
- 1978 12. Sue and be sued, implead and be impleaded, and complain and defend in all courts;
- 1979 13. Adopt, use, and alter at will a common seal;
- 1980 14. Fix, alter, charge, and collect rates, rentals, fees, and other charges for the use of property of, the sale  
 1981 of products of, or services rendered by the Authority at rates to be determined by the Authority for the  
 1982 purpose of providing for the payment of the expenses of the Authority;
- 1983 15. Make and enter into all contracts and agreements necessary or incidental to the performance of its  
 1984 duties, the furtherance of its purposes, and the execution of its powers under this subtitle, including  
 1985 agreements with any person or federal agency;
- 1986 16. Employ, at its discretion, consultants, researchers, architects, engineers, accountants, financial experts,  
 1987 investment bankers, superintendents, managers, and such other employees and special agents as may be  
 1988 necessary and fix their compensation to be payable from funds made available to the Authority. ~~Legal~~ *The*  
 1989 *Board may employ or retain legal counsel of its choice to advise or represent the Authority in hearings,*  
 1990 *controversies, or other matters involving the interests of the Authority; however, upon request by the Board,*  
 1991 *the Attorney General shall provide legal services for the Authority shall be provided by the Attorney General*  
 1992 *in accordance with Chapter 5 (§ 2.2-500 et seq.) of Title 2.2;*
- 1993 17. Receive and accept from any federal or private agency, foundation, corporation, association, or person  
 1994 grants or other aid to be expended in accomplishing the objectives of the Authority, and receive and accept  
 1995 from the Commonwealth or any state and any municipality, county, or other political subdivision thereof or  
 1996 from any other source aid or contributions of either money, property, or other things of value, to be held,  
 1997 used, and applied only for the purposes for which such grants and contributions may be made. All federal  
 1998 moneys accepted under this section shall be accepted and expended by the Authority upon such terms and  
 1999 conditions as are prescribed by the United States and as are consistent with state law, and all state moneys  
 2000 accepted under this section shall be expended by the Authority upon such terms and conditions as are  
 2001 prescribed by the Commonwealth;
- 2002 18. Adopt, alter, and repeal bylaws, rules, and regulations governing the manner in which its business  
 2003 shall be transacted and the manner in which the powers of the Authority shall be exercised and its duties  
 2004 performed. The Board may delegate or assign any duty or task to be performed by the Authority to any  
 2005 officer or employee of the Authority. The Board shall remain responsible for the performance of any such  
 2006 duties or tasks. Any delegation pursuant to this subdivision shall, where appropriate, be accompanied by  
 2007 written guidelines for the exercise of the duties or tasks delegated. Where appropriate, the guidelines shall  
 2008 require that the Board receive summaries of actions taken. Such delegation or assignment shall not relieve the  
 2009 Board of the responsibility to ensure faithful performance of the duties and tasks;
- 2010 19. Conduct or engage in any lawful business, activity, effort, or project consistent with the Authority's  
 2011 purposes or necessary or convenient to exercise its powers;
- 2012 20. Develop policies and procedures generally applicable to the procurement of goods, services, and  
 2013 construction, based upon competitive principles;
- 2014 21. Develop policies and procedures consistent with Article 4 (§ 2.2-4347 et seq.) of Chapter 43 of Title  
 2015 2.2;
- 2016 22. Acquire, purchase, hold, use, lease, or otherwise dispose of any property, real, personal or mixed,  
 2017 tangible or intangible, or any interest therein necessary or desirable for carrying out the purposes of the  
 2018 Authority; lease as lessee any property, real, personal or mixed, tangible or intangible, or any interest therein,  
 2019 at such annual rental and on such terms and conditions as may be determined by the Board; lease as lessor to  
 2020 any person any property, real, personal or mixed, tangible or intangible, or any interest therein, at any time  
 2021 acquired by the Authority, whether wholly or partially completed, at such annual rental and on such terms  
 2022 and conditions as may be determined by the Board; sell, transfer, or convey any property, real, personal or  
 2023 mixed, tangible or intangible, or any interest therein, at any time acquired or held by the Authority on such  
 2024 terms and conditions as may be determined by the Board; and occupy and improve any land or building  
 2025 required for the purposes of this subtitle;
- 2026 23. Purchase, lease, or acquire the use of, by any manner, any plant or equipment that may be considered  
 2027 necessary or useful in carrying into effect the purposes of this subtitle, including rectifying, blending, and  
 2028 processing plants;
- 2029 24. Appoint every agent and employee required for its operations, require any or all of them to give bonds  
 2030 payable to the Commonwealth in such penalty as shall be fixed by the Board, and engage the services of  
 2031 experts and professionals;
- 2032 25. Hold and conduct hearings, issue subpoenas requiring the attendance of witnesses and the production  
 2033 of records, memoranda, papers, and other documents before the Board or any agent of the Board, and  
 2034 administer oaths and take testimony thereunder. The Board may authorize any Board member or agent of the  
 2035 Board to hold and conduct hearings, issue subpoenas, administer oaths and take testimony thereunder, and  
 2036 decide cases, subject to final decision by the Board, on application of any party aggrieved. The Board may  
 2037 enter into consent agreements and may request and accept from any applicant, licensee, or permittee a

2038 consent agreement in lieu of proceedings on (i) objections to the issuance of a license or permit or (ii)  
2039 disciplinary action. Any such consent agreement (a) shall include findings of fact and provisions regarding  
2040 whether the terms of the consent agreement are confidential and (b) may include an admission or a finding of  
2041 a violation. A consent agreement shall not be considered a case decision of the Board and shall not be subject  
2042 to judicial review under the provisions of the Administrative Process Act (§ 2.2-4000 et seq.), but may be  
2043 considered by the Board in future disciplinary proceedings;

2044 26. Make a reasonable charge for preparing and furnishing statistical information and compilations to  
2045 persons other than (i) officials, including court and police officials, of the Commonwealth and of its  
2046 subdivisions if the information requested is for official use and (ii) persons who have a personal or legal  
2047 interest in obtaining the information requested if such information is not to be used for commercial or trade  
2048 purposes;

2049 27. Take appropriate disciplinary action and assess and collect civil penalties and civil charges for  
2050 violations of this subtitle and Board regulations;

2051 28. Review and approve any proposed legislative or regulatory changes suggested by the Chief Executive  
2052 Officer as the Board deems appropriate;

2053 29. Report quarterly to the Secretary of Public Safety and Homeland Security on the law-enforcement  
2054 activities undertaken to enforce the provisions of this subtitle;

2055 30. Establish and collect fees for all *licenses and* permits set forth in this subtitle, including fees  
2056 associated with applications for such *licenses and* permits;

2057 31. Develop and make available on its website guidance documents regarding compliance and safe  
2058 practices for persons who cultivate marijuana at home for personal use, which shall include information  
2059 regarding cultivation practices that promote personal and public safety, including child protection, and  
2060 discourage practices that create a nuisance;

2061 32. Develop and make available on its website a resource that provides information regarding (i)  
2062 responsible marijuana consumption; (ii) health risks and other dangers associated with marijuana  
2063 consumption, including inability to operate a motor vehicle and other types of transportation and equipment;  
2064 and (iii) ancillary effects of marijuana consumption, including ineligibility for certain employment  
2065 opportunities. The Board shall require that the web address for such resource be included on the label of all  
2066 ~~retail~~ marijuana and ~~retail~~ marijuana product as provided in § ~~4.1-1402~~ 4.1-1405; and

2067 33. *Access during business hours any facility governed by this subtitle and any business that offers for*  
2068 *sale or sells at retail a substance intended for human consumption, orally or by inhalation, that is advertised*  
2069 *or labeled as containing a cannabinoid for the purpose of conducting an inspection or securing samples to*  
2070 *identify potential violations of this subtitle;*

2071 34. *Conduct training and provide educational resources to the public on the application process for*  
2072 *licenses;*

2073 35. *Develop and provide consumer education that (i) highlights the ways purchasing marijuana and*  
2074 *marijuana products from or cultivated and processed by licensees supports farmers, small business, and*  
2075 *community reinvestment; (ii) educates consumers on how to recognize licensed retail marijuana stores and*  
2076 *microbusinesses; and (iii) informs consumers about responsible marijuana consumption and health risks and*  
2077 *other dangers associated with marijuana consumption.*

2078 36. *Issue a quarterly report that contains information regarding (i) license fees waived or reduced*  
2079 *pursuant to § 4.1-606; (ii) licenses issued to or renewed for persons identified in subdivision B 13 of*  
2080 *§ 4.1-606; (iii) public education initiatives, including public awareness campaigns regarding driving under*  
2081 *the influence, underage consumption and youth awareness, and health risks; (iv) community engagement*  
2082 *initiatives; (v) sales and tax revenue; (vi) programs funded by marijuana tax revenue; (vii) efforts made*  
2083 *pursuant to subdivisions 8, 9, 11, and 32; and (viii) license denials and disciplinary actions taken;*

2084 37. *Maintain a public registry available online of information for all licensees that includes a searchable*  
2085 *directory of licenses by license type and impact licensee designation;*

2086 38. *Develop policies and procedures generally applicable to the audit of ownership and financial*  
2087 *relationships across all licenses on a schedule established by the Board. The audits shall be conducted by an*  
2088 *independent certified public accountant and the costs of such audits shall be borne by the licensee;*

2089 39. *Beginning on July 1, 2028, and each July 1 thereafter, issue an annual report on the performance and*  
2090 *health of the retail marijuana market in the Commonwealth, including information related to: (i) sales and*  
2091 *tax revenue, including information on sales and tax revenue broken down by marijuana and marijuana*  
2092 *product category; (ii) the distribution of tax revenue; (iii) the total number of licenses issued and the number*  
2093 *of licensees actively operating in the Commonwealth; (iv) ownership diversity; (v) the number of jobs created*  
2094 *in the marijuana industry, including information on the number of people employed by specific license type;*  
2095 *(vi) average wholesale and retail prices of different types of marijuana and marijuana products; (vii) licenses*  
2096 *issued to or renewed for persons identified in subdivision B 13 of § 4.1-606, amounts distributed to such*  
2097 *impact licensees through the Cannabis Equity Business Loan Fund, and performance metrics for such*  
2098 *licensees; (viii) an anonymized summary of the compliance findings from any audit of ownership and*  
2099 *financial relationships across all licenses conducted pursuant to the policies and procedures of subdivision*

2100 38; (ix) whether licensees with substantial market share of any category of licensure have an impact on the  
 2101 goals of (a) inclusion of microbusiness and impact licensees in the market, (b) maintaining adequate supplies  
 2102 of marijuana, and (c) prevention of dominant marketplace participation in the marijuana industry; (x) the  
 2103 potential expansion or contraction of the marijuana market in the Commonwealth, which may include  
 2104 information related to any increase in retail marijuana sales and activity in the illicit marijuana market; (xi)  
 2105 a comparison of estimated sales in the illicit marijuana market to sales in the retail marijuana market; (xii)  
 2106 information on the viability of marijuana establishments in the Commonwealth; (xiii) the feasibility of  
 2107 requiring pharmaceutical processors and cannabis dispensing facilities issued a permit by the Board  
 2108 pursuant to the provisions of Chapter 16 (§ 4.1-1600 et seq.) to offer for sale a certain amount or percentage  
 2109 of marijuana and marijuana products cultivated or processed by microbusinesses and impact licensees,  
 2110 including a proposed timeline for when such requirement may go into effect; and (xiv) any recommendations,  
 2111 including recommendations for statutory or regulatory changes, to strengthen the Commonwealth's retail  
 2112 marijuana market;

2113 40. Investigate the ownership and control interests of all licensees, including a review of the licensee's or  
 2114 applicant's management and brand-licensing agreements to ensure compliance with § 4.1-807;

2115 41. Coordinate with the Department of Criminal Justice Services to ensure the exchange of any  
 2116 information necessary to comply with the reporting requirements of the Community Policing Reporting  
 2117 Database established pursuant to § 52-30.3;

2118 42. Advise and provide training to the Virginia Alcoholic Beverage Control Authority to support its duties  
 2119 to enforce the Cannabis Control Act (§ 4.1-600 et seq.) and regulations related to the illegal cultivation,  
 2120 processing, sale, and distribution of marijuana and marijuana products with respect to reports received  
 2121 through the tip line pursuant to subdivision 32 of § 4.1-103 and to coordinate with the Virginia Alcoholic  
 2122 Beverage Control Authority, as needed, on any such enforcement activities authorized pursuant to  
 2123 subdivision 33 of § 4.1-103; and

2124 43. Do all acts necessary or advisable to carry out the purposes of this subtitle.

2125 **§ 4.1-606. Regulations of the Board.**

2126 A. The Board may promulgate reasonable regulations, not inconsistent with this subtitle or the general  
 2127 laws of the Commonwealth, that it deems necessary to carry out the provisions of this subtitle and to prevent  
 2128 the illegal cultivation, ~~manufacture~~ processing, transportation, distribution, sale, and testing of marijuana  
 2129 and marijuana products, and regulated hemp products. The Board may amend or repeal such regulations.  
 2130 Such Except as otherwise provided by law, such regulations shall be promulgated, amended, or repealed in  
 2131 accordance with the Administrative Process Act (§ 2.2-4000 et seq.) and shall have the effect of law.

2132 B. The Board shall promulgate regulations that:

2133 1. Govern the outdoor cultivation of marijuana by a marijuana cultivation facility licensee, including  
 2134 security requirements to include lighting, physical security, and alarm requirements, provided that such  
 2135 requirements do not prohibit the cultivation of marijuana outdoors or in a greenhouse;

2136 2. Establish requirements for (i) securely transporting marijuana between marijuana establishments and  
 2137 (ii) securely delivering marijuana or marijuana products from retail marijuana stores or microbusinesses  
 2138 only in person to consumers, which shall include requirements for age verification, delivery radius, and  
 2139 recordkeeping;

2140 3. Establish sanitary standards for ~~retail~~ marijuana product and regulated hemp product preparation;

2141 4. Establish a testing program for ~~retail~~ marijuana and ~~retail~~ marijuana products, and regulated hemp  
 2142 products pursuant to Chapter 14 (§ 4.1-1400 et seq.);

2143 5. Establish an application process for licensure as a marijuana establishment pursuant to this subtitle in a  
 2144 way that, when possible, prevents disparate impacts on historically economically disadvantaged communities;

2145 6. Establish requirements for health and safety warning labels to be placed on ~~retail~~ marijuana and ~~retail~~  
 2146 marijuana products to be sold or offered for sale by a licensee to a consumer and on regulated hemp products  
 2147 to be sold or offered for sale by a person in accordance with the provisions of this subtitle;

2148 7. Establish a maximum tetrahydrocannabinol level for ~~retail~~ marijuana products, which shall not exceed  
 2149 (i) five 10 milligrams per serving for edible marijuana products and where practicable an equivalent amount  
 2150 for other marijuana products or (ii) 50 100 milligrams per package for edible marijuana products and where  
 2151 practicable an equivalent amount for other marijuana products. Such regulations may include other product  
 2152 and dispensing limitations on tetrahydrocannabinol;

2153 8. Establish requirements for the form, content, and retention of all records and accounts by all licensees  
 2154 and by any person selling a regulated hemp product;

2155 9. Provide alternative methods for licensees to maintain and store business records that are subject to  
 2156 Board inspection, including methods for Board-approved electronic and offsite storage;

2157 10. Establish (i) criteria by which to evaluate new licensees based on the density of retail marijuana stores  
 2158 in the community and (ii) metrics that have similarly shown an association with negative community-level  
 2159 health outcomes or health disparities. In promulgating such regulations, the Board shall coordinate with the  
 2160 Cannabis Public Health Advisory Council established pursuant to § 4.1-603;

2161 11. Require retail licensees to file an appeal from any hearing decision rendered by a hearing officer

2162 within 30 days of the date the notice of the decision is sent. The notice shall be sent to the licensee at the  
 2163 address on record with the Board by certified mail, return receipt requested, and by regular mail;

2164 12. Prescribe the schedule of proration for refunded license fees to licensees who qualify pursuant to  
 2165 subsection C of § 4.1-1002 4.1-1003;

2166 13. Establish ~~criteria~~ *a process* by which to ~~evaluate social equity~~ *identify impact* license applicants,  
 2167 which shall be an applicant ~~who has lived or been domiciled for at least 12 months in the Commonwealth and~~  
 2168 ~~is either (i) an applicant with that has at least 66 51 percent ownership and direct control by a person or~~  
 2169 ~~persons who (i) have resided (a) between the years 1999 and 2025 in a jurisdiction that, after utilizing census~~  
 2170 ~~tract data made available by the United States Census Bureau, is determined to have been disproportionately~~  
 2171 ~~policed for marijuana crimes or (b) for at least three of the past five years in a historically economically~~  
 2172 ~~disadvantaged community and (ii) meet one or more of the following six criteria: (1) have been convicted of~~  
 2173 ~~or adjudicated delinquent for any misdemeanor violation of § 18.2-248.1, former § 18.2-250.1, or subsection~~  
 2174 ~~A of § 18.2-265.3 as it relates to marijuana or any substantially similar offense under the laws of another~~  
 2175 ~~jurisdiction; (ii) an applicant with at least 66 percent ownership by a person or persons who is (2) are the~~  
 2176 ~~parent, child, sibling, or spouse of a person who has been convicted of or adjudicated delinquent for any~~  
 2177 ~~misdemeanor violation of § 18.2-248.1, former § 18.2-250.1, or subsection A of § 18.2-265.3 as it relates to~~  
 2178 ~~marijuana or any substantially similar offense under the laws of another jurisdiction; (iii) an applicant with at~~  
 2179 ~~least 66 percent ownership by a person or persons who have resided for at least three of the past five years in~~  
 2180 ~~a jurisdiction that is determined by the Board after utilizing census tract data made available by the United~~  
 2181 ~~States Census Bureau to have been disproportionately policed for marijuana crimes; (iv) an applicant with at~~  
 2182 ~~least 66 percent ownership by a person or persons who have resided for at least three of the last five years in a~~  
 2183 ~~jurisdiction determined by the Board after utilizing census tract data made available by the United States~~  
 2184 ~~Census Bureau to be economically distressed; or (v) an applicant with at least 66 percent ownership by a~~  
 2185 ~~person or persons who graduated from a historically black college or university located in the Commonwealth~~  
 2186 ~~(3) have attended for at least five years a public elementary or secondary school located in a historically~~  
 2187 ~~economically disadvantaged community; (4) have received a Federal Pell Grant or attended for at least two~~  
 2188 ~~years a college or university at which at least 30 percent of the students, on average, are eligible for a~~  
 2189 ~~Federal Pell Grant; (5) are veterans of the Armed Forces of the United States; or (6) have qualified for~~  
 2190 ~~financial assistance or relief from the U.S. Department of Agriculture as a distressed farmer in the last five~~  
 2191 ~~years;~~

2192 14. For the purposes of establishing criteria by which to evaluate social equity license applicants, establish  
 2193 standards by which to determine (i) which jurisdictions have been disproportionately policed for marijuana  
 2194 crimes and (ii) which jurisdictions are economically distressed;

2195 ~~15. Establish~~ *For impact license applicants, establish* standards and requirements for (i) ~~any~~ *a preference*  
 2196 *in the licensing process for qualified social equity applicants;* (ii) what percentage of application or license  
 2197 fees are waived ~~for a qualified social equity applicant, and to promote participation by impact licensees with~~  
 2198 ~~an inability to pay standard application and license fees; (iii) a grant or low-interest business loan program~~  
 2199 ~~for qualified social equity applicants programs; (iv) a waiver of any requirements to show proof of funds or~~  
 2200 ~~current possession and control of the proposed licensed premises at the time of application; and (v) to the~~  
 2201 ~~extent practicable, the proportional distribution of licenses among the applicants set forth in clauses (i)~~  
 2202 ~~through (vii) of subdivision 13. If at any time the Board determines that an impact license was obtained on~~  
 2203 ~~the basis of a fraudulent financial transaction or predatory operating agreement or if a prohibited~~  
 2204 ~~assignment, sale, or transfer of an impact license occurs in violation of subsection C of § 4.1-702, the Board~~  
 2205 ~~shall immediately begin revocation proceedings pursuant to § 4.1-903 and require the original impact~~  
 2206 ~~licensee and any other true parties of interest to repay to the Commonwealth the full value of any and all~~  
 2207 ~~application or licensing fees that were waived;~~

2208 ~~16.~~ 15. Establish guidelines, in addition to requirements set forth in this subtitle, for the personal  
 2209 cultivation of marijuana that promote personal and public safety, including child protection, and discourage  
 2210 personal cultivation practices that create a nuisance, including a nuisance caused by odor;

2211 ~~17.~~ 16. Establish reasonable time, place, and manner restrictions on outdoor advertising of ~~retail~~ marijuana  
 2212 ~~or retail, marijuana products, or regulated hemp products, not inconsistent with the provisions of this chapter,~~  
 2213 ~~so that such advertising displaces the illicit market and notifies the public of the location of marijuana or~~  
 2214 ~~hemp establishments. Such regulations shall be promulgated in accordance with § 4.1-1404 4.1-1402;~~

2215 ~~18.~~ 17. Establish restrictions on the number of licenses that a person may be granted to operate a  
 2216 marijuana establishment in single locality or region; ~~and~~

2217 ~~19.~~ Establish restrictions on pharmaceutical processors and industrial hemp processors that have been  
 2218 granted a license in more than one license category pursuant to subsection C of § 4.1-805 that ensure all  
 2219 licensees have an equal and meaningful opportunity to participate in the market. Such regulations may limit  
 2220 the amount of products cultivated or manufactured by the pharmaceutical processor or industrial hemp  
 2221 processor that such processor may offer for sale in its retail marijuana stores

2222 18. Allow impact licensees and microbusinesses to (i) enter into cooperative agreements; (ii) lease space  
 2223 and equipment and cultivate, process, and sell marijuana and marijuana products on the premises of another

2224 licensee; and (iii) process marijuana or marijuana products out of a shared processing space, provided that  
 2225 no more than one license authorizing outdoor cultivation may be exercised on any given parcel of land, nor  
 2226 on parcels that are contiguous and under common ownership or control to said parcel;

2227 19. Establish an approval process for the Board to approve or deny ownership, financing, management,  
 2228 and brand-licensing agreements to ensure compliance with § 4.1-807 and establish an investigation process  
 2229 for determining whether a financial arrangement between a licensee and another party is commercially  
 2230 reasonable or constitutes undue influence, including the consideration of factors such as price-setting  
 2231 authority, shelf-space control, financing dependency, or shared personnel. Such regulations shall presume  
 2232 the permissibility of (i) passive investments resulting in less than a 10 percent equity interest in a licensee,  
 2233 unless the Board determines such investment otherwise results in undue influence, and (ii) management  
 2234 services agreements or brand licensing agreements that do not result in actual or contractual rights to  
 2235 control the management or operations of a licensee. Such regulations shall stipulate that any such  
 2236 investments or agreements described in clauses (i) and (ii) do not constitute undue influence or independently  
 2237 render any individual a principal of a licensee; and

2238 20. Establish procedures governing ownership disclosure and prior written approval of the Board for the  
 2239 assignment, sale, or transfer of any license or any change in ownership or control and background  
 2240 investigations of transferees. Such regulations shall (i) require that ownership interests be traced through all  
 2241 intermediary entities to the ultimate beneficial owners and (ii) include provisions specifying that a change of  
 2242 control occurs upon the (a) acquisition of 25 percent or more of equity or voting power, (b) execution of any  
 2243 instrument conferring appointment or removal rights over managers, or (c) cumulative transfers totaling 25  
 2244 percent or more within any 24-month period.

2245 C. The Board may promulgate regulations that:

2246 1. ~~Limit~~ Set the number of licenses issued by type or class to operate a marijuana establishment in order to  
 2247 ensure that there is a sufficient supply of marijuana to meet demand, provide market stability, avoid market  
 2248 dominance, ensure a competitive market that considers small business opportunities and concerns, and limit  
 2249 the sale of unregulated marijuana; however, the number of licenses issued before January 1, 2028, shall not  
 2250 exceed the following limits:

2251 a. Retail marijuana stores, ~~400~~ 350; and

2252 b. ~~Marijuana wholesalers~~, 25;

2253 e. ~~Marijuana manufacturing facilities~~, 60; and

2254 d. ~~Marijuana cultivation facilities~~, 450 Tier V marijuana cultivation facilities, 5.

2255 In determining the number of licenses issued pursuant to this subdivision, the Board shall not consider any  
 2256 license granted pursuant to subsection C of § 4.1-805 to (i) a pharmaceutical processor that has been issued a  
 2257 permit by the Board of Pharmacy pursuant to Article 4.2 (§ 54.1-3442.5 et seq.) of the Drug Control Act or  
 2258 (ii) an industrial hemp processor registered with the Commissioner of Agriculture and Consumer Services  
 2259 pursuant to Chapter 41.1 (§ 3.2-4112 et seq.) of Title 3.2.

2260 Beginning January 1, 2028, the Board shall determine the number of retail marijuana store and tier V  
 2261 marijuana cultivation facility licenses that the Authority will issue consistent with the goals identified in this  
 2262 subsection. If the Board makes an additional number of those licenses available, the number of licenses  
 2263 available to impact licensee applicants shall be equal to or greater than the number of licenses available to  
 2264 all other applicants.

2265 The Board may issue as many licenses as it deems necessary for any other license type not specified in  
 2266 this subdivision. If the Board does limit the number of licenses available for any other license type not  
 2267 specified in this subdivision, the number of licenses available to impact licensee applicants shall be equal to  
 2268 or greater than the number of licenses available to all other applicants.

2269 2. Prescribe any requirements deemed appropriate for the administration of taxes under §§ 4.1-1003 and §  
 2270 4.1-1004, including method of filing a return, information required on a return, and form of payment.

2271 3. Limit the allowable square footage of a retail marijuana store, which shall not exceed ~~1,500~~ 2,500  
 2272 square feet of retail floor space.

2273 4. Allow certain persons to be granted or have interest in a license in more than one of the following  
 2274 license categories: marijuana cultivation facility license, marijuana manufacturing facility license, marijuana  
 2275 wholesaler license, or retail marijuana store license. Such regulations shall be drawn narrowly to limit vertical  
 2276 integration to small businesses and ensure that all licensees have an equal and meaningful opportunity to  
 2277 participate in the market. Ensure that marijuana establishment licenses are, as possible and practicable,  
 2278 issued evenly among all areas of the Commonwealth; and

2279 5. Establish additional market-concentration thresholds, including regional or statewide market-share  
 2280 and Herfindahl-Hirschman Index (HHI) benchmarks and policies and procedures for denying or  
 2281 conditioning the issuance of licenses or approval of transfers of licenses that would create undue market  
 2282 concentration.

2283 D. Board regulations shall be uniform in their application, except those relating to hours of sale for  
 2284 licensees.

2285 E. Courts shall take judicial notice of Board regulations.

2286 F. The Board shall consult with the Cannabis Public Health Advisory Council in promulgating any  
 2287 regulations relating to public health, including regulations promulgated pursuant to subdivision B 3, 4, 6, 7,  
 2288 10, or ~~16~~ 15, and, *except as otherwise provided in § 4.1-603*, shall not promulgate any such regulation that  
 2289 has not been approved by a majority of the members of the Cannabis Public Health Advisory Council.

2290 G. With regard to regulations governing licensees that have been issued a permit by the Board of  
 2291 Pharmacy to operate as a pharmaceutical processor or cannabis dispensing facility pursuant to Article 4.2  
 2292 (§ 54.1-3442.5 et seq.) of the Drug Control Act, the Board shall make reasonable efforts (i) to align such  
 2293 regulations with any applicable regulations promulgated by the Board of Pharmacy that establish health,  
 2294 safety, and security requirements for pharmaceutical processors and cannabis dispensing facilities and (ii) to  
 2295 deem in compliance with applicable regulations promulgated pursuant to this subtitle such pharmaceutical  
 2296 processors and cannabis dispensing facilities that have been found to be in compliance with regulations  
 2297 promulgated by the Board of Pharmacy that mirror or are more extensive in scope than similar regulations  
 2298 promulgated pursuant to this subtitle.

2299 H. The Board's power to regulate shall be broadly construed.

2300 **§ 4.1-607. Board membership; terms; compensation.**

2301 A. The Authority shall be governed by a Board of Directors, which shall consist of ~~five~~ *seven* citizens at  
 2302 large *as follows: four members* appointed by the Governor and confirmed by the affirmative vote of a  
 2303 majority of those voting in each house of the General Assembly, *two members appointed by the Speaker of*  
 2304 *the House of Delegates, and one member appointed by the Senate Committee on Rules.* Each appointee shall  
 2305 (i) have been a resident of the Commonwealth for a period of at least three years next preceding his  
 2306 appointment, and his continued residency shall be a condition of his tenure in office; (ii) hold, at a minimum,  
 2307 a baccalaureate degree in business or a related field of study; and (iii) possess a minimum of seven years of  
 2308 demonstrated experience or expertise in the direct management, supervision, or control of a business or legal  
 2309 affairs. *Members shall be appointed in a manner that ensures expertise among the Board members in health,*  
 2310 *law, agriculture, finance, and law enforcement and at least two members shall be actively engaged in*  
 2311 *agricultural production.* Appointees shall reflect the racial, ethnic, gender, and geographic diversity of the  
 2312 Commonwealth. Appointees shall be subject to a background check in accordance with § 4.1-609.

2313 B. After the initial staggering of terms, members shall be appointed for a term of five years. All members  
 2314 shall serve until their successors are appointed. Any appointment to fill a vacancy shall be for the unexpired  
 2315 term. No member ~~appointed by the Governor~~ shall be eligible to serve more than two consecutive terms;  
 2316 however, a member appointed to fill a vacancy may serve two additional consecutive terms. Members of the  
 2317 Board may be removed from office by the ~~Governor~~ *appointing authority* for cause, including the improper  
 2318 use of its police powers, malfeasance, misfeasance, incompetence, misconduct, neglect of duty, absenteeism,  
 2319 conflict of interests, failure to carry out the policies of the Commonwealth as established in the Constitution  
 2320 or by the General Assembly, or refusal to carry out a lawful directive of the Governor.

2321 C. The Governor shall appoint the ~~chairman~~ *chair* and ~~vice-chairman~~ *vice-chair* of the Board from among  
 2322 the membership of the Board. The Board may elect other subordinate officers, who need not be members of  
 2323 the Board. The Board may also form committees and advisory councils, which may include representatives  
 2324 who are not members of the Board, to undertake more extensive study and discussion of the issues before the  
 2325 Board. A majority of the Board shall constitute a quorum for the transaction of the Authority's business, and  
 2326 no vacancy in the membership shall impair the right of a quorum to exercise the rights and perform all duties  
 2327 of the Authority.

2328 D. The Board shall meet at least every 60 days for the transaction of its business. Special meetings may be  
 2329 held at any time upon the call of the chairman of the Board or the Chief Executive Officer or upon the written  
 2330 request of a majority of the Board members.

2331 E. Members of the Board shall receive annually such salary, compensation, and reimbursement of  
 2332 expenses for the performance of their official duties as set forth in the general appropriation act for members  
 2333 of the House of Delegates when the General Assembly is not in session, except that the ~~chairman~~ *chair* of the  
 2334 Board shall receive annually such salary, compensation, and reimbursement of expenses for the performance  
 2335 of his official duties as set forth in the general appropriation act for a member of the Senate of Virginia when  
 2336 the General Assembly is not in session.

2337 F. The provisions of the State and Local Government Conflict of Interests Act (§ 2.2-3100 et seq.) shall  
 2338 apply to the members of the Board, the Chief Executive Officer of the Authority, and the employees of the  
 2339 Authority.

2340 **§ 4.1-611. Seed-to-sale tracking system.**

2341 To ensure that no ~~retail~~ marijuana or ~~retail~~ marijuana products grown or processed by a marijuana  
 2342 establishment are sold or otherwise transferred except as authorized by law, the Board shall develop and  
 2343 maintain a seed-to-sale tracking system that tracks ~~retail~~ marijuana from either the seed or immature plant  
 2344 stage until the ~~retail~~ marijuana or ~~retail~~ marijuana product is sold to a customer at a ~~retail~~ marijuana store,  
 2345 *dispensed, or destroyed.*

2346 **§ 4.1-614. Disposition of moneys collected by the Board.**

2347 A. All moneys collected by the Board shall be paid directly and promptly into the state treasury, or shall

2348 be deposited to the credit of the State Treasurer in a state depository, without any deductions on account of  
 2349 salaries, fees, costs, charges, expenses, refunds, or claims of any description whatever, as required by  
 2350 § 2.2-1802.

2351 All moneys so paid into the state treasury, less the net profits determined pursuant to subsection C, shall  
 2352 be set aside as and constitute an Enterprise Fund, subject to appropriation, for the payment of (i) the salaries  
 2353 and remuneration of the members, agents, and employees of the Board and (ii) all costs and expenses  
 2354 incurred in the administration of this subtitle.

2355 B. The net profits derived under the provisions of this subtitle shall be transferred by the Comptroller to  
 2356 the general fund of the state treasury quarterly, within 50 days after the close of each quarter or as otherwise  
 2357 provided in the appropriation act. As allowed by the Governor, the Board may deduct from the net profits  
 2358 quarterly a sum for the creation of a reserve fund not exceeding the sum of \$2.5 million in connection with  
 2359 the administration of this subtitle and to provide for the depreciation on the buildings, plants, and equipment  
 2360 owned, held, or operated by the Board. After accounting for the Authority's expenses as provided in  
 2361 subsection A, net profits shall be appropriated in the general appropriation act as follows:

2362 1. Forty percent to ~~pre-kindergarten programs for at-risk three-year-olds and four-year-olds support early~~  
 2363 ~~childhood care and early childhood education in the Commonwealth;~~

2364 2. Thirty percent to the Cannabis Equity Reinvestment Fund established pursuant to § 2.2-2499.8;

2365 3. Twenty-five percent to the Department of Behavioral Health and Developmental Services, which shall  
 2366 distribute such appropriated funds to community services boards for the purpose of administering substance  
 2367 use disorder prevention and treatment programs; and

2368 4. Five percent to public health programs, including public awareness campaigns that are designed to  
 2369 prevent drugged driving, discourage consumption by persons younger than 21 years of age, and inform the  
 2370 public of other potential risks.

2371 C. As used in this section, "net profits" means the total of all moneys collected by the Board, less local  
 2372 marijuana tax revenues collected under ~~subsection B of § 4.1-1004~~ and distributed pursuant to § 4.1-614  
 2373 ~~4.1-1004~~ and all costs, expenses, and charges authorized by this section.

2374 D. All local tax revenues collected under ~~subsection B of § 4.1-1004~~ ~~4.1-1004~~ shall be paid into the state  
 2375 treasury as provided in subsection A and credited to a special fund, which is hereby created on the  
 2376 Comptroller's books under the name "Collections of Local Marijuana Taxes." The revenues shall be credited  
 2377 to the account of the locality in which they were collected. If revenues were collected from a marijuana  
 2378 establishment located in more than one locality by reason of the boundary line or lines passing through the  
 2379 marijuana establishment, tax revenues shall be distributed pro rata among the localities. The Authority shall  
 2380 provide to the Comptroller any records and assistance necessary for the Comptroller to determine the locality  
 2381 to which tax revenues are attributable.

2382 On a quarterly basis, the Comptroller shall draw his warrant on the Treasurer of Virginia in the proper  
 2383 amount in favor of each locality entitled to the return of its tax revenues, and such payments shall be charged  
 2384 to the account of each such locality under the special fund created by this section. If errors are made in any  
 2385 such payment, or adjustments are otherwise necessary, whether attributable to refunds to taxpayers, or to  
 2386 some other fact, the errors shall be corrected and adjustments made in the payments for the next quarter.

2387 **§ 4.1-621. Certain information not to be made public.**

2388 Neither the Board nor its employees shall divulge any information regarding (i) financial reports or  
 2389 records required pursuant to this subtitle; (ii) the purchase orders and invoices for ~~retail~~ marijuana or ~~retail~~  
 2390 marijuana products filed with the Board by marijuana ~~wholesaler~~ licensees; (iii) taxes collected from,  
 2391 refunded to, or adjusted for any person; or (iv) information contained in the seed-to-sale tracking system  
 2392 maintained by the Board pursuant to § 4.1-611. The provisions of § 58.1-3 shall apply, mutatis mutandis, to  
 2393 taxes collected pursuant to this subtitle and to purchase orders and invoices for ~~retail~~ marijuana or ~~retail~~  
 2394 marijuana products filed with the Board by marijuana ~~wholesaler~~ licensees.

2395 Nothing contained in this section shall prohibit the use or release of such information or documents by the  
 2396 Board to any governmental or law-enforcement agency, or when considering the granting, denial, revocation,  
 2397 or suspension of a license or permit, or the assessment of any penalty against a licensee or permittee, nor shall  
 2398 this section prohibit the Board or its employees from compiling and disseminating to any member of the  
 2399 public aggregate statistical information pertaining to (a) tax collection, as long as such information does not  
 2400 reveal or disclose tax collection from any identified licensee; (b) the total amount of ~~retail~~ marijuana or ~~retail~~  
 2401 marijuana products sales in the Commonwealth by marijuana ~~wholesaler~~ licensees collectively; or (c) the  
 2402 total amount of purchases or sales submitted by licensees, provided that such information does not identify  
 2403 the licensee.

2404 **§ 4.1-629. Local ordinances or resolutions regulating marijuana or marijuana products.**

2405 A. No county, city, or town shall, except as provided in § 4.1-630, adopt any ordinance or resolution that  
 2406 regulates or prohibits the cultivation, processing, possession, sale, distribution, handling, transportation,  
 2407 consumption, use, advertising, or dispensing of marijuana or marijuana products in the Commonwealth.

2408 B. However, the governing body of any county, city, or town may adopt an ordinance that prohibits in its  
 2409 local public parks, playgrounds, public streets, or any sidewalk adjoining any public street the acts described

2410 in § 4.1-1108 or the acts described in § 4.1-1109 and may provide a penalty for violation thereof.

2411 C. Except as provided in this section, nothing in this subtitle shall be construed to supersede or limit the  
2412 authority of a locality to adopt and enforce local ordinances to regulate businesses licensed pursuant to this  
2413 subtitle, including local zoning and land use requirements and business license requirements.

2414 D. Except as provided in this section, all local acts, including charter provisions and ordinances of  
2415 counties, cities, and towns, inconsistent with any of the provisions of this subtitle, are repealed to the extent  
2416 of such inconsistency.

2417 **§ 4.1-630. Local ordinances regulating time of sale of marijuana and marijuana products.**

2418 The governing body of each county may adopt ordinances effective in that portion of such county not  
2419 embraced within the corporate limits of any incorporated town, and the governing body of each city and town  
2420 may adopt ordinances effective in such city or town, fixing hours during which marijuana and marijuana  
2421 products may be sold. Such governing bodies shall provide for fines and other penalties for violations of any  
2422 such ordinances, which shall be enforced as if the violations were Class 1 misdemeanors with a right of  
2423 appeal pursuant to § 16.1-106.

2424 A copy of any ordinance adopted pursuant to this section shall be certified by the clerk of the governing  
2425 body adopting it and transmitted to the Board.

2426 On and after the effective date of any ordinance adopted pursuant to this section, no marijuana store shall  
2427 sell marijuana or marijuana products during the hours limited by the ordinance.

2428 CHAPTER 7.

2429 ADMINISTRATION OF LICENSES; GENERAL PROVISIONS.

2430 **§ 4.1-700. Exemptions from licensure.**

2431 The licensure requirements of this subtitle shall not apply to (i) a handler, grower, or processor of  
2432 industrial hemp that is registered with the Commissioner of Agriculture and Consumer Services pursuant to  
2433 Chapter 41.1 (§ 3.2-4112 et seq.) of Title 3.2 and is acting in accordance with the provisions of Title 3.2; (ii)  
2434 a person that has been issued a regulated hemp product retail facility registration and is acting in  
2435 accordance with the provisions of Title 3.2; (iii) a manufacturer of an edible hemp product operating in  
2436 accordance with Article 5 (§ 3.2-5145.1 et seq.) of Chapter 51 of Title 3.2; or (iv) a person who cultivates  
2437 marijuana at home for personal use pursuant to § 4.1-1101. Nothing in this subtitle shall be construed to (a)  
2438 prevent any person described in clauses (i) through (iii) from obtaining a license pursuant to this subtitle,  
2439 provided such person satisfies applicable licensing requirements; (b) prevent a licensee from acquiring hemp  
2440 products from an industrial hemp processor in accordance with the provisions of Chapter 41.1 (§ 3.2-4112 et  
2441 seq.) of Title 3.2; or (c) prevent a cultivation, processing, transporter, microbusiness, or retail licensee from  
2442 operating on the licensed premises of an industrial hemp processing facility in accordance with Chapter 41.1  
2443 (§ 3.2-4112 et seq.) of Title 3.2.

2444 **§ 4.1-701. To whom privileges conferred by licenses extend; liability for violations of law.**

2445 The privilege of any licensee to cultivate, process, transport, deliver, sell, or test marijuana or marijuana  
2446 products shall extend to such licensee and to all agents or employees of such licensee for the purpose of  
2447 operating under such license. The licensee may be held liable for any violation of this subtitle or any Board  
2448 regulation committed by such agents or employees in connection with their employment.

2449 **§ 4.1-702. Separate license for each place of business; transfer or amendment or license; mandatory  
2450 holding period for impact licenses; posting; expiration; civil penalties.**

2451 A. Each license granted by the Board shall designate the place where the business of the licensee will be  
2452 carried on. A separate license shall be required for each separate place of business.

2453 B. No license shall be transferable from one location to another unless such transfer is conducted in  
2454 accordance with Board regulations. No license shall be assigned, sold, or transferred, nor shall ownership or  
2455 control of a license be changed, unless the licensee has received prior written approval by the Board and  
2456 such assignment, sale, transfer, or change is conducted in accordance with Board regulations. Any such  
2457 change made without approval of the Board is void and shall constitute grounds for immediate suspension or  
2458 revocation of all affected licenses.

2459 C. No impact licensee, nor any person holding a direct or indirect beneficial interest therein, shall sell,  
2460 assign, or transfer a controlling interest of more than 49 percent of the license to any person or entity for a  
2461 period of five years from the date the license is issued. The Board may, by regulation, provide for an  
2462 exception to this mandatory holding period for transfers made as part of an estate plan to a family member or  
2463 into a trust for the benefit of the licensee's immediate family.

2464 D. The Board may permit a licensee to amend the classification of an existing license without complying  
2465 with the posting and publishing procedures required by § 4.1-1000 if the effect of the amendment is to reduce  
2466 materially the privileges of an existing license.

2467 E. Each license shall be posted in a location conspicuous to the public at the place where the licensee  
2468 carries on the business for which the license is granted.

2469 F. The privileges conferred by any license granted by the Board shall continue until the last day of the  
2470 twelfth month next ensuing or the last day of the designated month and year of expiration, except the license  
2471 may be sooner terminated for any cause for which the Board would be entitled to refuse to grant a license or

2472 by operation of law, voluntary surrender, or order of the Board.

2473 The Board may grant licenses for one year based on the fees set by the Board pursuant to § 4.1-1002.

2474 **§ 4.1-703. Records of licensees; inspection of records and places of business.**

2475 A. Every licensed marijuana establishment shall keep complete, accurate, and separate records in  
2476 accordance with Board regulations of all marijuana and marijuana products it cultivated, purchased,  
2477 processed, sold, developed, researched, tested, or shipped.

2478 B. Every licensed retail marijuana store and microbusiness shall keep complete, accurate, and separate  
2479 records in accordance with Board regulations of all purchases of marijuana products, the prices charged  
2480 such licensee therefor, and the names and addresses of the persons from whom purchased. Every licensed  
2481 retail marijuana store and microbusiness shall also preserve all invoices showing its purchases for a period  
2482 as specified by Board regulations. The licensee shall also keep an accurate account of daily sales, showing  
2483 quantities of marijuana products sold and the total price charged by it therefor. Except as otherwise provided  
2484 in subsections C and D, such account need not give the names or addresses of the purchasers thereof, except  
2485 as may be required by Board regulation.

2486 Notwithstanding the provisions of subsection D, electronic records of licensed retail marijuana stores and  
2487 microbusinesses may be stored off-site, provided that such records are readily retrievable and available for  
2488 electronic inspection by the Board or its agents at the licensed premises. However, in the case that such  
2489 electronic records are not readily available for electronic inspection on the licensed premises, the licensee  
2490 may obtain Board approval, for good cause shown, to permit the licensee to provide the records to an agent  
2491 of the Board within three business days or less, as determined by the Board, after a request is made to inspect  
2492 the records.

2493 C. Every licensed marijuana testing facility shall keep records of the names and addresses of all licensees  
2494 or persons who submit marijuana or marijuana products to the marijuana testing facility.

2495 D. The Board and its special agents shall be allowed free access during reasonable hours to every place  
2496 in the Commonwealth and to the premises of every licensee or for the purpose of examining and inspecting  
2497 such place and all records, invoices, and accounts therein.

2498 For the purposes of a Board inspection of the records of any retail marijuana store or microbusiness  
2499 licensees, "reasonable hours" means the hours between 9 a.m. and 5 p.m.; however, if the licensee generally  
2500 is not open to the public substantially during the same hours, "reasonable hours" means the business hours  
2501 when the licensee is open to the public. At any other time of day, if the retail marijuana store or  
2502 microbusiness licensee's records are not available for inspection, the licensee shall provide the records to an  
2503 agent of the Board within 24 hours after a request is made to inspect the records.

2504 **CHAPTER 8.**

2505 **ADMINISTRATION OF LICENSES; LICENSES GRANTED BY BOARD.**

2506 **§ 4.1-800. Marijuana cultivation facility license.**

2507 A. The Board may issue any of the following marijuana cultivation facility licenses, which shall authorize  
2508 the licensee to cultivate, label, and package marijuana; to purchase or take possession of marijuana plants  
2509 and seeds from other marijuana cultivation facilities; to transfer possession of and sell marijuana, immature  
2510 marijuana plants, and marijuana seeds to retail marijuana stores; to transfer possession of marijuana,  
2511 immature marijuana plants, and marijuana seeds to marijuana transporters; to transfer possession of and  
2512 sell marijuana, marijuana plants, and marijuana seeds to other marijuana cultivation facilities; to transfer  
2513 possession of and sell marijuana to marijuana processing facilities; and to transport marijuana, immature  
2514 marijuana plants, and marijuana seeds from the marijuana cultivation facility's licensed premises to another  
2515 licensed marijuana establishment:

2516 1. Tier I marijuana cultivation facility license, which shall authorize the licensee to cultivate marijuana  
2517 indoors or outdoors with a canopy that does not exceed 5,000 square feet.

2518 2. Tier II marijuana cultivation facility license, which shall authorize the licensee to cultivate marijuana  
2519 indoors or outdoors with a canopy that does not exceed 10,000 square feet.

2520 3. Tier III marijuana cultivation facility license, which shall authorize the licensee to cultivate marijuana  
2521 indoors with a canopy that does not exceed 15,000 square feet.

2522 4. Tier IV marijuana cultivation facility license, which shall authorize the licensee to cultivate marijuana  
2523 indoors with a canopy that does not exceed 25,000 square feet.

2524 5. Tier V marijuana cultivation facility license, which shall authorize the licensee to cultivate marijuana  
2525 indoors with a canopy that does not exceed 35,000 square feet.

2526 In consideration of (i) market demand, (ii) utilization rates, (iii) sales data, (iv) product transfers, (v)  
2527 inventory data, and (vi) the volume of license applications and issuances, the Board may (a) adjust the  
2528 canopy of marijuana cultivation facilities within the square footage parameters set forth in this subsection or  
2529 (b) increase the canopy of a marijuana cultivation facility beyond the square footage parameters set forth in  
2530 this subsection if the Board determines that such increase will assist or encourage participation by impact  
2531 licensees in the industry.

2532 B. In accordance with the requirements of § 4.1-611, a marijuana cultivation facility licensee shall track  
2533 the marijuana it cultivates from seed or immature marijuana plant to the point at which the marijuana plant

2534 *or the marijuana produced by the marijuana plant is transported or transferred to a marijuana testing*  
 2535 *facility, a marijuana transporter, another marijuana cultivation facility, a marijuana processor, or a retail*  
 2536 *marijuana store or is disposed of or destroyed.*

2537 *C. The cultivation of marijuana by a marijuana cultivation facility licensee in a secure agricultural*  
 2538 *greenhouse shall be considered indoor cultivation and shall be permitted, provided that the secure*  
 2539 *agricultural greenhouse is surrounded by a privacy fence that is no less than eight feet tall and is subject to*  
 2540 *monitored ingress and egress.*

2541 *D. No more than one marijuana cultivation facility license authorizing outdoor cultivation shall be issued*  
 2542 *for any given parcel of land, nor shall any marijuana cultivation facility license authorizing outdoor*  
 2543 *cultivation be issued for any parcels that are contiguous and under common ownership or control to such*  
 2544 *parcel.*

2545 *E. All areas within the licensed premises of a marijuana cultivation facility in which marijuana is*  
 2546 *cultivated, labeled, packaged, or stored shall meet all sanitary and security standards specified in regulations*  
 2547 *adopted by the Board.*

2548 **§ 4.1-801. Marijuana processing facility license.**

2549 *A. The Board may issue marijuana processing facility licenses, which shall authorize the licensee to*  
 2550 *process, label, and package marijuana and marijuana products; to purchase or take possession of marijuana*  
 2551 *from a marijuana cultivation facility or another marijuana processing facility; to transfer possession of and*  
 2552 *sell marijuana and marijuana products to retail marijuana stores or other marijuana processing facilities; to*  
 2553 *transfer possession of marijuana and marijuana products to marijuana transporters; and to transport*  
 2554 *marijuana and marijuana products from the marijuana processing facility's licensed premises to another*  
 2555 *licensed marijuana establishment.*

2556 *B. All areas within the licensed premises of a marijuana processing facility in which marijuana and*  
 2557 *marijuana products are processed shall meet all sanitary and security standards specified in regulations*  
 2558 *adopted by the Board. A marijuana processing facility that processes an edible marijuana product shall*  
 2559 *comply with the requirements of Chapter 51 (§ 3.2-5100 et seq.) of Title 3.2 and any regulations adopted*  
 2560 *pursuant thereto.*

2561 *C. In accordance with the requirements of § 4.1-611, a marijuana processing facility licensee shall track*  
 2562 *the marijuana it uses in its processing from the point the marijuana is delivered or transferred to the*  
 2563 *marijuana processing facility by a marijuana transporter licensee to the point the marijuana or marijuana*  
 2564 *products produced using the marijuana are delivered or transferred to another marijuana processing facility,*  
 2565 *a retail marijuana store, a marijuana testing facility, or a marijuana transporter or are disposed of or*  
 2566 *destroyed.*

2567 **§ 4.1-802. Retail marijuana store license.**

2568 *A. The Board may issue retail marijuana store licenses, which shall authorize the licensee to purchase or*  
 2569 *take possession of marijuana, marijuana products, immature marijuana plants, or marijuana seeds from a*  
 2570 *marijuana cultivation facility or marijuana processing facility; to take possession of marijuana, marijuana*  
 2571 *products, immature marijuana plants, or marijuana seeds from a marijuana transporter; to sell marijuana,*  
 2572 *marijuana products, marijuana paraphernalia, immature marijuana plants, or marijuana seeds to consumers*  
 2573 *on premises approved by the Board; to deliver marijuana, marijuana products, marijuana paraphernalia,*  
 2574 *immature marijuana plants, or marijuana seeds only in person to consumers; to transfer possession of*  
 2575 *marijuana, marijuana products, marijuana paraphernalia, immature marijuana plants, or marijuana seeds to*  
 2576 *marijuana delivery operators; and to transport marijuana, marijuana products, marijuana paraphernalia,*  
 2577 *immature marijuana plants, and marijuana seeds from the retail marijuana store's licensed premises to*  
 2578 *another retail marijuana store.*

2579 *B. Retail marijuana stores shall be operated in accordance with the following provisions:*

2580 *1. A person shall be 21 years of age or older to make a purchase in a retail marijuana store.*

2581 *2. A retail marijuana store shall be permitted to sell marijuana, marijuana products, immature marijuana*  
 2582 *plants, or marijuana seeds to consumers only (i) in a direct, face-to-face exchange; (ii) using a licensed*  
 2583 *marijuana delivery operator; or (iii) by delivery in person to consumers at any residence, including a*  
 2584 *temporary residence, or business; however, a retail marijuana store shall not deliver marijuana, marijuana*  
 2585 *products, marijuana paraphernalia, immature marijuana plants, or marijuana seeds to (a) any military base,*  
 2586 *child day center, school, or correctional facility; (b) the State Capitol; (c) hospital; (d) marine terminal*  
 2587 *under the supervision of the Virginia Port Authority; or (e) any public gathering places, including sporting*  
 2588 *events, festivals, fairs, races, concerts, and terminals of public transportation companies. A retail marijuana*  
 2589 *store shall not be permitted to sell marijuana, marijuana products, marijuana paraphernalia, immature*  
 2590 *marijuana plants, or marijuana seeds using:*

2591 *a. An automated dispensing or vending machine; or*

2592 *b. A drive-through sales window.*

2593 *3. A retail marijuana store shall not be permitted to sell more than two and one-half ounces of marijuana*  
 2594 *or an equivalent amount of marijuana products as determined by regulation promulgated by the Board*  
 2595 *during a single transaction to one person.*

2596 4. A retail marijuana store shall not sell or market marijuana, marijuana products, marijuana  
2597 paraphernalia, immature marijuana plants, or marijuana seeds through an internet-based sales platform  
2598 operated by a third party or fulfill any order referred by such internet-based sales platform operated by a  
2599 third party.

2600 5. A retail marijuana store shall not:

2601 a. Give away any marijuana, marijuana products, immature marijuana plants, or marijuana seeds except  
2602 as otherwise permitted by this subtitle; or

2603 b. Sell marijuana, marijuana products, immature marijuana plants, or marijuana seeds to any person  
2604 when at the time of such sale he knows or has reason to believe that the person attempting to purchase the  
2605 marijuana, marijuana product, immature marijuana plant, or marijuana seeds is intoxicated or is attempting  
2606 to purchase marijuana for someone younger than 21 years of age.

2607 6. In accordance with the requirements of § 4.1-611, a retail marijuana store licensee shall track all  
2608 marijuana, marijuana products, immature marijuana plants, or marijuana seeds from the point at which the  
2609 marijuana, marijuana products, immature marijuana plants, or marijuana seeds are delivered or transferred  
2610 to the retail marijuana store to the point at which the marijuana, marijuana products, immature marijuana  
2611 plants, or marijuana seeds are sold to a consumer, delivered or transferred to a marijuana testing facility,  
2612 transferred to a marijuana delivery operator, or disposed of or destroyed.

2613 7. A retail marijuana store shall not be subject to the requirements of Chapter 51 (§ 3.2-5100 et seq.) of  
2614 Title 3.2.

2615 C. Each retail marijuana store licensee shall post in each retail marijuana store notice of the existence of  
2616 a human trafficking hotline to alert possible witnesses or victims of human trafficking to the availability of a  
2617 means to report crimes or gain assistance. The notice required by this subsection shall (i) be posted in a  
2618 place readily visible and accessible to the public and (ii) meet the requirements specified in subsection C of  
2619 § 40.1-11.3.

2620 D. Each retail marijuana store licensee shall prominently display and make available for dissemination to  
2621 consumers Board-approved information regarding the potential risks of marijuana use.

2622 E. Each retail marijuana store licensee shall provide training, established or approved by the Board, to  
2623 all employees educating them on how to discuss the potential risks of marijuana use with consumers.

2624 F. All areas within the licensed premises of a retail marijuana store in which marijuana, marijuana  
2625 products, immature marijuana plants, or marijuana seeds are sold or stored shall meet all sanitary and  
2626 security standards specified in regulations adopted by the Board.

2627 **§ 4.1-803. Microbusiness license.**

2628 A. The Board may issue microbusiness licenses, which shall authorize the licensee to conduct any  
2629 activities authorized for marijuana cultivation facilities pursuant to § 4.1-800, marijuana processing  
2630 facilities pursuant to § 4.1-801, and retail marijuana stores pursuant to § 4.1-802, as determined by the  
2631 Board; however, (i) a microbusiness license shall authorize the licensee to cultivate marijuana indoors or  
2632 outdoors with an indoor canopy that does not exceed 5,000 square feet and an outdoor canopy that does not  
2633 exceed 10,000 square feet, or such other comparable limits as the Board may establish by regulation and (ii)  
2634 a microbusiness licensee shall not hold or control any other license and may operate only one licensed  
2635 premises.

2636 B. Notwithstanding any other provision of law, a microbusiness licensee may conduct authorized  
2637 activities at no more than two separate locations within the Commonwealth, provided that (i) each location is  
2638 appropriately zoned and approved by the locality in which it is located; (ii) the locations are within 20 miles  
2639 of one another; (iii) all locations operate under the same microbusiness license and common ownership and  
2640 control; and (iv) no single license privilege, such as cultivating, processing, or retail sales, shall be exercised  
2641 at more than one location.

2642 C. Unless otherwise provided by law or the Board, a microbusiness licensee shall be subject to the same  
2643 statutory requirements and regulations as marijuana cultivation facilities, marijuana processing facilities,  
2644 and retail marijuana stores, including requirements for (i) tracking all marijuana, marijuana products,  
2645 immature marijuana plants, or marijuana seeds in accordance with § 4.1-611 and (ii) ensuring all areas  
2646 within the licensed premises of the microbusiness meet all sanitary and security standards specified in  
2647 regulations adopted by the Board.

2648 **§ 4.1-804. Marijuana transporter license.**

2649 A. The Board may issue marijuana transporter licenses, which shall authorize the licensee to take  
2650 possession of marijuana, marijuana products, immature marijuana plants, and marijuana seeds from a  
2651 marijuana cultivation facility, a marijuana processing facility, a retail marijuana store, a microbusiness, or  
2652 another marijuana transporter; to transfer possession of marijuana, marijuana products, immature  
2653 marijuana plants, and marijuana seeds to a marijuana cultivation facility, marijuana processing facility,  
2654 retail marijuana store, microbusiness, or another marijuana transporter; and to transport marijuana,  
2655 marijuana products, immature marijuana plants, and marijuana seeds from one licensed establishment to  
2656 another.

2657 B. All areas within the licensed premises of a marijuana transporter in which marijuana and marijuana

2658 products are stored shall meet all sanitary and security standards specified in regulations adopted by the  
2659 Board.

2660 C. In accordance with the requirements of § 4.1-611, a marijuana transporter licensee shall track the  
2661 marijuana, marijuana products, immature marijuana plants, or marijuana seeds from the point at which the  
2662 marijuana, marijuana products, plants, or seeds are delivered or transferred to the marijuana transporter to  
2663 the point at which the marijuana, marijuana products, plants, or seeds are transferred to a marijuana  
2664 processor, marijuana transporter, retail marijuana store, microbusiness, or marijuana testing facility or are  
2665 disposed of or destroyed.

2666 **§ 4.1-805. Marijuana delivery operator license.**

2667 A. The Board may issue marijuana delivery operator licenses, which shall authorize the licensee to take  
2668 possession of marijuana or marijuana products from a retail marijuana store or microbusiness and deliver  
2669 such marijuana or marijuana products only in person to consumers at any residence, including a temporary  
2670 residence, or business; however, a delivery operator licensee shall not deliver marijuana or marijuana  
2671 products to (i) any military base, child day center, school, or correctional facility; (ii) the State Capitol; (iii)  
2672 hospital; (iv) marine terminal under the supervision of the Virginia Port Authority; or (v) any public  
2673 gathering places, including sporting events, festivals, fairs, races, concerts, and terminals of public  
2674 transportation companies.

2675 B. In accordance with the requirements of § 4.1-611, a marijuana delivery operator licensee shall track  
2676 the marijuana or marijuana products from the point at which the marijuana or marijuana products are  
2677 transferred to the marijuana delivery operator to the point at which the marijuana or marijuana products are  
2678 delivered or transferred to the consumer or are disposed of or destroyed.

2679 **§ 4.1-806. Marijuana testing facility license.**

2680 A. The Board may issue marijuana testing facility licenses, which shall authorize the licensee to develop,  
2681 research, transport, or test marijuana, marijuana products, and other substances.

2682 B. A marijuana testing facility may develop, research, or test marijuana and marijuana products for (i)  
2683 that facility, (ii) another licensee, or (iii) a person who intends to use the marijuana or marijuana product for  
2684 personal use as authorized under § 4.1-1100.

2685 C. Neither this subtitle nor the regulations adopted pursuant to this subtitle shall prevent a marijuana  
2686 testing facility from developing, researching, or testing substances that are not marijuana or marijuana  
2687 products for that facility or for another person.

2688 D. To obtain licensure from the Board, a marijuana testing facility shall be required to obtain and  
2689 maintain accreditation pursuant to standard ISO/IEC 17025 of the International Organization for  
2690 Standardization by a third-party accrediting body.

2691 E. In accordance with the requirements of § 4.1-611, a marijuana testing facility licensee shall track all  
2692 marijuana and marijuana products it receives from a licensee for testing purposes from the point at which the  
2693 marijuana or marijuana products are delivered or transferred to the marijuana testing facility to the point at  
2694 which the marijuana or marijuana products are disposed of or destroyed.

2695 F. A person that has an interest in a marijuana testing facility license shall not have any interest in a  
2696 licensed marijuana cultivation facility, licensed marijuana processing facility, licensed marijuana  
2697 transporter, licensed retail marijuana store, or licensed microbusiness.

2698 G. All areas within the licensed premises of a marijuana testing facility in which marijuana or marijuana  
2699 products are tested or stored shall meet all sanitary and security standards specified in regulations adopted  
2700 by the Board.

2701 **§ 4.1-807. Multiple licenses awarded to one person; limitations.**

2702 A. As used in this section, "interest" means a direct or indirect equity ownership interest, a partial equity  
2703 ownership interest, or any other financial or economic interest representing at least 10 percent or more of  
2704 the ownership, voting power, or economic value of an entity, including being an investor, partner, member,  
2705 officer, or director or serving in any other management position.

2706 B. A person may possess or hold interest in one or any combination of the following licenses pursuant to  
2707 Board regulations: tier I marijuana cultivation facility license, tier II marijuana cultivation facility license,  
2708 tier III marijuana cultivation facility license, tier IV marijuana cultivation facility license, tier V marijuana  
2709 cultivation facility license, marijuana processing facility license, marijuana transporter license, marijuana  
2710 delivery operator license, or retail marijuana store license. Board regulations shall be drawn to ensure that  
2711 all licensees have an equal and meaningful opportunity to participate in the market. Moreover, except as  
2712 provided in subsection C, (i) no person shall be granted or hold interest in more than five total licenses, not  
2713 including marijuana transporter licenses, issued pursuant to this subtitle or more than one tier V marijuana  
2714 cultivation facility license; (ii) no person that has been granted or holds interest in a marijuana cultivation  
2715 facility license, marijuana processing facility license, marijuana transporter license, marijuana delivery  
2716 operator license, retail marijuana store license, or microbusiness license shall be issued or hold interest in a  
2717 marijuana testing facility license; (iii) no person that has been granted or holds interest in a microbusiness  
2718 license shall be issued or hold interest in any other marijuana establishment; and (iv) no person that has  
2719 been granted or holds interest in a pharmaceutical processor permit pursuant to Chapter 16 (§ 4.1-1600 et

2720 *seq.) shall be issued or hold interest in any other marijuana establishment license, except for the cannabis*  
 2721 *dispensing facility permits allowed pursuant to § 4.1-1602.*

2722 *C. Nothing in this section shall be construed to prohibit any person or entity that, as of July 1, 2026, owns*  
 2723 *and controls a pharmaceutical processor permit pursuant to Chapter 16 (§ 4.1-1600 et seq.) or a conditional*  
 2724 *permit in more than one health service area, provided such person or entity continuously holds such*  
 2725 *pharmaceutical processor permits or conditional permits after July 1, 2026.*

2726 **§ 4.1-808. Temporary permits required in certain instances.**

2727 *A. The Board may grant a permit that shall authorize any person who purchases at a foreclosure, secured*  
 2728 *creditor's, or judicial auction sale the premises or property of a person licensed by the Board and who has*  
 2729 *become lawfully entitled to the possession of the licensed premises to continue to operate the marijuana*  
 2730 *establishment to the same extent as the license holder for a period not to exceed 60 days or for such longer*  
 2731 *period as determined by the Board. Such permit shall be temporary and shall confer the privileges of any*  
 2732 *licenses held by the previous owner to the extent determined by the Board. Such temporary permit may be*  
 2733 *issued in advance, conditioned on the requirements in this subsection.*

2734 *B. A temporary permit granted pursuant to subsection A may be revoked summarily by the Board for any*  
 2735 *cause set forth in § 4.1-900 without complying with subsection A of § 4.1-903. Revocation of a temporary*  
 2736 *permit shall be effective upon service of the order of revocation upon the permittee or upon the expiration of*  
 2737 *three business days after the order of the revocation has been mailed to the permittee at either his residence*  
 2738 *or the address given for the business in the permit application. No further notice shall be required.*

2739 **§ 4.1-809. Licensee shall maintain possession of premises.**

2740 *As a condition of licensure, a licensee shall at all times maintain possession of the licensed premises of*  
 2741 *the marijuana establishment that the licensee is licensed to operate, whether pursuant to a lease, rental*  
 2742 *agreement, or other arrangement for possession of the premises or by virtue of ownership of the premises. If*  
 2743 *the licensee fails to maintain possession of the licensed premises, the license shall be revoked by the Board.*

2744 **§ 4.1-810. Conditions under which the Board shall or may refuse to grant licenses.**

2745 *A. The Board may refuse to grant any license if it has reasonable cause to believe that the granting of the*  
 2746 *license would be detrimental to the interest, morals, safety, or welfare of the public or would be inconsistent*  
 2747 *with the provisions of this subtitle.*

2748 *B. The Board shall refuse to grant any license if it has reasonable cause to believe that:*

2749 *1. The applicant, or if the applicant is a partnership, any general partner thereof, or if the applicant is an*  
 2750 *association, any member thereof, or a limited partner of 10 percent or more with voting rights, or if the*  
 2751 *applicant is a corporation, any officer, director, or shareholder owning 10 percent or more of its capital*  
 2752 *stock, or if the applicant is a limited liability company, any member-manager or any member owning 10*  
 2753 *percent or more of the membership interest of the limited liability company:*

2754 *a. Is not 21 years of age or older;*

2755 *b. Has been convicted in any court of a felony, other than a conviction for a felony violation of*  
 2756 *§ 18.2-248.1, or any crime or offense involving moral turpitude under the laws of any state or of the United*  
 2757 *States within seven years of the date of the application or has not completed all terms of sentencing and*  
 2758 *probation resulting from any such conviction;*

2759 *c. Knowingly employs or allows to volunteer someone younger than 21 years of age;*

2760 *d. Is not the legitimate owner of the business proposed to be licensed, or other persons have ownership*  
 2761 *interests in the business that have not been disclosed;*

2762 *e. Has not demonstrated financial responsibility sufficient to meet the requirements of the business*  
 2763 *proposed to be licensed;*

2764 *f. Has misrepresented a material fact in applying to the Board for a license;*

2765 *g. Has defrauded or attempted to defraud the Board, or any federal, state, or local government or*  
 2766 *governmental agency or authority, by making or filing any report, document, or tax return required by statute*  
 2767 *or regulation that is fraudulent or contains a false representation of a material fact, or has willfully deceived*  
 2768 *or attempted to deceive the Board, or any federal, state, or local government or governmental agency or*  
 2769 *authority, by making or maintaining business records required by statute or regulation that are false or*  
 2770 *fraudulent;*

2771 *h. Is violating or allowing the violation of any provision of this subtitle in his establishment at the time his*  
 2772 *application for a license is pending;*

2773 *i. Is a full-time or part-time employee of the Department of State Police or of a police department or*  
 2774 *sheriff's office that is a part of or administered by the Commonwealth or any political subdivision thereof,*  
 2775 *and who is responsible for the enforcement of the penal, traffic, or motor vehicle laws of the Commonwealth;*

2776 *j. Has been sanctioned by the Board pursuant to regulations promulgated by the Board for a violation*  
 2777 *pursuant to Chapter 16 (§ 4.1-1600 et seq.);*

2778 *k. Is physically unable to carry on the business for which the application for a license is filed or has been*  
 2779 *adjudicated incapacitated; or*

2780 *l. Is delinquent for a period of 90 days or more in the payment of any taxes, or any penalties or interest*  
 2781 *related thereto, lawfully imposed by the locality where the place to be occupied by the applicant is located, as*

2782 certified by the treasurer, commissioner of the revenue, or finance director of such locality, unless (i) the  
 2783 outstanding amount is de minimis; (ii) the applicant has pending a bona fide application for correction or  
 2784 appeal with respect to such taxes, penalties, or interest; or (iii) the applicant has entered into a payment plan  
 2785 approved by the same locality to settle the outstanding liability.

2786 2. The applicant is a member or employee of the Board or is a corporation or other business entity in  
 2787 which a member or employee of the Board is a stockholder or has any other economic interest. Whenever any  
 2788 other elected or appointed official of the Commonwealth or any political subdivision thereof applies for such  
 2789 a license or continuance thereof, he shall state on the application the official position he holds, and whenever  
 2790 a corporation or other business entity in which any such official is a stockholder or has any other economic  
 2791 interest applies for such a license, it shall state on the application the full economic interests of each such  
 2792 official in such corporation or other business entity.

2793 3. The place to be occupied by the applicant:

2794 a. Does not conform to the requirements of the governing body of the county, city, or town in which such  
 2795 place is located with respect to sanitation, health, construction, or equipment, or to any similar requirements  
 2796 established by the laws of the Commonwealth or by Board regulation;

2797 b. Is so located that granting a license and operation thereunder by the applicant would result in  
 2798 violations of this subtitle or Board regulations or violation of the laws of the Commonwealth or local  
 2799 ordinances relating to peace and good order;

2800 c. When the applicant is applying for a retail marijuana store license or microbusiness license, is (i)  
 2801 located within 1,000 feet of any hospital; public, private, or parochial school or institution of higher  
 2802 education; or child day program; or (ii) so located with respect to any such facilities, programs, or  
 2803 institutions that the operation of such place under such license will adversely affect or interfere with the  
 2804 normal, orderly conduct of the affairs of such facilities, programs, or institutions;

2805 d. When the applicant is applying for a retail marijuana store license or microbusiness license, is so  
 2806 located with respect to any residence or residential area that the operation of such place under such license  
 2807 will adversely affect real property values or substantially interfere with the usual quietude and tranquility of  
 2808 such residence or residential area;

2809 e. Is so constructed, arranged, or illuminated that law-enforcement officers and agents of the Board are  
 2810 prevented from ready access to and reasonable observation of any room or area within which marijuana or  
 2811 marijuana products are to be sold; or

2812 f. Is an establishment where alcoholic beverages, tobacco, or tobacco products are manufactured, sold, or  
 2813 used.

2814 Nothing in this subdivision 3 shall be construed to require an applicant to have secured a place or  
 2815 premises until the final stage of the license approval process.

2816 4. The number of licenses existing in the locality is such that the granting of a license is detrimental to the  
 2817 interest, morals, safety, or welfare of the public. In reaching such conclusion, the Board shall consider (i) the  
 2818 criteria established by the Board to evaluate new licensees based on the density of retail marijuana stores in  
 2819 the community; (ii) the character of, population of, number of similar licenses in, and number of all licenses  
 2820 existent in the particular county, city, or town and the immediate neighborhood concerned; (iii) the effect that  
 2821 a new license may have on such county, city, town, or neighborhood in conforming with the purposes of this  
 2822 subtitle; and (iv) the objections, if any, that may have been filed by a local governing body or local residents.

2823 5. There exists any law, ordinance, or regulation of the United States, the Commonwealth, or any political  
 2824 subdivision thereof that warrants refusal by the Board to grant any license.

2825 6. The Board is not authorized under this subtitle to grant such license.

2826 **§ 4.1-811. Denial of license or permit final.**

2827 The denial of a license or permit by the Board shall be final unless appealed pursuant to § 4.1-1009.

2828 CHAPTER 9.

2829 ADMINISTRATION OF LICENSES; DENIAL, SUSPENSION, AND REVOCATION.

2830 **§ 4.1-900. Grounds for which Board may suspend or revoke licenses.**

2831 A. The Board may suspend or revoke any license if it has reasonable cause to believe that:

2832 1. The licensee, or if the licensee is a partnership, any general partner thereof, or if the licensee is an  
 2833 association, any member thereof, or a limited partner of 10 percent or more with voting rights, or if the  
 2834 licensee is a corporation, any officer, director, or shareholder owning 10 percent or more of its capital stock,  
 2835 or if the licensee is a limited liability company, any member-manager or any member owning 10 percent or  
 2836 more of the membership interest of the limited liability company:

2837 a. Has misrepresented a material fact in applying to the Board for such license;

2838 b. Within the five years immediately preceding the date of the hearing held in accordance with § 4.1-903,  
 2839 has (i) violated any provision of Chapter 11 (§ 4.1-1100 et seq.), Chapter 12 (§ 4.1-1200 et seq.), or Chapter  
 2840 13 (§ 4.1-1300 et seq.); (ii) committed a violation of this subtitle in bad faith; (iii) violated or failed or  
 2841 refused to comply with any regulation, rule, or order of the Board; or (iv) failed or refused to comply with  
 2842 any of the conditions or restrictions of the license granted by the Board;

2843 c. Has been convicted in any court of a felony or of any crime or offense involving moral turpitude under

2844 *the laws of any state or of the United States;*  
 2845 *d. Is not the legitimate owner of the business conducted under the license granted by the Board, or other*  
 2846 *persons have ownership interests in the business that have not been disclosed;*  
 2847 *e. Cannot demonstrate financial responsibility sufficient to meet the requirements of the business*  
 2848 *conducted under the license granted by the Board;*  
 2849 *f. Has been intoxicated or under the influence of some self-administered drug while upon the licensed*  
 2850 *premises;*  
 2851 *g. Has maintained the licensed premises in an unsanitary condition, or allowed such premises to become*  
 2852 *a meeting place or rendezvous for members of a criminal street gang as defined in § 18.2-46.1 or persons of*  
 2853 *ill repute, or has allowed any form of illegal gambling, as defined in § 18.2-325, to take place upon such*  
 2854 *premises;*  
 2855 *h. Has allowed any person whom he knew or had reason to believe was intoxicated to loiter upon such*  
 2856 *licensed premises;*  
 2857 *i. Has allowed any person to consume upon the licensed premises any alcohol, marijuana, or marijuana*  
 2858 *product;*  
 2859 *j. Is physically unable to carry on the business conducted under such license or has been adjudicated*  
 2860 *incapacitated;*  
 2861 *k. Has possessed any illegal gambling device upon the licensed premises;*  
 2862 *l. Has upon the licensed premises (i) illegally possessed, distributed, sold, or used, or has knowingly*  
 2863 *allowed any employee or agent, or any other person, to illegally possess, distribute, sell, or use, controlled*  
 2864 *substances, imitation controlled substances, drug paraphernalia, or controlled paraphernalia as those terms*  
 2865 *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*  
 2866 *Drug Control Act (§ 54.1-3400 et seq.); (ii) laundered money in violation of § 18.2-246.3; or (iii) conspired*  
 2867 *to commit any drug-related offense in violation of Article 1 or 1.1 of Chapter 7 of Title 18.2 or the Drug*  
 2868 *Control Act. The provisions of this subdivision l shall also apply to any conduct related to the operation of*  
 2869 *the licensed business that facilitates the commission of any of the offenses set forth herein;*  
 2870 *m. Has failed to take reasonable measures to prevent (i) the licensed premises, (ii) any premises*  
 2871 *immediately adjacent to the licensed premises that is owned or leased by the licensee, or (iii) any portion of*  
 2872 *public property immediately adjacent to the licensed premises from becoming a place where patrons of the*  
 2873 *establishment commit criminal violations of Article 1 (§ 18.2-30 et seq.), 2 (§ 18.2-38 et seq.), 2.1*  
 2874 *(§ 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.),*  
 2875 *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*  
 2876 *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*  
 2877 *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*  
 2878 *violations lead to arrests that are so frequent and serious as to reasonably be deemed a continuing threat to*  
 2879 *the public safety;*  
 2880 *n. Has failed to take reasonable measures to prevent an act of violence resulting in death or serious*  
 2881 *bodily injury, or a recurrence of such acts, from occurring on (i) the licensed premises, (ii) any premises*  
 2882 *immediately adjacent to the licensed premises that is owned or leased by the licensee, or (iii) any portion of*  
 2883 *public property immediately adjacent to the licensed premises; or*  
 2884 *o. Has been sanctioned by the Board pursuant to regulations promulgated by the Board for a violation*  
 2885 *pursuant to Chapter 16 (§ 4.1-1600 et seq.).*  
 2886 *2. The place occupied by the licensee:*  
 2887 *a. Does not conform to the requirements of the governing body of the county, city, or town in which such*  
 2888 *establishment is located, with respect to sanitation, health, construction, or equipment, or to any similar*  
 2889 *requirements established by the laws of the Commonwealth or by Board regulations;*  
 2890 *b. Has been adjudicated a common nuisance under the provisions of this subtitle or § 18.2-258; or*  
 2891 *c. Has become a meeting place or rendezvous for illegal gambling, illegal users of narcotics, drunks,*  
 2892 *prostitutes, pimps, panderers, or habitual law violators or has become a place where illegal drugs are*  
 2893 *regularly used or distributed. The Board may consider the general reputation in the community of such*  
 2894 *establishment in addition to any other competent evidence in making such determination.*  
 2895 *3. The licensee or any employee of the licensee discriminated against any member of the Armed Forces of*  
 2896 *the United States by prices charged or otherwise.*  
 2897 *4. Any cause exists for which the Board would have been entitled to refuse to grant such license had the*  
 2898 *facts been known.*  
 2899 *5. The licensee is delinquent for a period of 90 days or more in the payment of any taxes, or any penalties*  
 2900 *or interest related thereto, lawfully imposed by the locality where the licensed business is located, as certified*  
 2901 *by the treasurer, commissioner of the revenue, or finance director of such locality, unless (i) the outstanding*  
 2902 *amount is de minimis; (ii) the licensee has pending a bona fide application for correction or appeal with*  
 2903 *respect to such taxes, penalties, or interest; or (iii) the licensee has entered into a payment plan approved by*  
 2904 *the same locality to settle the outstanding liability.*  
 2905 *6. The licensee has been convicted for a violation of 8 U.S.C. § 1324a(f), as amended, for actions of its*

2906 agents or employees constituting a pattern or practice of employing unauthorized aliens on the licensed  
2907 premises in the Commonwealth.

2908 7. The Board finds that the licensee assigned, sold, or transferred a license or changed ownership or  
2909 control of the license without prior written approval of the Board as required pursuant to § 4.1-702.

2910 8. Any other cause authorized by this subtitle.

2911 B. The Board shall promulgate regulations regarding suspension and revocation standards and protocols.

2912 **§ 4.1-901. Summary suspension in emergency circumstances; grounds; notice and hearing.**

2913 A. The Board may summarily suspend or restrict any license or permit without a hearing if the Board  
2914 finds that such suspension or restriction is necessary to prevent substantial danger to public health or safety.  
2915 The Board shall make decisions to summarily suspend or restrict a license or permit only during an in-person  
2916 meeting in which a quorum is present; however, if, after a good faith effort, the Board is unable to assemble a  
2917 quorum and a majority of the Board members determine that continued operation by the licensee or  
2918 permittee constitutes a substantial danger to public health or safety, the Board may summarily suspend the  
2919 license or permit during a telephone, video, or other electronic conference. Institution of proceedings for a  
2920 hearing shall be provided simultaneously with a summary suspension. The Board may summarily restrict a  
2921 license or permit without proceeding simultaneously with notification of an informal conference pursuant to  
2922 § 2.2-4019 or Board regulations. Such hearing or conference shall be held within a reasonable amount of  
2923 time after the summary suspension or restriction is issued.

2924 B. Allegations of violations of this subtitle shall be submitted to the Board in writing.

2925 C. This section shall not apply to temporary permits granted under § 4.1-808.

2926 **§ 4.1-902. Grounds for which Board shall suspend or revoke licenses.**

2927 The Board shall suspend or revoke any license if it finds that:

2928 1. A licensee has violated or permitted the violation of § 18.2-331, relating to the illegal possession of a  
2929 gambling device, upon the premises for which the Board has granted a retail marijuana store or  
2930 microbusiness license.

2931 2. A licensee has defrauded or attempted to defraud the Board, or any federal, state, or local government  
2932 or governmental agency or authority, by making or filing any report, document, or tax return required by  
2933 statute or regulation that is fraudulent or contains a willful or knowing false representation of a material fact  
2934 or has willfully deceived or attempted to deceive the Board, or any federal, state, or local government or  
2935 governmental agency or authority, by making or maintaining business records required by statute or  
2936 regulation that are false or fraudulent.

2937 3. The licensee is not operational within 12 months of the issuance of the license.

2938 **§ 4.1-903. Suspension or revocation of licenses; notice and hearings; imposition of civil penalties.**

2939 A. Before the Board may suspend or revoke any license, reasonable notice of such proposed or  
2940 contemplated action shall be given to the licensee in accordance with the provisions of § 2.2-4020 of the  
2941 Administrative Process Act (§ 2.2-4000 et seq.).

2942 Notwithstanding the provisions of § 2.2-4022, the Board shall, upon written request by the licensee,  
2943 permit the licensee to inspect and copy or photograph all (i) written or recorded statements made by the  
2944 licensee or copies thereof or the substance of any oral statements made by the licensee or a previous or  
2945 present employee of the licensee to any law-enforcement officer, the existence of which is known by the Board  
2946 and upon which the Board intends to rely as evidence in any adversarial proceeding under this subtitle  
2947 against the licensee, and (ii) designated books, papers, documents, tangible objects, buildings, or places, or  
2948 copies or portions thereof, that are within the possession, custody, or control of the Board and upon which  
2949 the Board intends to rely as evidence in any adversarial proceeding under this subtitle against the licensee.  
2950 In addition, any subpoena for the production of documents issued to any person at the request of the licensee  
2951 or the Board pursuant to § 4.1-604 shall provide for the production of the documents sought within 10  
2952 working days, notwithstanding anything to the contrary in § 4.1-604.

2953 If the Board fails to provide for inspection or copying under this section for the licensee after a written  
2954 request, the Board shall be prohibited from introducing into evidence any items the licensee would have  
2955 lawfully been entitled to inspect or copy under this section.

2956 The action of the Board in suspending or revoking any license or in imposing a civil penalty shall be  
2957 subject to judicial review in accordance with the Administrative Process Act (§ 2.2-4000 et seq.). Such review  
2958 shall extend to the entire evidential record of the proceedings provided by the Board in accordance with the  
2959 Administrative Process Act. An appeal shall lie to the Court of Appeals from any order of the court.  
2960 Notwithstanding § 8.01-676.1, the final judgment or order of the circuit court shall not be suspended, stayed,  
2961 or modified by such circuit court pending appeal to the Court of Appeals. Neither mandamus nor injunction  
2962 shall lie in any such case.

2963 B. In suspending any license, the Board may impose, as a condition precedent to the removal of such  
2964 suspension or any portion thereof, a requirement that the licensee pay the cost incurred by the Board in  
2965 investigating the licensee and in holding the proceeding resulting in such suspension, or it may impose and  
2966 collect such civil penalties as it deems appropriate.

2967 C. Following notice to (i) the licensee of a hearing that may result in the suspension or revocation of his

2968 license or (ii) the applicant of a hearing to resolve a contested application, the Board may accept a consent  
2969 agreement as authorized in § 4.1-604. The notice shall advise the licensee or applicant of the option to (a)  
2970 admit the alleged violation or the validity of the objection; (b) waive any right to a hearing or an appeal  
2971 under the Administrative Process Act (§ 2.2-4000 et seq.); and (c) (1) accept the proposed restrictions for  
2972 operating under the license, (2) accept the period of suspension of the licensed privileges within the Board's  
2973 parameters, (3) pay a civil penalty in lieu of the period of suspension, or any portion of the suspension as  
2974 applicable, or (4) proceed to a hearing.

2975 D. The Board shall, by regulation or written order:

2976 1. Designate those (i) objections to an application or (ii) alleged violations that will proceed to an initial  
2977 hearing;

2978 2. Designate the violations for which a waiver of a hearing and payment of a civil charge in lieu of  
2979 suspension may be accepted for a first offense occurring within three years immediately preceding the date of  
2980 the violation;

2981 3. Provide for a reduction in the length of any suspension and a reduction in the amount of any civil  
2982 penalty for any retail marijuana store or microbusiness licensee where the licensee can demonstrate that it  
2983 provided to its employees marijuana seller training certified in advance by the Board;

2984 4. Establish a schedule of penalties for such offenses, prescribing the appropriate suspension of a license  
2985 and the civil charge acceptable in lieu of such suspension; and

2986 5. Establish a schedule of offenses for which any penalty may be waived upon a showing that the licensee  
2987 has had no prior violations within five years immediately preceding the date of the violation. No waiver shall  
2988 be granted by the Board, however, for a licensee's willful and knowing violation of this subtitle or Board  
2989 regulations.

2990 **§ 4.1-904. Suspension or revocation; disposition of marijuana or marijuana products on hand;**  
2991 **termination.**

2992 A. Marijuana or marijuana products owned by or in the possession of or for sale by any licensee at the  
2993 time the license of such person is suspended or revoked may be disposed of as follows:

2994 1. Sold to persons in the Commonwealth licensed to sell such marijuana or marijuana products upon  
2995 permits granted by the Board in accordance with § 4.1-808 and conditions specified by the Board; or

2996 2. Destroyed by the Board or its designee.

2997 B. Marijuana or marijuana products owned by or in the possession of or for sale by any licensee at the  
2998 time the license of such person is suspended may be placed on administrative hold by the Board during any  
2999 such suspension period. For the purpose of this subsection, "administrative hold" means a status given to  
3000 marijuana or marijuana product by the Board that prohibits any activity with the marijuana or marijuana  
3001 product, including waste, sale, or transfer of the marijuana or marijuana product, until the administrative  
3002 hold is lifted.

3003 C. All marijuana or marijuana products owned by or in the possession of any person whose license is  
3004 suspended or revoked shall be placed on administrative hold or disposed of by such person in accordance  
3005 with the provisions of this section within 60 days from the date of such suspension or revocation.

3006 D. Marijuana or marijuana products owned by or in the possession of or for sale by persons whose  
3007 licenses have been terminated other than by suspension or revocation may be disposed of in accordance with  
3008 subsection A within such time as the Board deems proper. Such period shall not be less than 60 days.

3009 E. All marijuana or marijuana products owned by or remaining in the possession of any person described  
3010 in subsection A or D after the expiration of such period shall be deemed contraband and forfeited to the  
3011 Commonwealth in accordance with the provisions of § 4.1-1303.

3012 **CHAPTER 10.**

3013 **ADMINISTRATION OF LICENSES; APPLICATIONS FOR LICENSES; FEES; TAXES.**

3014 **§ 4.1-1000. Applications for licenses; procedures; notice to localities; fees; permits.**

3015 A. The Authority shall announce the commencement of a licensing period in advance of accepting  
3016 applications for marijuana establishment licenses. At a minimum, the announcement shall include:

3017 1. The types of licenses that will be available during the licensing period;

3018 2. If the Board limits the number of a type of license that will be available, the number of that type of  
3019 license available in the licensing period;

3020 3. The date on which the Authority will begin accepting applications; and

3021 4. The date on which the Authority will no longer accept applications.

3022 B. Every person intending to apply for any license authorized by this subtitle shall file with the Board an  
3023 application on forms provided by the Board and a statement in writing by the applicant swearing and  
3024 affirming that all of the information contained therein is true.

3025 C. Such applications, including applications for renewal, shall include any information necessary for the  
3026 Board to determine whether the applicant meets or continues to meet the criteria set forth in subdivision B 13  
3027 of § 4.1-606. If the Authority receives an application that fails to include such required information or an  
3028 applicant fails to pay the applicable application fee as required by subsection K, the Authority shall issue a  
3029 deficiency notice to the applicant. The applicant may submit the required information or pay the required

3030 application fee within 10 calendar days from the date of the deficiency notice. Failure by an applicant to  
3031 submit all required information or pay the application fee within such 10-day period shall result in the  
3032 application being rejected.

3033 D. After an applicant submits an application that contains all required information and pays the  
3034 applicable application fee, the Authority shall review the application. The Authority may deny an application  
3035 if:

3036 1. The application is incomplete;

3037 2. The application contains a materially false statement about the applicant or omits information  
3038 required;

3039 3. The applicant meets any condition set forth in § 4.1-810;

3040 4. The applicant is prohibited from holding the license under this subtitle;

3041 5. The applicant fails to pay the applicable application fee;

3042 6. The application was not submitted by the application deadline;

3043 7. The applicant submitted more than one application for a license type; or

3044 8. The Authority determines that the applicant would be prohibited from holding a license for any other  
3045 reason.

3046 If the Authority denies an application, the Authority shall notify the applicant of the denial and the basis  
3047 for the denial. The Authority may request additional information from any applicant if the Authority  
3048 determines that the information is necessary to review or process the application. If the applicant does not  
3049 provide the additional requested information within 10 calendar days of the Authority's request for  
3050 information, the Authority may deny the application. An applicant whose application is not denied pursuant  
3051 to this subsection is a qualified applicant.

3052 E. If the number of qualified applicants seeking a type of license exceeds the number of licenses of that  
3053 type that are made available, the Authority shall first conduct a lottery to select qualified applicants for  
3054 preliminary license approval. If the number of impact licensee applicants seeking a type of license exceeds  
3055 the number of licenses made available for impact licensee applicants, the Authority shall first conduct a  
3056 lottery consisting of impact licensee applicants to select applicants for preliminary license approval. If an  
3057 impact licensee applicant is not selected in a lottery conducted under this subsection, the Authority shall  
3058 include the impact licensee applicant in the pool of qualified applicants for licenses of that type that are  
3059 made available to all applicants. A lottery conducted pursuant to this subsection shall be impartial, random,  
3060 and in a format determined by the Authority.

3061 F. Following the completion of any lottery conducted pursuant to subsection E, the Authority shall notify  
3062 each applicant entered in the lottery that the applicant was either selected in the lottery for preliminary  
3063 license approval or not selected in the lottery. Within 18 months of receiving notice that an applicant was  
3064 selected in the lottery for preliminary license approval, such applicant shall provide:

3065 1. The address and legal property description of the location where the marijuana establishment will  
3066 operate;

3067 2. The name of the local governing body where the marijuana establishment will be located;

3068 3. If applicable, an updated description of the location where the marijuana establishment will operate,  
3069 an updated security plan, and any other additional information required by the Authority; and

3070 4. For applicants for licenses for establishments that are otherwise required to obtain an inspection by the  
3071 Department of Agriculture and Consumer Services, proof of inspection or proof of a pending request for such  
3072 inspection.

3073 A preliminary license approval expires after 18 months unless the Authority revokes the preliminary  
3074 license approval or grants an extension. The Authority may grant a one-time extension of up to six months if  
3075 an applicant has made good faith efforts to convert a preliminary license approval into a license. The  
3076 Authority shall not issue a license to an applicant whose preliminary license approval has expired. If the  
3077 Authority determines that an applicant is not eligible for a license, the Authority may revoke a preliminary  
3078 license approval. The Authority shall notify an applicant if the Authority revokes the applicant's preliminary  
3079 license approval or if the applicant's preliminary license approval expires.

3080 G. Upon receipt of the information required under subsection F from an applicant that has received  
3081 preliminary license approval, the Authority shall (i) notify the local governing body of the applicant through  
3082 the town manager, city manager, county administrator, or other designee of the locality; (ii) schedule a site  
3083 inspection; and (iii) require the applicant to pay the applicable license fee established pursuant to  
3084 § 4.1-1002. Local governing bodies notified pursuant to clause (i) shall submit any objections to the granting  
3085 of a license within 30 days of the Authority's notification;

3086 H. The Authority may deny final authorization of a license if:

3087 1. An applicant fails to submit any required information;

3088 2. The applicant submits a materially false statement about the applicant or fails to provide any required  
3089 information;

3090 3. The Authority confirms that the marijuana establishment for which the Authority granted preliminary  
3091 license approval does not meet local zoning and land use laws;

- 3092 4. The applicant fails to pay the applicable license fee;  
 3093 5. The applicant meets any condition set forth in § 4.1-810; or  
 3094 6. The Authority determines that the applicant is disqualified from holding the license or would operate in  
 3095 violation of the provisions of this subtitle.

3096 I. Within 90 days of receiving the information required under subsection F and the results of any required  
 3097 background check pursuant to subsection J, the Authority shall grant final authorization and issue the  
 3098 appropriate license or send the applicant a notice of rejection setting forth the specific reasons that the  
 3099 Authority did not issue the license. If final authorization is granted and a license is issued to an establishment  
 3100 that is otherwise required to obtain an inspection by the Department of Agriculture and Consumer Services  
 3101 and such licensee provided proof of a pending request for such inspection pursuant to subdivision F 4, such  
 3102 license shall authorize the licensee to purchase marijuana, marijuana products, immature marijuana plants,  
 3103 or marijuana seeds in accordance with the provisions of this subtitle; however, the licensee shall not sell  
 3104 marijuana, marijuana products, immature marijuana plants, or marijuana seeds until an inspection is  
 3105 completed.

3106 J. The Board, in conjunction with an accredited law-enforcement agency, shall conduct a background  
 3107 investigation, including a criminal history records check and fingerprinting, of the following individuals: (i)  
 3108 every individual applying for a license or permit pursuant to this subtitle; (ii) every individual who is an  
 3109 officer, director, or principal of a licensee or applicant for a license; and (iii) all permit holders and officers,  
 3110 directors, and principals. Each such individual shall submit his fingerprints and personal descriptive  
 3111 information to the Central Criminal Records Exchange to be forwarded to the Federal Bureau of  
 3112 Investigation for a national criminal records search and to the Department of State Police for a Virginia  
 3113 criminal history records check. The results of the background check and national and state criminal records  
 3114 check shall be returned to the Board. Notwithstanding the foregoing, the Board may accept a third-party  
 3115 local and national criminal background check submitted by any such individual specified in clause (i), (ii), or  
 3116 (iii) in lieu of a fingerprint-based national criminal history records check. Any such third-party background  
 3117 check shall (a) be conducted by a third-party consumer reporting agency or background screening company  
 3118 that is in compliance with the federal Fair Credit Reporting Act (15 U.S.C. § 1681 et seq.) and accredited by  
 3119 the Professional Background Screening Association and (b) include a multistate and multi-jurisdiction  
 3120 criminal record locator or other similar commercial nationwide database with validation and other such  
 3121 background screening as the Board may require. The applicant shall request such background check not  
 3122 more than 60 days prior to submission of the application.

3123 In considering criminal history record information, subject to the provisions of subdivision B 1 b of  
 3124 § 4.1-810, the Board shall not disqualify an applicant because of a past conviction for a marijuana-related  
 3125 offense.

3126 K. Each applicant shall pay the required application fee at the time the application is filed. The license  
 3127 application fee shall be determined by the Board and shall be in addition to the actual cost charged to the  
 3128 Department of State Police by the Federal Bureau of Investigation or the Central Criminal Records  
 3129 Exchange for processing any fingerprints through the Federal Bureau of Investigation or the Central  
 3130 Criminal Records Exchange for each criminal history records search required by the Board. Application fees  
 3131 shall be in addition to the state license fee required pursuant to § 4.1-1001 and shall not be refunded.

3132 L. Subsection B shall not apply to the continuance of licenses granted under this subtitle; however, all  
 3133 licensees shall file and maintain with the Board a current, accurate record of the information required by the  
 3134 Board pursuant to subsection C and notify the Board of any changes to such information in accordance with  
 3135 Board regulations.

3136 M. Every application for a permit granted pursuant to § 4.1-808 shall be on a form provided by the  
 3137 Board. Such permits shall confer upon their holders no authority to make solicitations in the Commonwealth  
 3138 as otherwise provided by law.

3139 The fee for a temporary permit shall be one-twelfth of the combined fees required by this section for  
 3140 applicable licenses to sell marijuana or marijuana products computed to the nearest cent and multiplied by  
 3141 the number of months for which the permit is granted.

3142 N. If the Authority holds a lottery as provided in subsection E, the Authority shall retain the applications  
 3143 of any applicant not selected in the lottery for one year. The Authority shall consider a retained application  
 3144 during any licensing periods that begin within the year and, except as otherwise provided in this chapter, the  
 3145 Authority shall treat a retained application as if the application were submitted during the licensing period.

3146 At the beginning of a subsequent licensing period, the applicant may amend an application or provide  
 3147 additional information to the Authority and the Authority may request additional information from any  
 3148 applicant whose application is retained to determine if the applicant meets the requirements for a subsequent  
 3149 licensing period. If the applicant does not provide the requested information to the Authority within 14  
 3150 calendar days of the Authority's request, the Authority may deny the application. The Authority shall not  
 3151 charge an additional application fee to an applicant whose application was retained.

3152 An applicant may withdraw a retained application at any time. If the applicant withdraws a retained  
 3153 application, the applicant may submit a new application during a licensing period. An applicant that

3154 *withdraws a retained application and submits a new application shall pay the applicable application fee. The*  
 3155 *Authority may disqualify an application from retention if the Authority is authorized to deny the application*  
 3156 *pursuant to subsection D.*

3157 **§ 4.1-1001. Labor peace agreements.**

3158 *A. For purposes of this section:*

3159 *"Bona fide labor organization" means a labor organization, as defined by 29 U.S.C. § 402(i), that is*  
 3160 *actively seeking to represent marijuana establishment employees in the Commonwealth. In determining*  
 3161 *whether a labor organization is a bona fide labor organization, the Authority shall consider each of the*  
 3162 *following as indicative, but not determinative, of a finding that a labor organization is a bona fide labor*  
 3163 *organization:*

3164 *1. The labor organization has been recognized or certified as the bargaining representative for marijuana*  
 3165 *establishment employees in the Commonwealth;*

3166 *2. The labor organization has executed current collective bargaining agreements with marijuana*  
 3167 *establishment employers in the Commonwealth;*

3168 *3. The labor organization has spent resources as part of current and active attempts to organize and*  
 3169 *represent marijuana establishments in the Commonwealth;*

3170 *4. The labor organization has filed the annual report required by 29 U.S.C. § 431(b) for the three years*  
 3171 *immediately preceding;*

3172 *5. The labor organization has audited financial reports covering the three years immediately preceding;*

3173 *6. The existence of written bylaws or a constitution for the three years immediately preceding; and*

3174 *7. The labor organization's affiliation with any regional or national association of unions, including*  
 3175 *central labor councils.*

3176 *"Labor peace agreement" means an agreement between a marijuana establishment and a bona fide labor*  
 3177 *organization that, at a minimum, protects the Commonwealth's proprietary interests by prohibiting the labor*  
 3178 *organization from engaging in picketing, work stoppages, or boycotts against the marijuana establishment.*

3179 *B. All marijuana establishment license applicants, renewal applicants, and license holders shall have*  
 3180 *entered into, maintained, and abided by the terms of a labor peace agreement. Such labor peace agreement*  
 3181 *requirement is an ongoing material condition of the license, of which a violation may result in denial,*  
 3182 *suspension, or revocation of the license.*

3183 *C. All initial marijuana establishment license applicants shall submit a labor peace agreement attestation*  
 3184 *(LPA attestation) signed by both the applicant and the bona fide labor organization stating that the applicant*  
 3185 *meets this section's requirements and has entered into, maintained, and abided by the terms of the LPA*  
 3186 *attestation. All renewal applicants must submit a new LPA attestation executed within 10 days of the*  
 3187 *submission date of the renewal application. An applicant's failure to submit a timely LPA attestation shall*  
 3188 *result in a denial of the initial or renewal license.*

3189 *D. The Authority shall be required to determine a schedule establishing the ongoing review of the status*  
 3190 *and maintenance of a labor peace agreement to assess eligibility of license holder. Upon review and findings*  
 3191 *of unsatisfactory status or the insufficient maintenance of a labor peace agreement, the Authority shall*  
 3192 *suspend a licensee for a marijuana establishment.*

3193 **§ 4.1-1002. Fees for state licenses.**

3194 *A. Annual fees on state licenses shall be established by the Board in an amount sufficient to cover the*  
 3195 *costs of regulating the marijuana establishment.*

3196 *B. Nothing in this subtitle shall exempt any licensee from any state merchants' license or state restaurant*  
 3197 *license or any other state tax. Every licensee, in addition to the taxes and fees imposed by this subtitle, shall*  
 3198 *be liable to state merchants' license taxation, state restaurant license taxation, and other state taxation.*

3199 **§ 4.1-1003. Refund of state license fee.**

3200 *A. The Board may (i) correct erroneous assessments made by it against any person, (ii) refund any*  
 3201 *amounts collected through erroneous assessments or collected as fees on license applications that are*  
 3202 *subsequently refused or withdrawn, and (iii) allow credit for any license fees paid for any license that is*  
 3203 *subsequently merged or changed into another license during the same license period. No refund shall be*  
 3204 *made of any such amount, however, unless made within three years from the date of collection of the same.*

3205 *B. In any case where a licensee has changed its name or form of organization during a license period*  
 3206 *without any change being made in its ownership, and because of such change is required to pay an additional*  
 3207 *license fee for such period, the Board shall refund to such licensee the amount of such fee so paid in excess of*  
 3208 *the required license fee for such period.*

3209 *C. The Board shall make refunds, prorated according to a schedule of its prescription, to licensees of*  
 3210 *state license fees paid pursuant to subsection A of § 4.1-1002 if the place of business designated in the license*  
 3211 *is destroyed by an act of God, including a fire, earthquake, hurricane, storm, or similar natural disaster or*  
 3212 *phenomenon.*

3213 *D. Any amount required to be refunded under this section shall be paid by the State Treasurer out of*  
 3214 *moneys appropriated to the Board and in the manner prescribed in § 4.1-614.*

3215 **§ 4.1-1004. Marijuana taxes; exceptions.**

3216 A. A tax of six percent is levied on the sale in the Commonwealth of any marijuana or marijuana  
 3217 products. Subject to the provisions of subsection C, the tax shall be in addition to any tax imposed under the  
 3218 Virginia Retail Sales and Use Tax Act (§ 58.1-600 et seq.) or any other provision of federal, state, or local  
 3219 law. The tax shall not apply to any sale:

3220 1. From a marijuana establishment to another marijuana establishment.

3221 2. Of cannabis products for treatment under the provisions of Chapter 16 (§ 4.1-1600 et seq.).

3222 3. Of industrial hemp by a grower, processor, or handler under the provisions of Chapter 41.1  
 3223 (§ 3.2-4112 et seq.) of Title 3.2.

3224 4. Of a hemp product.

3225 B. 1. Each locality shall by ordinance levy an additional local tax on any sale taxable under subsection A  
 3226 at a rate not less than one percent but not greater than three and one-half percent. Other than the tax  
 3227 authorized and identified in this subsection, a locality shall not impose any other tax on a sale taxable under  
 3228 subsection A. The tax imposed by a surrounding county under this subsection shall not apply within the limits  
 3229 of any town. Each locality shall, within 30 days, notify the Authority and any retail marijuana store and  
 3230 microbusiness in such locality of the ordinance enacted pursuant to this subsection. The ordinance shall take  
 3231 effect on the first day of the second month following its enactment and such rate shall be effective for at least  
 3232 three years.

3233 2. Nothing in this subsection shall be construed to (i) prohibit a locality from imposing any tax authorized  
 3234 by law on a person or property regulated under this subtitle or (ii) limit the authority of any locality to  
 3235 impose a license or privilege tax or fee on a business engaged in whole or in part in sales taxable under  
 3236 subsection A if such tax or fee is (a) based on an annual or per-event flat fee authorized by law or (b) an  
 3237 annual license or privilege tax authorized by law and such tax includes sales or receipts taxable under  
 3238 subsection A in its taxable measure.

3239 C. The provisions of Chapter 6 (§ 58.1-600 et seq.) of Title 58.1 shall apply to all sales taxable under  
 3240 subsection A, mutatis mutandis.

3241 D. All revenues remitted to the Authority under this subsection shall be disposed of as provided in  
 3242 § 4.1-614.

3243 **§ 4.1-1005. Tax returns and payments; commissions; interest.**

3244 A. For any sale taxable under § 4.1-1004, the seller shall be liable for collecting any taxes due. All taxes  
 3245 collected by a seller shall be deemed to be held in trust for the Commonwealth. The buyer shall not be liable  
 3246 for collecting or remitting the taxes or filing a return.

3247 B. On or before the tenth day of each month, any person liable for a tax due under § 4.1-1004 shall file a  
 3248 return under oath with the Authority and pay any taxes due. Upon written application by a person filing a  
 3249 return, the Authority may, if it determines good cause exists, grant an extension to the end of the calendar  
 3250 month in which the tax is due, or for a period not exceeding 30 days. Any extension shall toll the accrual of  
 3251 any interest or penalties under § 4.1-1008.

3252 C. The Authority may accept payment by any commercially acceptable means, including cash, checks,  
 3253 credit cards, debit cards, and electronic funds transfers, for any taxes, interest, or penalties due under this  
 3254 subtitle. The Board may assess a service charge for the use of a credit or debit card.

3255 D. Upon request, the Authority may collect and maintain a record of a person's credit card, debit card, or  
 3256 automated clearinghouse transfer information and use such information for future payments of taxes,  
 3257 interest, or penalties due under this subtitle. The Authority may assess a service charge for any payments  
 3258 made under this subsection. The Authority may procure the services of a third-party vendor for the secure  
 3259 storage of information collected pursuant to this subsection.

3260 E. If any person liable for tax under § 4.1-1004 sells out his business or stock of goods or quits the  
 3261 business, such person shall make a final return and payment within 15 days after the date of selling or  
 3262 quitting the business. Such person's successors or assigns, if any, shall withhold sufficient of the purchase  
 3263 money to cover the amount of such taxes, interest, and penalties due and unpaid until such former owner  
 3264 produces a receipt from the Authority showing payment or a certificate stating that no taxes, penalties, or  
 3265 interest are due. If the buyer of a business or stock of goods fails to withhold the purchase money as provided  
 3266 in this subsection, such buyer shall be liable for the payment of the taxes, interest, and penalties due and  
 3267 unpaid on account of the operation of the business by any former owner.

3268 F. When any person fails to timely pay the full amount of tax due under § 4.1-1004, interest at a rate  
 3269 determined in accordance with § 58.1-15 shall accrue on the tax until it is paid. Any taxes due under  
 3270 § 4.1-1004 shall, if applicable, be subject to penalties as provided in §§ 4.1-1205 and 4.1-1206.

3271 **§ 4.1-1006. Bonds.**

3272 The Authority may, when deemed necessary and advisable to do so in order to secure the collection of the  
 3273 taxes levied under § 4.1-1004, require any person subject to such tax to file a bond, with such surety as it  
 3274 determines is necessary to secure the payment of any tax, penalty, or interest due or that may become due  
 3275 from such person. In lieu of such bond, securities approved by the Authority may be deposited with the State  
 3276 Treasurer, which securities shall be kept in the custody of the State Treasurer, and shall be sold by the State  
 3277 Treasurer at the request of the Authority at public or private sale if it becomes necessary to do so in order to

3278 *recover any tax, interest, or penalty due the Commonwealth. Upon any such sale, the surplus, if any, above*  
 3279 *the amounts due shall be returned to the person who deposited the securities.*

3280 **§ 4.1-1007. Refunds.**

3281 *In the event purchases are returned to the seller by the buyer after a tax imposed under § 4.1-1004 has*  
 3282 *been collected or charged to the account of the buyer, the seller shall be entitled to a refund of the amount of*  
 3283 *tax so collected or charged in the manner prescribed by the Authority. The amount of tax so refunded to the*  
 3284 *seller shall not, however, include the tax paid upon any amount retained by the seller after such return of*  
 3285 *merchandise. In case the tax has not been remitted by the seller, the seller may deduct the same in submitting*  
 3286 *his return.*

3287 **§ 4.1-1008. Statute of limitations; civil remedies for collecting past-due taxes, interest, and penalties.**

3288 *A. The taxes imposed under § 4.1-1004 shall be assessed within three years from the date on which such*  
 3289 *taxes became due and payable. In the case of a false or fraudulent return with intent to defraud the*  
 3290 *Commonwealth, or a failure to file a return, the taxes may be assessed, or a proceeding in court for the*  
 3291 *collection of such taxes may be begun without assessment, at any time within six years from such date. The*  
 3292 *Authority shall not examine any person's records beyond the three-year period of limitations unless it has*  
 3293 *reasonable evidence of fraud or reasonable cause to believe that such person was required by law to file a*  
 3294 *return and failed to do so.*

3295 *B. If any person fails to file a return as required by this section, or files a return that is false or*  
 3296 *fraudulent, the Authority may make an estimate for the taxable period of the taxable sales of such person and*  
 3297 *assess the tax, plus any applicable interest and penalties. The Authority shall give such person 10 days'*  
 3298 *notice requiring such person to provide any records as it may require relating to the business of such person*  
 3299 *for the taxable period. The Authority may require such person or the agents and employees of such person to*  
 3300 *give testimony or to answer interrogatories under oath administered by the Authority respecting taxable*  
 3301 *sales, the filing of the return, and any other relevant information. If any person fails to file a required return,*  
 3302 *refuses to provide required records, or refuses to answer interrogatories from the Authority, the Authority*  
 3303 *may make an estimated assessment based upon the information available to it and issue a memorandum of*  
 3304 *lien under subsection C for the collection of any taxes, interest, or penalties. The estimated assessment shall*  
 3305 *be deemed prima facie correct.*

3306 *C. 1. If the Authority assesses taxes, interest, or penalties on a person and such person does not pay*  
 3307 *within 30 days after the due date, taking into account any extensions granted by the Authority, the Authority*  
 3308 *may file a memorandum of lien in the circuit court clerk's office of the county or city in which the person's*  
 3309 *place of business is located or in which the person resides. If the person has no place of business or residence*  
 3310 *within the Commonwealth, the memorandum may be filed in the Circuit Court of the City of Richmond. A*  
 3311 *copy of the memorandum may also be filed in the clerk's office of all counties and cities in which the person*  
 3312 *owns real estate. Such memorandum shall be recorded in the judgment docket book and shall have the effect*  
 3313 *of a judgment in favor of the Commonwealth, to be enforced as provided in Article 19 (§ 8.01-196 et seq.) of*  
 3314 *Chapter 3 of Title 8.01, except that a writ of fieri facias may issue at any time after the memorandum is filed.*  
 3315 *The lien on real estate shall become effective at the time the memorandum is filed in the jurisdiction in which*  
 3316 *the real estate is located. No memorandum of lien shall be filed unless the person is first given 10 or more*  
 3317 *days' prior notice of intent to file a lien; however, in those instances where the Authority determines that the*  
 3318 *collection of any tax, penalties, or interest required to be paid pursuant to law will be jeopardized by the*  
 3319 *provision of such notice, notification may be provided to the person concurrent with the filing of the*  
 3320 *memorandum of lien. Such notice shall be given to the person at his last known address.*

3321 *2. Recordation of a memorandum of lien under this subsection shall not affect a person's right to appeal*  
 3322 *under § 4.1-1009.*

3323 *3. If after filing a memorandum of lien the Authority determines that it is in the best interest of the*  
 3324 *Commonwealth, it may place padlocks on the doors of any business enterprise that is delinquent in filing or*  
 3325 *paying any tax owed to the Commonwealth. The Authority shall also post notices of distraint on each of the*  
 3326 *doors so padlocked. If, after three business days, the tax deficiency has not been satisfied or satisfactory*  
 3327 *arrangements for payment have not been made, the Authority may cause a writ of fieri facias to be issued. It*  
 3328 *shall be a Class 1 misdemeanor for anyone to enter the padlocked premises without prior approval of the*  
 3329 *Authority. In the event that the person against whom the distraint has been applied subsequently appeals*  
 3330 *under § 4.1-1009, the person shall have the right to post bond equaling the amount of liability in lieu of*  
 3331 *payment until the appeal is resolved.*

3332 *4. A person may petition the Authority after a memorandum of lien has been filed under this subsection if*  
 3333 *the person alleges an error in the filing of the lien. The Authority shall make a determination on such petition*  
 3334 *within 14 days. If the Authority determines that the filing was erroneous, it shall issue a certificate of release*  
 3335 *of the lien within seven days after such determination is made.*

3336 **§ 4.1-1009. Appeals.**

3337 *Any person aggrieved by a refusal of the Board to issue any license or permit, the suspension or*  
 3338 *revocation of a license or permit, the imposition of a fine, or any other penalty may seek review of such*  
 3339 *action in accordance with Board regulations and Article 3 (§ 2.2-4018 et seq.) of the Administrative Process*

3340 *Act in the Circuit Court of the City of Richmond. Further appeals shall also be in accordance with Article 5*  
 3341 *(§ 2.2-4025 et seq.) of the Administrative Process Act.*

3342 **§ 4.1-1010. Injunction.**

3343 *The Authority may apply to the appropriate circuit court for an injunction against any person who has*  
 3344 *violated or may violate any provision of this chapter or any regulation or final decision of the Board. The*  
 3345 *order granting or refusing such injunction shall be subject to appeal as in other cases in equity.*

3346 **§ 4.1-1100. Possession, etc., of marijuana and marijuana products by persons 21 years of age or**  
 3347 **older lawful; penalties.**

3348 A. Except as otherwise provided in this subtitle and notwithstanding any other provision of law, a person  
 3349 21 years of age or older may lawfully possess on his person or in any public place not more than ~~one ounce~~  
 3350 *two and one-half ounces* of marijuana or an equivalent amount of marijuana product as determined by  
 3351 regulation promulgated by the Board.

3352 B. Any person who possesses on his person or in any public place marijuana or marijuana products in  
 3353 excess of the amounts set forth in subsection A is subject to a civil penalty of no more than \$25 except as  
 3354 otherwise provided in this section. The penalty for any violations of this section by an adult shall be  
 3355 prepayable according to the procedures in § 16.1-69.40:2.

3356 C. With the exception of possession by a person in his residence or possession by a licensee in the course  
 3357 of his duties related to such licensee's marijuana establishment, any person who possesses on his person or in  
 3358 any public place (i) more than four ounces but not more than one pound of marijuana or an equivalent amount  
 3359 of marijuana product as determined by regulation promulgated by the Board is guilty of a Class 3  
 3360 misdemeanor and, for a second or subsequent offense, a Class 2 misdemeanor and (ii) more than one pound  
 3361 of marijuana or an equivalent amount of marijuana product as determined by regulation promulgated by the  
 3362 Board is guilty of a felony punishable by a term of imprisonment of not less than one year nor more than 10  
 3363 years and a fine of not more than \$250,000, or both.

3364 D. The provisions of this section shall not apply to members of federal, state, county, city, or town  
 3365 law-enforcement agencies, jail officers, or correctional officers, as defined in § 53.1-1, certified as handlers of  
 3366 dogs trained in the detection of controlled substances when possession of marijuana is necessary for the  
 3367 performance of their duties.

3368 **§ 4.1-1101. Home cultivation of marijuana for personal use; penalties.**

3369 A. ~~Notwithstanding the provisions of subdivision (c) of § 18.2-248.1, a~~ A person 21 years of age or older  
 3370 may cultivate up to four marijuana plants for personal use at their place of residence; however, at no point  
 3371 shall a household contain more than four marijuana plants. For purposes of this section, a "household" means  
 3372 those individuals, whether related or not, who live in the same house or other place of residence.

3373 A person may only cultivate marijuana plants pursuant to this section at such person's main place of  
 3374 residence.

3375 A violation of this subsection shall be punishable as follows:

3376 1. For possession of more than four marijuana plants but no more than 10 marijuana plants, (i) a civil  
 3377 penalty of \$250 for a first offense, (ii) a Class 3 misdemeanor for a second offense, and (iii) a Class 2  
 3378 misdemeanor for a third and any subsequent offense;

3379 2. For possession of more than 10 but no more than 49 marijuana plants, a Class 1 misdemeanor;

3380 3. For possession of more than 49 but no more than 100 marijuana plants, a Class 6 felony; and

3381 4. For possession of more than 100 marijuana plants, a felony punishable by a term of imprisonment of  
 3382 not less than one year nor more than 10 years or a fine of not more than \$250,000, or both.

3383 B. A person who cultivates marijuana for personal use pursuant to this section shall:

3384 1. Ensure that no marijuana plant is visible from a public way without the use of aircraft, binoculars, or  
 3385 other optical aids;

3386 2. Take precautions to prevent unauthorized access by persons younger than 21 years of age; and

3387 3. Attach to each marijuana plant a legible tag that includes the person's name, driver's license or  
 3388 identification number, and a notation that the marijuana plant is being grown for personal use as authorized  
 3389 under this section.

3390 Any person who violates this subsection is subject to a civil penalty of no more than \$25. The penalty for  
 3391 any violations of this section by an adult shall be prepayable according to the procedures in § 16.1-69.40:2.

3392 ~~C. A person shall not manufacture marijuana concentrate from home-cultivated marijuana. The owner of a~~  
 3393 ~~property or parcel or tract of land may not intentionally or knowingly allow another person to manufacture~~  
 3394 ~~marijuana concentrate from home-cultivated marijuana within or on that property or land.~~

3395 **§ 4.1-1102. Illegal cultivation or processing of marijuana or marijuana products; conspiracy; penalties.**

3396 A. *Except as otherwise provided in §§ 4.1-700 and 4.1-1101, no person shall cultivate or process*  
 3397 *marijuana or marijuana products in the Commonwealth without being licensed to cultivate or process such*  
 3398 *marijuana or marijuana products.*

3399 B. *Any person convicted of a violation of this section is guilty of a Class 6 felony.*

3400 C. *If two or more persons conspire together to do any act that is in violation of subsection A, and one or*  
 3401 *more of such persons does any act to effect the object of the conspiracy, each of the parties to such*

3402 conspiracy is guilty of a Class 6 felony.

3403 **§ 4.1-1103. Illegal sale of marijuana or marijuana products in general; penalties.**

3404 A. For the purposes of this section, "adult sharing" means transferring marijuana between persons who  
3405 are 21 years of age or older without remuneration. "Adult sharing" does not include instances in which (i)  
3406 marijuana is given away contemporaneously with another reciprocal transaction between the same parties;  
3407 (ii) a gift of marijuana is offered or advertised in conjunction with an offer for the sale of goods or services;  
3408 or (iii) a gift of marijuana is contingent upon a separate reciprocal transaction for goods or services.

3409 B. If any person who is not licensed sells, gives, or distributes or possesses with intent to sell, give, or  
3410 distribute any marijuana or marijuana products except as permitted by this chapter or provided in subsection  
3411 C, he is guilty of (i) a Class 2 misdemeanor for a first offense; (ii) a Class 1 misdemeanor for a second  
3412 offense; and (iii) a Class 6 felony for a third and any subsequent offense.

3413 C. No civil or criminal penalty may be imposed for adult sharing of an amount of marijuana that does not  
3414 exceed two and one-half ounces or of an equivalent amount of marijuana products.

3415 **§ 4.1-1104. Persons to whom marijuana or marijuana products may not be sold; proof of legal age;**  
3416 **penalties.**

3417 A. No person shall, except as otherwise permitted under Chapter 16 (§ 4.1-1600 et seq.), sell, give, or  
3418 distribute any marijuana or marijuana products to any individual when at the time of such sale he knows or  
3419 has reason to believe that the individual to whom the sale is made is (i) younger than 21 years of age or (ii)  
3420 intoxicated. Any person convicted of a violation of this subsection is guilty of a Class 1 misdemeanor.

3421 B. Any person who sells, except as otherwise permitted under Chapter 16 (§ 4.1-1600 et seq.), any  
3422 marijuana or marijuana products to an individual who is younger than 21 years of age and at the time of the  
3423 sale does not require the individual to present bona fide evidence of legal age indicating that the individual is  
3424 21 years of age or older is guilty of a violation of this subsection. Bona fide evidence of legal age is limited to  
3425 any evidence that is or reasonably appears to be an unexpired driver's license issued by any state of the  
3426 United States or the District of Columbia, military identification card, United States passport or foreign  
3427 government visa, unexpired special identification card issued by the Department of Motor Vehicles, or any  
3428 other valid government-issued identification card bearing the individual's photograph, signature, height,  
3429 weight, and date of birth, or which bears a photograph that reasonably appears to match the appearance of  
3430 the purchaser. A student identification card shall not constitute bona fide evidence of legal age for purposes  
3431 of this subsection. Any person convicted of a violation of this subsection is guilty of a Class 3 misdemeanor.

3432 C. No person shall be convicted of both subsections A and B for the same sale.

3433 **§ 4.1-1105. Purchasing of marijuana or marijuana products unlawful in certain cases; venue;**  
3434 **exceptions; penalties; forfeiture; treatment and education programs and services.**

3435 A. No person to whom marijuana or marijuana products may not lawfully be sold under § 4.1-1104 shall  
3436 consume, purchase, or possess, or attempt to consume, purchase, or possess, any marijuana or marijuana  
3437 products, except (i) pursuant to § 4.1-700 or (ii) by any federal, state, or local law-enforcement officer or his  
3438 agent when possession of marijuana or marijuana products is necessary in the performance of his duties.  
3439 Such person may be prosecuted either in the county or city in which the marijuana or marijuana products  
3440 were possessed or consumed or in the county or city in which the person exhibits evidence of physical indicia  
3441 of consumption of marijuana or marijuana products.

3442 B. Any person 18 years of age or older who violates subsection A is subject to a civil penalty of no more  
3443 than \$25 and shall be ordered to enter a substance abuse treatment or education program or both, if  
3444 available, that in the opinion of the court best suits the needs of the accused.

3445 C. Unless the juvenile is proceeded against informally pursuant to § 16.1-260, any juvenile who violates  
3446 subsection A is subject to a civil penalty of no more than \$25 and the court shall require the accused to enter  
3447 a substance abuse treatment or education program or both, if available, that in the opinion of the court best  
3448 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  
3449 16.1-278.9, the court shall treat the juvenile as delinquent.

3450 D. Any such substance abuse treatment or education program to which a juvenile is ordered pursuant to  
3451 this section shall be provided by (i) a program licensed by the Department of Behavioral Health and  
3452 Developmental Services or (ii) a similar program available through a facility or program operated by or  
3453 under contract with the Department of Juvenile Justice or a locally operated court services unit or a program  
3454 funded through the Virginia Juvenile Community Crime Control Act (§ 16.1-309.2 et seq.). Any such  
3455 substance abuse treatment or education program to which a person 18 years of age or older is ordered  
3456 pursuant to this section shall be provided by (a) a program licensed by the Department of Behavioral Health  
3457 and Developmental Services or (b) a program or services made available through a community-based  
3458 probation services agency established pursuant to Article 9 (§ 9.1-173 et seq.) of Chapter 1 of Title 9.1, if one  
3459 has been established for the locality. When an offender is ordered to a local community-based probation  
3460 services agency, the local community-based probation services agency shall be responsible for providing for  
3461 services or referring the offender to education or treatment services as a condition of probation.

3462 E. Any civil penalties collected pursuant to this section shall be deposited into the Drug Offender  
3463 Assessment and Treatment Fund established pursuant to § 18.2-251.02. No person younger than 21 years of

3464 age shall use or attempt to use any (i) altered, fictitious, facsimile, or simulated license to operate a motor  
 3465 vehicle; (ii) altered, fictitious, facsimile, or simulated document, including a birth certificate or student  
 3466 identification card; or (iii) motor vehicle driver's license or other document issued under Chapter 3  
 3467 (§ 46.2-300 et seq.) of Title 46.2 or the comparable law of another jurisdiction, birth certificate, or student  
 3468 identification card of another person in order to establish a false identification or false age for himself to  
 3469 consume, purchase, or attempt to consume or purchase marijuana or marijuana products. Any person  
 3470 convicted of a violation of this subsection is guilty of a Class 1 misdemeanor.

3471 F. Any marijuana or marijuana product purchased or possessed in violation of this section shall be  
 3472 deemed contraband and forfeited to the Commonwealth in accordance with § 4.1-1303.

3473 G. Any retail marijuana store or microbusiness licensee who in good faith promptly notifies the Board or  
 3474 any state or local law-enforcement agency of a violation or suspected violation of this section shall be  
 3475 accorded immunity from an administrative penalty for a violation of § 4.1-1104.

3476 **§ 4.1-1106. Purchasing marijuana or marijuana products for one to whom they may not be sold;**  
 3477 **penalties; forfeiture.**

3478 A. Any person who purchases marijuana or marijuana products for another person and at the time of such  
 3479 purchase knows or has reason to believe that the person for whom the marijuana or marijuana products were  
 3480 purchased was intoxicated is guilty of a Class 1 misdemeanor.

3481 B. Any person who purchases for, or otherwise gives, provides, or assists in the provision of marijuana or  
 3482 marijuana products to, another person when he knows or has reason to know that such person is younger  
 3483 than 21 years of age, except by any federal, state, or local law-enforcement officer when possession of  
 3484 marijuana or marijuana products is necessary in the performance of his duties, is guilty of a Class 1  
 3485 misdemeanor.

3486 C. Any marijuana or marijuana products purchased in violation of this section shall be deemed  
 3487 contraband and forfeited to the Commonwealth in accordance with § 4.1-1303.

3488 **§ 4.1-1106.1. Selling, etc. without decal; false decal; civil penalty.**

3489 A. No person shall engage in the sale of marijuana or marijuana products or marketing or labeling  
 3490 products as marijuana or marijuana products without a decal issued by the Board and prominently  
 3491 displayed. A person violating this subsection is subject to a civil penalty of \$10,000 per day for each day that  
 3492 such decal is not displayed in violation of this requirement.

3493 B. It is unlawful for any person to create or display a falsified decal that purports such person to be  
 3494 licensed by the Board to engage in the sale of marijuana or marijuana products or market or label products  
 3495 as marijuana or marijuana products. Any person who violates this subsection is subject to a civil penalty of  
 3496 \$10,000 for each falsified decal such person created or \$10,000 per day for each day that such falsified decal  
 3497 is displayed, or both.

3498 **§ 4.1-1113. Maintaining common nuisances; penalties.**

3499 A. All houses, boathouses, buildings, club or fraternity or lodge rooms, boats, cars, and places of every  
 3500 description where marijuana or marijuana products are manufactured, processed, stored, sold, dispensed,  
 3501 given away, or used contrary to law, by any scheme or device whatsoever, shall be deemed common  
 3502 nuisances.

3503 No person shall maintain, aid, abet, or knowingly associate with others in maintaining a common  
 3504 nuisance.

3505 Any person convicted of a violation of this subsection is guilty of a Class 1 misdemeanor.

3506 B. In addition, after due notice and an opportunity to be heard on the part of any owner or lessor not  
 3507 involved in the original offense, by a proceeding analogous to that provided in § 4.1-1303 and upon proof of  
 3508 guilty knowledge, judgment may be given that such house, boathouse, building, boat, car, or other place, or  
 3509 any room or part thereof, be closed. The court may, upon the owner or lessor giving bond in the penalty of  
 3510 not less than \$500 and with security to be approved by the court, conditioned that the premises shall not be  
 3511 used for unlawful purposes, or in violation of the provisions of this subtitle for a period of five years, turn the  
 3512 same over to its owner or lessor, or proceeding may be had in equity as provided in § 4.1-1300.

3513 C. In a proceeding under this section, judgment shall not be entered against the owner, lessor, or  
 3514 lienholder of the property unless it is proved that he (i) knew of the unlawful use of the property and (ii) had  
 3515 the right, because of such unlawful use, to enter and repossess the property.

3516 **§ 4.1-1114. Maintaining a fortified drug house; penalty.**

3517 Any office, store, shop, restaurant, dance hall, theater, poolroom, clubhouse, storehouse, warehouse,  
 3518 dwelling house, apartment, or building or structure of any kind that is (i) substantially altered from its  
 3519 original status by means of reinforcement with the intent to impede, deter, or delay lawful entry by a law-  
 3520 enforcement officer into such structure; (ii) being used for the purpose of illegally manufacturing,  
 3521 processing, or distributing marijuana; and (iii) the object of a valid search warrant shall be considered a  
 3522 fortified drug house. Any person who maintains or operates a fortified drug house is guilty of a Class 5  
 3523 felony.

3524 **§ 4.1-1115. Disobeying subpoena; hindering conduct of hearing; penalty.**

3525 No person shall (i) fail or refuse to obey any subpoena issued by the Board, any Board member, or any

3526 agent authorized by the Board to issue such subpoena or (ii) hinder the orderly conduct and decorum of any  
 3527 hearing held and conducted by the Board, any Board member, or any agent authorized by the Board to hold  
 3528 and conduct such hearing.

3529 Any person convicted of a violation of this section is guilty of a Class 1 misdemeanor.

3530 **§ 4.1-1117. Delivery of marijuana or marijuana products to prisoners; penalty.**

3531 No person shall deliver, or cause to be delivered, to any prisoner in any state, local, or regional  
 3532 correctional facility or any person committed to the Department of Juvenile Justice in any juvenile  
 3533 correctional center any marijuana or marijuana products.

3534 Any person convicted of a violation of this section is guilty of a Class 1 misdemeanor.

3535 **§ 4.1-1118. Separation of plant resin by butane extraction; penalty.**

3536 A. No person shall separate plant resin by butane extraction or another method that utilizes a substance  
 3537 with a flashpoint below 100 degrees Fahrenheit in any public place, motor vehicle, or within the curtilage of  
 3538 any residential structure.

3539 B. Any person convicted of a violation of this section is guilty of a Class 1 misdemeanor.

3540 **§ 4.1-1119. Attempts; aiding or abetting; penalty.**

3541 No person shall attempt to do any of the things prohibited by this subtitle or to aid or abet another in  
 3542 doing, or attempting to do, any of the things prohibited by this subtitle.

3543 On an indictment, information, or warrant for the violation of this subtitle, the jury or the court may find  
 3544 the defendant guilty of an attempt, or being an accessory, and the punishment shall be the same as if the  
 3545 defendant were solely guilty of such violation.

3546 **§ 4.1-1121. Issuance of summonses for certain offenses; civil penalties.**

3547 Any violation under this subtitle that is subject to a civil penalty is a civil offense and, *except in the case*  
 3548 *of a violation alleged to have been committed by a juvenile, in which case the juvenile shall be proceeded*  
 3549 *against pursuant to § 16.1-260*, shall be charged by summons. A summons for a violation under this subtitle  
 3550 that is subject to a civil penalty may be executed by a law-enforcement officer when such violation is  
 3551 observed by such officer. The summons used by a law-enforcement officer pursuant to this section shall be in  
 3552 a form the same as the uniform summons for motor vehicle law violations as prescribed pursuant to  
 3553 § 46.2-388. Any civil penalties collected pursuant to this subtitle shall be deposited into the Drug Offender  
 3554 Assessment and Treatment Fund established pursuant to § 18.2-251.02.

#### CHAPTER 12.

#### PROHIBITED PRACTICES BY LICENSEES.

3555 **§ 4.1-1200. Illegal cultivation, etc., of marijuana or marijuana products by licensees; penalty.**

3556 A. No licensee or any agent or employee of such licensee shall:

3557 1. Cultivate, process, transport, sell, or test any marijuana or marijuana products other than that which  
 3558 such license or this subtitle authorizes him to cultivate, process, transport, sell, or test;

3559 2. Sell marijuana or marijuana products to any person other than a person to whom such license or this  
 3560 subtitle authorizes him to sell;

3561 3. Cultivate, process, transport, sell, or test marijuana or marijuana products that such license or this  
 3562 subtitle authorizes him to sell, but in any place or in any manner other than such license or this subtitle  
 3563 authorizes him to cultivate, process, transport, sell, or test;

3564 4. Cultivate, process, transport, sell, or test any marijuana or marijuana products when forbidden by this  
 3565 subtitle;

3566 5. Keep or allow to be kept on the licensed premises any marijuana or marijuana products other than that  
 3567 which he is authorized to cultivate, process, transport, sell, or test by such license or by this subtitle;

3570 6. Keep any marijuana or marijuana product other than in the container in which it was purchased by  
 3571 him; or

3572 7. Allow a person younger than 21 years of age to be employed by or volunteer for such licensee.

3573 B. Any person convicted of a violation of this section is guilty of a Class 1 misdemeanor.

3574 **§ 4.1-1201. Prohibited acts by employees of licensees; civil penalty.**

3575 A. In addition to the provisions of § 4.1-1200, no licensee, or his agent or employee shall use or consume  
 3576 any marijuana or marijuana products (i) on the licensed premises, except for certain sampling for quality  
 3577 control purposes in accordance with Board regulations or (ii) while on duty and in a position that is involved  
 3578 in the selling of marijuana or marijuana products to consumers.

3579 B. No licensee or his agent or employee shall make any gift of any marijuana or marijuana products.

3580 C. Any person convicted of a violation of this section shall be subject to a civil penalty in an amount not to  
 3581 exceed \$500. Upon a second or subsequent violation of this section, (i) if the person convicted is licensee, the  
 3582 Board shall revoke any license held by the licensee and (ii) if the person convicted is an agent of the licensee  
 3583 or employee, the Board shall require the licensee to terminate such agent or employee's employment. Any  
 3584 such licensee, agent, or employee convicted of a second or subsequent violation of this section shall be  
 3585 prohibited from obtaining any marijuana establishment license and employment at a marijuana  
 3586 establishment.

3587 **§ 4.1-1202. Sale of; purchase for resale; marijuana or marijuana products from a person without a**

3588 **license; penalty.**

3589 *Except as otherwise provided in § 4.1-807, no retail marijuana store licensee shall purchase for resale or*  
 3590 *sell any marijuana, marijuana products, immature marijuana plants, or marijuana seeds purchased from*  
 3591 *anyone other than a marijuana cultivation facility or marijuana processing facility.*

3592 *Any person convicted of a violation of this section is guilty of a Class 1 misdemeanor.*

3593 **§ 4.1-1203. Prohibiting transfer of marijuana or marijuana products by certain licensees; penalty.**

3594 *A. No licensed marijuana establishment shall transfer any marijuana or marijuana products from one*  
 3595 *licensed place of business to another licensed place of business unless (i) such licensed marijuana*  
 3596 *establishment is authorized to transfer marijuana or marijuana products from one licensed place of business*  
 3597 *to another licensed place of business and the transfer is completed by the licensee or an employee of the*  
 3598 *licensee or (ii) such transfer is completed by a marijuana transporter licensee.*

3599 *B. Any person convicted of a violation of this section is guilty of a Class 1 misdemeanor.*

3600 **§ 4.1-1204. Illegal advertising materials; civil penalty.**

3601 *No person subject to the jurisdiction of the Board shall induce, attempt to induce, or consent to any*  
 3602 *licensee selling, renting, lending, buying for, or giving to any person any advertising materials or*  
 3603 *decorations under circumstances prohibited by this title or Board regulations.*

3604 *Any person found by the Board to have violated this section shall be subject to a civil penalty as*  
 3605 *authorized in § 4.1-903.*

3606 **§ 4.1-1205. Failure of licensee to pay tax or to deliver, keep, and preserve records and accounts or to**  
 3607 **allow examination and inspection; penalty.**

3608 *A. No licensee shall fail or refuse to (i) pay any tax provided for in § 4.1-1004; (ii) deliver, keep, and*  
 3609 *preserve such records, invoices, and accounts as are required by § 4.1-703 or Board regulation; or (iii)*  
 3610 *allow such records, invoices, and accounts or his place of business to be examined and inspected in*  
 3611 *accordance with § 4.1-703. Any person convicted of a violation of this subsection is guilty of a Class 1*  
 3612 *misdemeanor.*

3613 *B. After reasonable notice to a licensee that failed to make a return or pay taxes due, the Authority may*  
 3614 *suspend or revoke any license of such licensee that was issued by the Authority.*

3615 **§ 4.1-1206. Nonpayment of marijuana tax; penalties.**

3616 *A. No person shall make a sale taxable under § 4.1-1004 without paying all applicable taxes due. No*  
 3617 *retail marijuana store or microbusiness licensee shall purchase, receive, transport, store, or sell any*  
 3618 *marijuana or marijuana products on which such retailer has reason to know such tax has not been paid and*  
 3619 *may not be paid. Any person convicted of a violation of this subsection is guilty of a Class 1 misdemeanor.*

3620 *B. Any person who fails to file a return required for a tax due under § 4.1-1004 is subject to a civil*  
 3621 *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*  
 3622 *than 30 days, with an additional five percent for each additional 30 days, or fraction thereof, during which*  
 3623 *the failure continues. Such civil penalty shall not exceed 25 percent in the aggregate.*

3624 *C. In the case of a false or fraudulent return, where willful intent exists to defraud the Commonwealth of*  
 3625 *any tax due on marijuana or marijuana products, a civil penalty of 50 percent of the amount of the proper tax*  
 3626 *due shall be assessed. Such penalty shall be in addition to any penalty imposed under subsection B. It shall*  
 3627 *be prima facie evidence of willful intent to defraud the Commonwealth when any person reports its taxable*  
 3628 *sales to the Authority at 50 percent or less of the actual amount.*

3629 *D. If any check tendered for any amount due under § 4.1-1004 or this section is not paid by the bank on*  
 3630 *which it is drawn, and the person that tendered the check fails to pay the Authority the amount due within five*  
 3631 *days after the Authority gives it notice that such check was returned unpaid, the person that tendered the*  
 3632 *check is guilty of a violation of § 18.2-182.1.*

3633 *E. All penalties shall be payable to the Authority and if not so paid shall be collectible in the same manner*  
 3634 *as if they were a part of the tax imposed.*

3635 **§ 4.1-1300. Enjoining nuisances.**

3636 *A. In addition to the penalties imposed by § 4.1-1113, the Board, its agents, the attorney for the*  
 3637 *Commonwealth, or any citizen of the county, city, or town where a common nuisance as defined in § 4.1-1113*  
 3638 *exists may maintain a suit in equity in the name of the Commonwealth to enjoin the common nuisance.*

3639 *B. The courts of equity shall have jurisdiction, and in every case where the bill charges, on the knowledge*  
 3640 *or belief of the complainant, and is sworn to by two reputable citizens, that marijuana or marijuana products*  
 3641 *are cultivated, processed, stored, sold, dispensed, given away, or used in such house, building, or other place*  
 3642 *described in § 4.1-1113 contrary to the laws of the Commonwealth, an injunction shall be granted as soon as*  
 3643 *the bill is presented to the court. The injunction shall enjoin and restrain the owners and tenants and their*  
 3644 *agents and employees, and any person connected with such house, building, or other place, and all persons*  
 3645 *whomsoever from cultivating, processing, storing, selling, dispensing, giving away, or using marijuana or*  
 3646 *marijuana products on such premises. The injunction shall also restrain all persons from removing any*  
 3647 *marijuana or marijuana products then on such premises until the further order of the court. If the court is*  
 3648 *satisfied that the material allegations of the bill are true, although the premises complained of may not then*  
 3649 *be unlawfully used, it shall continue the injunction against such place for a period of time as the court deems*

3650 *proper. The injunction may be dissolved if a proper case is shown for dissolution.*

3651 **§ 4.1-1301. Contraband marijuana or marijuana products and other articles subject to forfeiture.**

3652 A. All apparatus and materials for the cultivation or processing of marijuana or marijuana products, all  
3653 marijuana or marijuana products and materials used in their manufacture or processing, and all containers  
3654 in which marijuana or marijuana products may be found that are kept, stored, possessed, or in any manner  
3655 used in violation of the provisions of this subtitle, and any dangerous weapons as described in § 18.2-308  
3656 that may be used or that may be found upon the person, or in any vehicle that such person is using, to aid  
3657 such person in the unlawful cultivation, manufacture, processing, transportation, or sale of marijuana or  
3658 marijuana products, or found in the possession of such person, or any horse, mule, or other beast of burden  
3659 or any wagon, automobile, truck, or vehicle of any nature whatsoever that is found in the immediate vicinity  
3660 of any place where marijuana or marijuana products are being unlawfully manufactured or processed and  
3661 where such animal or vehicle is being used to aid in the unlawful manufacture or processing, shall be deemed  
3662 contraband and shall be forfeited to the Commonwealth.

3663 B. Proceedings for the confiscation of the property in subsection A shall be in accordance with § 4.1-1303  
3664 for all such property except motor vehicles, which proceedings shall be in accordance with Chapter 22.1  
3665 (§ 19.2-386.1 et seq.) of Title 19.2.

3666 **§ 4.1-1303. Confiscation proceedings; disposition of forfeited articles.**

3667 A. All proceedings for the confiscation of articles, except motor vehicles, declared contraband and  
3668 forfeited to the Commonwealth under this subtitle shall be as provided in this section.

3669 B. Whenever any article declared contraband under the provisions of this subtitle and required to be  
3670 forfeited to the Commonwealth has been seized, with or without a warrant, by any officer charged with the  
3671 enforcement of this subtitle, he shall produce the contraband article and any person in whose possession it  
3672 was found. In those cases where no person is found in possession of such articles, the return shall so state  
3673 and a copy of the warrant shall be posted on the door of the buildings or room where the articles were found,  
3674 or if there is no door, then in any conspicuous place upon the premises.

3675 In case of seizure of any item for any offense involving its forfeiture where it is impracticable to remove  
3676 such item to a place of safe storage from the place where seized, the seizing officer may destroy such item  
3677 only as necessary to prevent use of all or any part thereof. The destruction shall be in the presence of at least  
3678 one credible witness, and such witness shall join the officer in a sworn report of the seizure and destruction  
3679 to be made to the Board. The report shall set forth the grounds of the claim of forfeiture, the reasons for  
3680 seizure and destruction, an estimate of the fair cash value of the item destroyed, and the materials remaining  
3681 after such destruction. The report shall include a statement that, from facts within their own knowledge, the  
3682 seizing officer and witness have no doubt whatever that the item was set up for use, or had been used in the  
3683 unlawful cultivation, processing, or manufacture of marijuana, and that it was impracticable to remove such  
3684 apparatus to a place of safe storage.

3685 In case of seizure of any quantity of marijuana or marijuana products for any offense involving forfeiture  
3686 of the same, the seizing officer may destroy them to prevent the use of all or any part thereof for the purpose  
3687 of unlawful cultivation, processing, or manufacture of marijuana or marijuana products or any other  
3688 violation of this subtitle. The destruction shall be in the presence of at least one credible witness, and such  
3689 witness shall join the officer in a sworn report of the seizure and destruction to be made to the Board. The  
3690 report shall set forth the grounds of the claim of forfeiture, the reasons for seizure and destruction, and a  
3691 statement that, from facts within their own knowledge, the seizing officer and witness have no doubt whatever  
3692 that the marijuana or marijuana products were intended for use in the unlawful cultivation, processing, or  
3693 manufacture of marijuana or marijuana products or were intended for use in violation of this subtitle.

3694 C. Upon the return of the warrant as provided in this section, the court shall fix a time not less than 10  
3695 days, unless waived by the accused in writing, and not more than 30 days thereafter, for the hearing on such  
3696 return to determine whether or not the articles seized, or any part thereof, were used or in any manner kept,  
3697 stored, or possessed in violation of this subtitle.

3698 At such hearing, if no claimant appears, the court shall declare the articles seized forfeited to the  
3699 Commonwealth and, if such articles are not necessary as evidence in any pending prosecution, shall turn  
3700 them over to the Board. Any person claiming an interest in any of the articles seized may appear at the  
3701 hearing and file a written claim setting forth particularly the character and extent of his interest. The court  
3702 shall certify the warrant and the articles seized along with any claim filed to the circuit court to hear and  
3703 determine the validity of such claim.

3704 If the evidence warrants, the court shall enter a judgment of forfeiture and order the articles seized to be  
3705 turned over to the Board. Action under this section and the forfeiture of any articles hereunder shall not be a  
3706 bar to any prosecution under any other provision of this subtitle.

3707 D. Any articles forfeited to the Commonwealth and turned over to the Board in accordance with this  
3708 section shall be destroyed or sold by the Board as it deems proper. The net proceeds from such sales shall be  
3709 paid into the Literary Fund.

3710 If the Board believes that any foodstuffs forfeited to the Commonwealth and turned over to the Board in  
3711 accordance with this section are usable, should not be destroyed, and cannot be sold, or whose sale would be

3712 impractical, it may give such foodstuffs to any institution in the Commonwealth and shall prefer a gift to the  
3713 local jail or other local correctional facility in the jurisdiction where seizure took place. A record shall be  
3714 made showing the nature of the foodstuffs and amount given, to whom given, and the date when given and  
3715 shall be kept in the offices of the Board.

3716 **§ 4.1-1304. Contraband marijuana or marijuana products.**

3717 Failure to maintain on a conveyance or vehicle a permit or other indicia of permission issued by the  
3718 Board authorizing the transportation of marijuana or marijuana products within the Commonwealth when  
3719 other Board regulations applicable to such transportation have been complied with shall not be cause for  
3720 deeming such marijuana or marijuana products contraband.

3721 **§ 4.1-1305. Punishment for violations of title or regulations; bond.**

3722 A. Any person convicted of a misdemeanor under the provisions of this subtitle without specification as to  
3723 the class of offense or penalty, or convicted of violating any other provision thereof, or convicted of violating  
3724 any Board regulation is guilty of a Class 1 misdemeanor.

3725 B. In addition to the penalties imposed by this subtitle for violations, any court before whom any person is  
3726 convicted of a violation of any provision of this subtitle may require such defendant to execute bond based  
3727 upon his ability to pay, with approved security, in the penalty of not more than \$1,000, with the condition that  
3728 the defendant will not violate any of the provisions of this subtitle for the term of one year. If any such bond is  
3729 required and is not given, the defendant shall be committed to jail until it is given, or until he is discharged  
3730 by the court, provided that he shall not be confined for a period longer than six months. If any such bond  
3731 required by a court is not given during the term of the court by which conviction is had, it may be given  
3732 before any judge or before the clerk of such court.

3733 C. The provisions of this subtitle shall not prevent the Board from suspending, revoking, or refusing to  
3734 continue the license of any person convicted of a violation of any provision of this subtitle.

3735 D. No court shall hear such a case unless the respective attorney for the Commonwealth or his assistant  
3736 has been notified that such a case is pending.

3737 **§ 4.1-1306. Witness not excused from testifying because of self-incrimination.**

3738 No person shall be excused from testifying or from producing books, papers, correspondence,  
3739 memoranda, or other records for the Commonwealth as to any offense alleged to have been committed by  
3740 another under this subtitle by reason of his testimony or other evidence tending to incriminate himself, but  
3741 the testimony given and evidence so produced by such person on behalf of the Commonwealth when called  
3742 for by the trial judge or court trying the case, or by the attorney for the Commonwealth, or when summoned  
3743 by the Commonwealth and sworn as a witness by the court or the clerk and sent before the grand jury, shall  
3744 be in no case used against him nor shall he be prosecuted as to the offense as to which he testifies.

3745 **§ 4.1-1307. Previous convictions.**

3746 In any indictment, information, or warrant charging any person with a violation of any provision of this  
3747 subtitle, it may be alleged and evidence may be introduced at the trial of such person to prove that such  
3748 person has been previously convicted of a violation of this subtitle.

3749 **§ 4.1-1308. Label on sealed container prima facie evidence of marijuana content.**

3750 In any prosecution for violations of this subtitle, where a sealed container is labeled as containing  
3751 marijuana or marijuana products, such labeling shall be prima facie evidence of the marijuana content of the  
3752 container. Nothing shall preclude the introduction of other relevant evidence to establish the marijuana  
3753 content of a container, whether sealed or not.

3754 **§ 4.1-1309. No recovery for marijuana or marijuana products illegally sold.**

3755 No action to recover the price of any marijuana or marijuana products sold in contravention of this  
3756 subtitle may be maintained.

3757 **§ 4.1-1402. Outdoor advertising restrictions; limitations; variances.**

3758 A. No outdoor advertising regarding marijuana, marijuana products, or any substance containing a  
3759 synthetic tetrahydrocannabinol or synthetic derivative of tetrahydrocannabinol shall be placed within 500  
3760 linear feet on the same side of the road, and parallel to such road, measured from the nearest edge of the sign  
3761 face upon which the advertisement is placed to the nearest edge of a building or structure located on the real  
3762 property of (i) a church, synagogue, mosque, or other place of religious worship; (ii) a public, private, or  
3763 parochial school or an institution of higher education; (iii) a public or private playground or similar  
3764 recreational facility; (iv) a substance use disorder treatment center; or (v) a dwelling used for residential use.

3765 B. However, (i) if there is no building or structure on a playground or similar recreational facility, the  
3766 measurement shall be from the nearest edge of the sign face upon which the advertisement is placed to the  
3767 property line of such playground or similar recreational facility and (ii) if a public or private school providing  
3768 grades K through 12 education is located across the road from a sign, the measurement shall be from the  
3769 nearest edge of the sign face upon which the advertisement is placed to the nearest edge of a building or  
3770 structure located on such real property across the road.

3771 C. If, at the time the advertisement was displayed, the advertisement was more than 500 feet from (i) a  
3772 church, synagogue, mosque, or other place of religious worship; (ii) a public, private, or parochial school or  
3773 an institution of higher education; (iii) a public or private playground or similar recreational facility; (iv) a

3774 substance use disorder treatment center; or (v) a dwelling used for residential use, but the circumstances  
 3775 change such that the advertiser would otherwise be in violation of subsection A, the Board shall permit the  
 3776 advertisement to remain as displayed for the remainder of the term of any written advertising contract, but in  
 3777 no event more than one year from the date of the change in circumstances.

3778 D. The Board may grant a permit authorizing a variance from the distance requirements of this section  
 3779 upon a finding that the placement of the advertisement on a sign will not unduly expose children to  
 3780 advertising regarding marijuana, marijuana products, or any substance containing a synthetic  
 3781 tetrahydrocannabinol or synthetic derivative of tetrahydrocannabinol.

3782 E. The distance and zoning restrictions contained in this section shall not apply to any sign that is included  
 3783 in the Integrated Directional Sign Program administered by the Virginia Department of Transportation or its  
 3784 agents.

3785 F. *Any outdoor signs placed on the property of a marijuana establishment shall not (i) display imagery of*  
 3786 *marijuana or the use of marijuana or (ii) draw undue attention to the facility, but may be designed to assist*  
 3787 *consumers to find the marijuana establishment.*

3788 G. Nothing in this section shall be construed to authorize billboard signs containing outdoor advertising  
 3789 regarding marijuana, marijuana products, or any substance containing a synthetic tetrahydrocannabinol or  
 3790 synthetic derivative of tetrahydrocannabinol on property zoned agricultural or residential, or on any unzoned  
 3791 property. Nor shall this section be construed to authorize the erection of new billboard signs containing  
 3792 outdoor advertising that would be prohibited under state law or local ordinance.

3793 ~~G.~~ H. All lawfully erected outdoor signs regarding marijuana, marijuana products, or any substance  
 3794 containing a synthetic tetrahydrocannabinol or synthetic derivative of tetrahydrocannabinol shall comply with  
 3795 the provisions of this subtitle, Board regulations, and Chapter 12 (§ 33.2-1200 et seq.) of Title 33.2 and  
 3796 regulations adopted pursuant thereto by the Commonwealth Transportation Board. Further, any outdoor  
 3797 directional sign regarding marijuana, marijuana products, or any substance containing a synthetic  
 3798 tetrahydrocannabinol or synthetic derivative of tetrahydrocannabinol that is located or to be located on  
 3799 highway rights of way shall also be governed by and comply with the Integrated Directional Sign Program  
 3800 administered by the Virginia Department of Transportation or its agents.

3801 **§ 4.1-1403. Board to establish regulations for marijuana testing.**

3802 *The Board shall establish a testing program for marijuana and marijuana products. Except as otherwise*  
 3803 *provided in this subtitle or otherwise provided by law, the program shall require a licensee, prior to selling*  
 3804 *or distributing marijuana or a marijuana product to a consumer or to another licensee, to submit a*  
 3805 *representative sample of the marijuana or marijuana product, not to exceed an amount of the total harvest or*  
 3806 *batch as established by the Board, to a licensed marijuana testing facility for testing to ensure that the*  
 3807 *marijuana or marijuana product does not exceed the maximum level of allowable contamination for any*  
 3808 *contaminant that is injurious to health and for which testing is required and to ensure correct labeling. The*  
 3809 *Board shall adopt regulations (i) establishing a testing program pursuant to this section; (ii) establishing*  
 3810 *acceptable testing and research practices, including regulations relating to testing practices, methods, and*  
 3811 *standards; quality control analysis; equipment certification and calibration; marijuana testing facility*  
 3812 *recordkeeping, documentation, and business practices; disposal of used, unused, and waste marijuana and*  
 3813 *marijuana products; and reporting of test results; (iii) identifying the types of contaminants that are injurious*  
 3814 *to health for which marijuana and marijuana products shall be tested under this subtitle; and (iv)*  
 3815 *establishing the maximum level of allowable contamination for each contaminant.*

3816 **§ 4.1-1404. Mandatory testing; scope; recordkeeping; notification; additional testing not required;**  
 3817 **required destruction; random testing.**

3818 A. A licensee may not sell or distribute marijuana or a marijuana product to a consumer or to another  
 3819 licensee under this subtitle unless a representative sample of the marijuana or marijuana product has been  
 3820 tested pursuant to this subtitle and the regulations adopted pursuant to this subtitle and the mandatory testing  
 3821 has demonstrated that (i) the marijuana or marijuana product does not exceed the maximum level of  
 3822 allowable contamination for any contaminant that is injurious to health and for which testing is required and  
 3823 (ii) the labeling on the marijuana or marijuana product is correct.

3824 B. Mandatory testing of marijuana and marijuana products under this section shall include testing for:

- 3825 1. Residual solvents, except such testing shall not be required for testing of botanical marijuana;
- 3826 2. Heavy metals;
- 3827 3. Microbiological contaminants;
- 3828 4. Mycotoxins;
- 3829 5. Pesticide chemical residue; and
- 3830 6. Active ingredient analysis.

3831 *Testing shall be performed on the final form in which the marijuana or marijuana product will be*  
 3832 *consumed.*

3833 C. A licensee shall maintain a record of all mandatory testing that includes a description of the marijuana  
 3834 or marijuana product provided to the marijuana testing facility, the identity of the marijuana testing facility,  
 3835 and the results of the mandatory test.

3836 *D. If the results of a mandatory test conducted pursuant to this section indicate that the tested marijuana*  
 3837 *or marijuana product exceeds the maximum level of allowable tetrahydrocannabinol or contamination for*  
 3838 *any contaminant that is injurious to health and for which testing is required, the marijuana testing facility*  
 3839 *shall immediately quarantine, document, and properly destroy the marijuana or marijuana product, unless*  
 3840 *remedial measures can bring the marijuana or marijuana product into compliance with such required health*  
 3841 *and safety standards, and within seven days of completing the test shall notify the Board of the test results.*

3842 *A marijuana testing facility is not required to notify the Board of the results of any test:*

3843 *1. Conducted on marijuana or a marijuana product at the direction of a licensee for research and*  
 3844 *development purposes only, so long as the licensee notifies the marijuana testing facility prior to the*  
 3845 *performance of the test that the testing is for research and development purposes only; or*

3846 *2. Conducted on marijuana or a marijuana product at the direction of a person who is not a licensee.*

3847 *E. Notwithstanding the foregoing, a licensee may sell or furnish to a consumer or to another licensee*  
 3848 *marijuana or a marijuana product that the licensee has not submitted for testing in accordance with this*  
 3849 *subtitle and regulations adopted pursuant to this subtitle if the following conditions are met:*

3850 *1. The marijuana or marijuana product has previously undergone testing in accordance with this subtitle*  
 3851 *and regulations adopted pursuant to this subtitle at the direction of another licensee and the testing*  
 3852 *demonstrated that the marijuana or marijuana product does not exceed the maximum level of allowable*  
 3853 *tetrahydrocannabinol or contamination for any contaminant that is injurious to health and for which testing*  
 3854 *is required;*

3855 *2. The mandatory testing process and the test results for the marijuana or marijuana product are*  
 3856 *documented in accordance with the requirements of this subtitle and all applicable regulations adopted*  
 3857 *pursuant to this subtitle;*

3858 *3. Tracking from immature marijuana plant to the point of retail sale has been maintained for the*  
 3859 *marijuana or marijuana product and transfers of the marijuana or marijuana product to another licensee or*  
 3860 *to a consumer can be easily identified; and*

3861 *4. The marijuana or marijuana product has not undergone any further processing, manufacturing, or*  
 3862 *alteration subsequent to the performance of the prior testing under subsection A.*

3863 *F. Licensees shall be required to destroy harvested batches of marijuana or batches of marijuana*  
 3864 *products whose testing samples indicate noncompliance with the health and safety standards required by this*  
 3865 *subtitle and the regulations adopted by the Board pursuant to this subtitle, unless remedial measures can*  
 3866 *bring the marijuana or marijuana product into compliance with such required health and safety standards.*

3867 *G. A licensee shall comply with all requests for samples of marijuana and marijuana products for the*  
 3868 *purpose of random testing by a state-owned laboratory or state-approved private laboratory.*

3869 **§ 4.1-1405. Labeling and packaging requirements; prohibitions.**

3870 *A. Marijuana and marijuana products to be sold or offered for sale by a licensee to a consumer shall be*  
 3871 *labeled with the following information:*

3872 *1. Identification of the type of marijuana or marijuana product;*

3873 *2. Identification of the marijuana cultivation facility and marijuana processing facility where the*  
 3874 *marijuana or marijuana product was cultivated and processed, as applicable;*

3875 *3. A statement of the net weight of the marijuana or marijuana product;*

3876 *4. In English and in a font no less than 1/16 of an inch, information concerning (i) all ingredients; (ii)*  
 3877 *tetrahydrocannabinol, cannabidiol, and other cannabinoid content; (ii) any allergens required by the Board;*  
 3878 *(iii) the amount of servings in the package; and (iv) the total milligrams of tetrahydrocannabinol and*  
 3879 *cannabidiol included in an edible marijuana product or topical marijuana product, the number of milligrams*  
 3880 *of tetrahydrocannabinol and cannabidiol in each serving of an edible marijuana product or topical*  
 3881 *marijuana product, and the total percentage of tetrahydrocannabinol and cannabidiol included in an*  
 3882 *inhalable marijuana product, in accordance with Board regulations;*

3883 *5. Instructions on usage, including information regarding the amount of marijuana or marijuana product*  
 3884 *that constitutes a single serving, and information regarding the products purpose, as applicable;*

3885 *6. An expiration date;*

3886 *7. For marijuana and marijuana products, a warning statement adopted by the Board prominently*  
 3887 *displayed in bold print and in a clear and legible fashion;*

3888 *8. A universal symbol stamped or embossed on the packaging of any marijuana and marijuana products;*

3889 *9. A QR code or other means prescribed by the Board, linking to the certificate of analysis, produced by a*  
 3890 *licensed marijuana testing facility, that states the total tetrahydrocannabinol concentration of the substance*  
 3891 *or the total tetrahydrocannabinol concentration of the batch from which the substance originates; and*

3892 *10. Any other information required by Board regulations.*

3893 *B. Marijuana and marijuana products to be sold or offered for sale by a licensee to a consumer in*  
 3894 *accordance with the provisions of this subtitle shall be packaged in the following manner:*

3895 *1. Marijuana and marijuana products shall be prepackaged in child-resistant, tamper-evident, and*  
 3896 *resealable packaging that is opaque or shall be placed at the final point of sale to a consumer in child-*  
 3897 *resistant, tamper-evident, and resealable packaging that is opaque;*

3898 2. Packaging for multiserving liquid marijuana products shall include an integral measurement  
3899 component; and

3900 3. Packaging shall comply with any other requirements imposed by Board regulations.

3901 C. Marijuana and marijuana products to be sold or offered for sale by a licensee to a consumer in  
3902 accordance with the provisions of this subtitle shall not:

3903 1. (i) Without authorization, bear, be packaged in a container or wrapper that bears, or otherwise be  
3904 labeled to bear the trademark, trade name, famous mark as defined in 15 U.S.C. § 1125, or other identifying  
3905 mark, imprint, or device, or any likeness thereof, of a manufacturer, processor, packer, or distributor of a  
3906 product intended for human consumption other than the manufacturer, processor, packer, or distributor that  
3907 did in fact so manufacture, process, pack, or distribute such substance or (ii) otherwise be packaged or  
3908 labeled in violation of a federal trademark law or regulation;

3909 2. Be labeled or packaged in a manner that appeals particularly to persons younger than 21 years of age;

3910 3. Be labeled or packaged in a manner that obscures identifying information on the label;

3911 4. Be labeled or packaged using a false or misleading label;

3912 5. Depict, model the shape of, or use a label or package that depicts or models the shape of a human,  
3913 animal, vehicle, or fruit; and

3914 6. Be labeled or packaged in violation of any other labeling or packaging requirements imposed by Board  
3915 regulations.

3916 **§ 4.1-1406. Other health and safety requirements for edible marijuana products and other marijuana**  
3917 **products deemed applicable by the Authority; health and safety regulations.**

3918 A. In addition to all other applicable provisions of this subtitle, edible marijuana products and other  
3919 marijuana products deemed applicable by the Authority to be sold or offered for sale by a licensee to a  
3920 consumer:

3921 1. Shall be processed and manufactured by an approved source, as determined by § 3.2-5145.3;

3922 2. Shall comply with the provisions of Chapter 51 (§ 3.2-5100 et seq.) of Title 3.2;

3923 3. Shall be processed and manufactured in a manner that results in the cannabinoid content within the  
3924 product being homogeneous throughout the product or throughout each element of the product that has a  
3925 cannabinoid content;

3926 4. Shall be processed and manufactured in a manner that results in the amount of marijuana concentrate  
3927 within the product being homogeneous throughout the product or throughout each element of the product  
3928 that contains marijuana concentrate;

3929 5. Shall have a universal symbol stamped or embossed on the packaging of each product;

3930 6. Shall not contain more than 10 milligrams of tetrahydrocannabinol per serving of the product and shall  
3931 not contain more than 100 milligrams of tetrahydrocannabinol per package of the product;

3932 7. Shall not contain additives that (i) are toxic or harmful to human beings, (ii) are specifically designed  
3933 to make the product more addictive, (iii) contain alcohol or nicotine, (iv) are misleading to consumers, or (v)  
3934 are specifically designed to make the product appeal particularly to persons younger than 21 years of age;  
3935 and

3936 8. Shall not involve the addition of marijuana to a trademarked food or drink product, except when the  
3937 trademarked product is used as a component of or ingredient in the edible marijuana product and the edible  
3938 marijuana product is not advertised or described for sale as containing the trademarked product.

3939 B. The Board shall adopt any additional labeling, packaging, or other health and safety regulations that it  
3940 deems necessary for marijuana and marijuana products to be sold or offered for sale by a licensee to a  
3941 consumer in accordance with this subtitle. Regulations adopted pursuant to this subsection shall establish  
3942 mandatory health and safety standards applicable to the cultivation of marijuana, the processing and  
3943 manufacture of marijuana products, and the packaging and labeling of marijuana and marijuana products  
3944 sold by a licensee to a consumer. Such regulations shall address:

3945 1. Requirements for the storage, warehousing, and transportation of marijuana and marijuana products  
3946 by licensees;

3947 2. Standards for the processing and manufacture of marijuana and marijuana products; and

3948 3. Limitations on the display of marijuana and marijuana products at retail marijuana stores and  
3949 microbusinesses.

3950 **§ 4.1-1407. Product registration requirements; approval, deviation, and modification.**

3951 A. A marijuana cultivation facility licensee, marijuana processing facility licensee, and microbusiness  
3952 licensee shall register with the Board all marijuana or marijuana products it cultivates or processes.  
3953 Applications for marijuana or marijuana product registration shall be submitted to the Board on a form  
3954 prescribed by the Board.

3955 B. An application for marijuana or marijuana product registration shall include:

3956 1. The total tetrahydrocannabinol and total cannabidiol in such marijuana or marijuana product, based  
3957 on laboratory testing results for the marijuana or marijuana product formulation;

3958 2. A product name;

3959 3. A proposed product package; and

3960 4. A proposed product label, which shall not be required to contain an expiration date at the time of  
3961 application.

3962 C. The Board shall register all marijuana or marijuana products that meet labeling and packaging  
3963 standards established by regulation after an application for registration is submitted and the Board receives  
3964 the applicable registration fee. If the marijuana or marijuana product fails to meet such standards or the  
3965 application was deficient, the Board shall notify the applicant of the specific reasons for such failure or  
3966 deficiency.

3967 D. The following marijuana or marijuana product deviations from an approved marijuana or marijuana  
3968 product registration shall be permitted without any requirement for a new marijuana or marijuana product  
3969 registration or notice to the Board:

3970 1. A deviation in the concentration of total tetrahydrocannabinol (THC) or total cannabidiol (CBD) in a  
3971 marijuana or marijuana product or dose thereof of up to 15 percent greater than or less than the  
3972 concentration of total tetrahydrocannabinol or total cannabidiol, either or both, listed in the approved  
3973 marijuana or marijuana product registration; however, for marijuana or a marijuana product with five  
3974 milligrams or less of total THC or total CBD per dose, the total THC or total CBD concentration shall be  
3975 within 0.5 milligrams of the single dose total THC or total CBD concentrations approved for that marijuana  
3976 or marijuana product;

3977 2. A variation in packaging, provided that the packaging is substantially similar to the approved  
3978 packaging and otherwise complies with applicable packaging requirements;

3979 3. A deviation in labeling that reflects allowable deviations in total THC or total CBD or that makes a  
3980 minor text, font, design, or similar modification, provided that the labeling is substantially similar to the  
3981 approved labeling and otherwise complies with applicable labeling requirements; and

3982 4. Any other insignificant changes.

3983 E. A marijuana cultivation facility licensee, marijuana processing facility licensee, or microbusiness  
3984 license may submit a request to modify an existing marijuana or marijuana product registration in the event  
3985 of a marijuana or marijuana product deviation that is not set forth in subsection D. Upon receipt, the Board  
3986 shall respond to such request. The Board may grant or deny the request, propose a reasonable revision, or  
3987 require the licensee to provide additional information.

3988 **§ 4.1-1500. Definitions.**

3989 As used in this chapter, unless the context requires a different meaning:

3990 "CDFI" means a community development financial institution that provides credit and financial services  
3991 for underserved communities.

3992 "Fund" means the Virginia Cannabis Equity Business Loan Fund established in § 4.1-1501.

3993 "Funding" means loans and grants made from the Fund.

3994 "Program" means the Virginia Cannabis Equity Business Loan Program established in § 4.1-1502.

3995 ~~"Social equity qualified cannabis licensee" means a person or business who meets the criteria in § 4.1-606  
3996 to qualify as a social equity applicant and who either holds or is in the final stages of acquiring, as determined  
3997 by the Board, a license to operate a marijuana establishment.~~

3998 **§ 4.1-1501. Virginia Cannabis Equity Business Loan Fund.**

3999 There is hereby created in the state treasury a special nonreverting fund to be known as the Virginia  
4000 Cannabis Equity Business Loan Fund, referred to in this section as "the Fund." The Fund shall be established  
4001 on the books of the Comptroller. All funds appropriated for such purpose and any gifts, donations, grants,  
4002 bequests, and other funds received on its behalf shall be paid into the state treasury and credited to the Fund.  
4003 Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining  
4004 in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but  
4005 shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes of providing grants,  
4006 low-interest and loans, zero-interest loans, conditional loans, and other supports and services to social equity  
4007 qualified cannabis impact licensees in order to foster business ownership and economic growth within  
4008 communities that have been the most disproportionately impacted by the former prohibition of cannabis.  
4009 Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by  
4010 the Comptroller upon written request signed by the Chief Executive Officer of the Authority.

4011 **§ 4.1-1502. Program requirements; guidelines for management of the Fund; selection of CDFI.**

4012 A. The Authority shall establish a Program to provide loans, grants, and other supports and services to  
4013 ~~qualified social equity cannabis impact~~ licensees for the purpose of promoting business ownership and  
4014 economic growth by communities that have been disproportionately impacted by the prohibition of cannabis.  
4015 ~~The For the purposes of issuing loans, the Authority shall~~ select and work in collaboration with a CDFI  
4016 ~~to assist in administering the Program and carrying out the purposes of the Fund. The If the Authority utilizes~~  
4017 ~~a CDFI for issuing loans, the~~ CDFI selected by the Authority shall have (i) a statewide presence in Virginia,  
4018 (ii) experience in business lending, (iii) a proven track record of working with disadvantaged communities,  
4019 and (iv) the capability to dedicate sufficient staff to manage the Program. ~~Working with the selected CDFI,~~  
4020 ~~the~~ The Authority shall establish monitoring and accountability mechanisms for ~~businesses impact licensees~~  
4021 receiving funding and shall report annually the number of businesses funded; the geographic distribution of

4022 the businesses; the costs of the Program; and the outcomes, including the number and types of jobs created.

4023 B. The Program shall:

4024 1. Identify ~~social equity qualified cannabis~~ *impact* licensees who are in need of capital *or other supports*  
4025 *and services* for the start-up of a cannabis business properly licensed pursuant to the provisions of this  
4026 subtitle;

4027 2. Provide loans, *grants, and other supports and services* for the purposes described in subsection A *and*  
4028 *§ 4.1-1501*;

4029 3. Provide technical assistance; and

4030 4. Bring together community partners to sustain the Program.

4031 **§ 4.1-1600. Definitions.**

4032 As used in this chapter, unless the context requires a different meaning:

4033 "Botanical cannabis" means cannabis that is composed wholly of usable cannabis from the same parts of  
4034 the same chemovar of cannabis plant.

4035 "Cannabis dispensing facility" means a *dual-use* facility that (i) has obtained a permit from the Board  
4036 pursuant to § 4.1-1602; (ii) is owned, at least in part, by a pharmaceutical processor; ~~and~~ (iii) dispenses  
4037 cannabis products produced by a pharmaceutical processor to a patient, his registered agent, or, if such patient  
4038 is a minor or a vulnerable adult as defined in § 18.2-369, such patient's parent or legal guardian; *and (iv) has*  
4039 *been verified by the Board pursuant to § 4.1-1602.1 to hold and exercise all privileges to operate as a retail*  
4040 *marijuana store pursuant to § 4.1-802 on the premises of the cannabis dispensing facility.*

4041 "Cannabis oil" means any formulation of processed Cannabis plant extract, which may include industrial  
4042 hemp extracts, including isolates and distillates, acquired by a pharmaceutical processor pursuant to  
4043 § 4.1-1602, or a dilution of the resin of the Cannabis plant that contains, except as otherwise provided in this  
4044 chapter, no more than 10 milligrams of tetrahydrocannabinol per dose. "Cannabis oil" does not include  
4045 industrial hemp, as defined in § 3.2-4112, that is grown, handled, or processed in compliance with state or  
4046 federal law, unless it has been grown and processed in the Commonwealth by a registered industrial hemp  
4047 processor and acquired and formulated by a pharmaceutical processor.

4048 "Cannabis product" means a product that (i) is formulated with cannabis oil or botanical cannabis; (ii) is  
4049 produced by a pharmaceutical processor and sold by a pharmaceutical processor or cannabis dispensing  
4050 facility; (iii) is registered with the Board; (iv) contains, except as otherwise provided in this chapter, no more  
4051 than 10 milligrams of tetrahydrocannabinol per dose; and (v) is compliant with testing requirements.

4052 "*Delivery agent*" means an independent contractor that transports or delivers usable cannabis, botanical  
4053 cannabis, cannabis oil, or cannabis products on behalf of a pharmaceutical processor or cannabis  
4054 dispensing facility.

4055 "Designated caregiver facility" means any hospice or hospice facility licensed pursuant to § 32.1-162.3, or  
4056 home care organization as defined in § 32.1-162.7 that provides pharmaceutical services or home health  
4057 services, private provider licensed by the Department of Behavioral Health and Developmental Services  
4058 pursuant to Article 2 (§ 37.2-403 et seq.) of Chapter 4 of Title 37.2, assisted living facility licensed pursuant  
4059 to § 63.2-1701, or adult day center licensed pursuant to § 63.2-1701.

4060 "Dispense" means the same as that term is defined in § 54.1-3300.

4061 "Pharmaceutical processor" means a *dual-use* facility that (i) has obtained a permit from the Board  
4062 pursuant to § 4.1-1602 ~~and~~; (ii) cultivates Cannabis plants intended ~~only~~ for the production of cannabis oil,  
4063 botanical cannabis, and usable cannabis, produces cannabis products, and dispenses cannabis products to a  
4064 patient pursuant to a written certification, his registered agent, or, if such patient is a minor or a vulnerable  
4065 adult as defined in § 18.2-369, such patient's parent or legal guardian; *and (iii) has been verified by the Board*  
4066 *pursuant to § 4.1-1602.1 to hold and exercise all privileges to operate as a marijuana cultivation facility*  
4067 *pursuant to § 4.1-800, marijuana processing facility pursuant to § 4.1-801, and retail marijuana store*  
4068 *pursuant to § 4.1-802.*

4069 "Pharmacist" means the same as that term is defined in § 54.1-3300.

4070 "Pharmacy intern" means the same as that term is defined in § 54.1-3300.

4071 "Pharmacy technician" means the same as that term is defined in § 54.1-3300.

4072 "Pharmacy technician trainee" means the same as that term is defined in § 54.1-3300.

4073 "Practitioner" means a practitioner of medicine or osteopathy licensed by the Board of Medicine, a  
4074 physician assistant licensed by the Board of Medicine, or an advanced practice registered nurse jointly  
4075 licensed by the Boards of Nursing and Medicine.

4076 "Registered agent" means an individual designated by a patient who has been issued a written  
4077 certification, or, if such patient is a minor or a vulnerable adult as defined in § 18.2-369, designated by such  
4078 patient's parent or legal guardian, and registered with the Board pursuant to subsection F of § 4.1-1601.

4079 "Usable cannabis" means any cannabis plant material, including seeds, but not (i) resin that has been  
4080 extracted from any part of the cannabis plant, its seeds, or its resin; (ii) the mature stalks, fiber produced from  
4081 the stalks, or any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks;  
4082 or (iii) oil or cake made from the seeds of the plant.

4083 **§ 4.1-1601. Certification for use of cannabis for treatment.**

4084 A. A practitioner in the course of his professional practice may issue a written certification for the use of  
 4085 cannabis products for treatment or to alleviate the symptoms of any diagnosed condition or disease  
 4086 determined by the practitioner to benefit from such use. The practitioner shall use his professional judgment  
 4087 to determine the manner and frequency of patient care and evaluation and may employ the use of  
 4088 telemedicine, provided that the use of telemedicine includes the delivery of patient care through real-time  
 4089 interactive audiovisual technology. No practitioner may issue a written certification while such practitioner is  
 4090 on the premises of a pharmaceutical processor or cannabis dispensing facility. A pharmaceutical processor  
 4091 shall not endorse or promote any practitioner who issues certifications to patients. If a practitioner determines  
 4092 it is consistent with the standard of care to dispense botanical cannabis to a minor, the written certification  
 4093 shall specifically authorize such dispensing. If not specifically included on the initial written certification,  
 4094 authorization for botanical cannabis may be communicated verbally or in writing to the pharmacist at the  
 4095 time of dispensing. A practitioner who issues written certifications shall not directly or indirectly accept,  
 4096 solicit, or receive anything of value from a pharmaceutical processor, cannabis dispensing facility, or any  
 4097 person associated with a pharmaceutical processor, cannabis dispensing facility, or provider of paraphernalia,  
 4098 excluding information on products or educational materials on the benefits and risks of cannabis products.

4099 B. The written certification shall be on a form provided by the Authority. Such written certification shall  
 4100 contain the name, address, and telephone number of the practitioner, the name and address of the patient  
 4101 issued the written certification, the date on which the written certification was made, and the signature or  
 4102 authentic electronic signature of the practitioner. Such written certification issued pursuant to subsection A  
 4103 shall expire one year after its issuance unless the practitioner provides in such written certification an earlier  
 4104 expiration. A written certification shall not be issued to a patient by more than one practitioner during any  
 4105 given time period.

4106 C. No practitioner shall be prosecuted under *Chapter 11 (§ 4.1-1100 et seq.)* or § 18.2-248 ~~or 18.2-248.1~~  
 4107 for the issuance of a certification for the use of cannabis products for the treatment or to alleviate the  
 4108 symptoms of a patient's diagnosed condition or disease pursuant to a written certification issued pursuant to  
 4109 subsection A. Nothing in this section shall preclude a practitioner's professional licensing board from  
 4110 sanctioning the practitioner for failing to properly evaluate or treat a patient's medical condition or otherwise  
 4111 violating the applicable standard of care for evaluating or treating medical conditions.

4112 D. A practitioner who issues a written certification to a patient pursuant to this section (i) shall hold  
 4113 sufficient education and training to exercise appropriate professional judgment in the certification of patients;  
 4114 (ii) shall not offer a discount or any other thing of value to a patient or a patient's parent, guardian, or  
 4115 registered agent that is contingent on or encourages the person's decision to use a particular pharmaceutical  
 4116 processor or cannabis product; (iii) shall not issue a certification to himself or his family members,  
 4117 employees, or coworkers; (iv) shall not provide product samples containing cannabis other than those  
 4118 approved by the U.S. Food and Drug Administration; and (v) shall not accept compensation from a  
 4119 pharmaceutical processor or cannabis dispensing facility. The Board shall not limit the number of patients to  
 4120 whom a practitioner may issue a written certification. The Board may report information to the applicable  
 4121 licensing board on unusual patterns of certifications issued by a practitioner.

4122 E. No patient shall be required to physically present the written certification after the initial dispensing by  
 4123 any pharmaceutical processor or cannabis dispensing facility under each written certification, provided that  
 4124 the pharmaceutical processor or cannabis dispensing facility maintains an electronic copy of the written  
 4125 certification. Pharmaceutical processors and cannabis dispensing facilities shall electronically transmit on a  
 4126 monthly basis all new written certifications received by the pharmaceutical processor or cannabis dispensing  
 4127 facility to the Authority.

4128 F. A patient, or, if such patient is a minor or a vulnerable adult as defined in § 18.2-369, such patient's  
 4129 parent or legal guardian, may designate an individual to act as his registered agent for the purposes of  
 4130 receiving cannabis products pursuant to a valid written certification. Such designated individual shall register  
 4131 with the Board unless the individual's name listed on the patient's written certification. An individual may, on  
 4132 the basis of medical need and in the discretion of the patient's registered practitioner, be listed on the patient's  
 4133 written certification upon the patient's request. The Board may set a limit on the number of patients for whom  
 4134 any individual is authorized to act as a registered agent.

4135 G. Upon delivery of a cannabis product by a pharmaceutical processor or cannabis dispensing facility to a  
 4136 designated caregiver facility, any employee or contractor of a designated caregiver facility who is licensed or  
 4137 registered by a health regulatory board and who is authorized to possess, distribute, or administer medications  
 4138 may accept delivery of the cannabis product on behalf of a patient or resident for subsequent delivery to the  
 4139 patient or resident and may assist in the administration of the cannabis product to the patient or resident as  
 4140 necessary.

4141 H. Information obtained under the patient certification or agent registration process shall be confidential  
 4142 and shall not be subject to the disclosure provisions of the Virginia Freedom of Information Act (§ 2.2-3700  
 4143 et seq.). However, reasonable access to registry information shall be provided to (i) the Chairmen of the  
 4144 House and Senate Committees for Courts of Justice, (ii) state and federal agencies or local law enforcement  
 4145 for the purpose of investigating or prosecuting a specific individual for a specific violation of law, (iii)

4146 licensed practitioners or pharmacists, or their agents, for the purpose of providing patient care and drug  
 4147 therapy management and monitoring of drugs obtained by a patient, (iv) a pharmaceutical processor or  
 4148 cannabis dispensing facility involved in the treatment of a patient, or (v) a patient's registered agent, but only  
 4149 with respect to information related to such patient.

4150 **§ 4.1-1602. Permit to operate pharmaceutical processor or cannabis dispensing facility.**

4151 A. No person shall operate a pharmaceutical processor or a cannabis dispensing facility without first  
 4152 obtaining a permit from the Board. The application for such permit shall be made on a form provided by the  
 4153 Authority and signed by a pharmacist who will be in full and actual charge of the pharmaceutical processor's  
 4154 dispensing area or cannabis dispensing facility. The Board shall establish an application fee and other general  
 4155 requirements for such application. *Effective December 1, 2026, no previously issued permit shall remain*  
 4156 *valid unless the pharmaceutical processor has received dual-use verification from the Board pursuant to*  
 4157 *§ 4.1-1602.1.*

4158 B. Each permit shall expire annually on a date determined by the Board in regulation. The number of  
 4159 permits that the Board may issue or renew in any year is limited to one *permit in each health service area*  
 4160 *established by the Board of Health, which shall govern the operations of the pharmaceutical processor and up*  
 4161 *to five cannabis dispensing facilities for in each health service area established by the Board of Health.*  
 4162 Permits shall be displayed in a conspicuous place on the premises of the pharmaceutical processor and  
 4163 cannabis dispensing facility.

4164 C. The Board shall adopt regulations establishing health, safety, and security requirements for  
 4165 pharmaceutical processors and cannabis dispensing facilities. Such regulations shall include requirements for  
 4166 (i) physical standards; (ii) location restrictions; (iii) security systems and controls; (iv) minimum equipment  
 4167 and resources; (v) recordkeeping; (vi) labeling and packaging; (vii) routine inspections no more frequently  
 4168 than once annually; (viii) processes for safely and securely dispensing and delivering in person cannabis  
 4169 products to a patient, his registered agent, or, if such patient is a minor or a vulnerable adult as defined in  
 4170 § 18.2-369, such patient's parent or legal guardian; (ix) dosage limitations for cannabis products that provide  
 4171 that each dispensed dose of a cannabis product not exceed 10 milligrams of total tetrahydrocannabinol,  
 4172 except as permitted under § 4.1-1603.2; (x) a process for the wholesale distribution of and the transfer of  
 4173 usable cannabis, botanical cannabis, cannabis oil, and cannabis products between pharmaceutical processors,  
 4174 between a pharmaceutical processor and a cannabis dispensing facility, and between cannabis dispensing  
 4175 facilities; (xi) an allowance for the sale of devices for administration of dispensed cannabis products and  
 4176 hemp-based CBD products that meet the applicable standards set forth in state and federal law, including the  
 4177 laboratory testing standards set forth in subsection N; (xii) an allowance for the use and distribution of inert  
 4178 product samples containing no cannabinoids for patient demonstration exclusively at the pharmaceutical  
 4179 processor or cannabis dispensing facility, and not for further distribution or sale, without the need for a  
 4180 written certification; (xiii) a process for acquiring industrial hemp extracts and formulating such extracts into  
 4181 cannabis products; and (xiv) an allowance for the advertising and promotion of the pharmaceutical  
 4182 processor's products and operations, which shall not limit the pharmaceutical processor from the provision of  
 4183 educational material to practitioners who issue written certifications and patients. The Board shall also adopt  
 4184 regulations for pharmaceutical processors that include requirements for (a) processes for safely and securely  
 4185 cultivating cannabis plants intended for producing cannabis products, (b) the disposal of agricultural waste,  
 4186 and (c) a process for registering cannabis products.

4187 D. The Board shall require pharmaceutical processors, after processing and before dispensing any  
 4188 cannabis products, to make a sample available from each batch of cannabis product for testing by an  
 4189 independent laboratory that is located in the Commonwealth and meets Board requirements. ~~A valid sample~~  
 4190 ~~size for testing shall be determined by each laboratory and may vary due to sample matrix, analytical method,~~  
 4191 ~~and laboratory-specific procedures. A minimum sample size of 0.5 percent of individual units for dispensing~~  
 4192 ~~or distribution from each homogenized batch of cannabis oil is required to achieve a representative cannabis~~  
 4193 ~~oil sample for analysis. A minimum sample size, to be determined by the certified testing laboratory, from~~  
 4194 ~~each batch of botanical cannabis is required to achieve a representative botanical cannabis sample for~~  
 4195 ~~analysis. Botanical cannabis products shall only be tested for the following: total cannabidiol (CBD), total~~  
 4196 ~~tetrahydrocannabinol (THC), terpenes, pesticide chemical residue, heavy metals, mycotoxins, moisture, and~~  
 4197 ~~microbiological contaminants. Testing thresholds shall be consistent with generally accepted cannabis~~  
 4198 ~~industry thresholds. The pharmaceutical processor may remediate botanical cannabis or cannabis oil that fails~~  
 4199 ~~any quality testing standard except pesticides. Following remediation, all remediated botanical cannabis or~~  
 4200 ~~cannabis oil shall be subject to laboratory testing, which shall not be more stringent than initial testing prior~~  
 4201 ~~to remediation. Remediated botanical cannabis or cannabis oil that passes such quality testing may be~~  
 4202 ~~packaged and labeled. If a batch of botanical cannabis fails retesting after remediation, it shall be considered~~  
 4203 ~~usable cannabis and may be processed into cannabis oil. Stability testing shall not be required for any~~  
 4204 ~~cannabis product with an expiration date assigned by the pharmaceutical processor of 12 months or less from~~  
 4205 ~~the date of the cannabis product registration approval. Stability testing required for assignment of an~~  
 4206 ~~expiration date longer than 12 months shall be limited to microbial testing, on a pass/fail basis, and potency~~  
 4207 ~~testing, on a 15 percent deviation basis, of total THC and total CBD. No cannabis product shall have an~~

4208 expiration date longer than 12 months from the date of the cannabis product registration approval unless  
 4209 supported by stability testing. *The provisions of § 4.1-1404 shall apply, mutatis mutandis, to the testing of all*  
 4210 *cannabis products.*

4211 E. A laboratory testing samples for a pharmaceutical processor shall obtain a controlled substances  
 4212 registration certificate pursuant to § 54.1-3423 and shall comply with quality standards established by the  
 4213 Board of Pharmacy in regulation.

4214 F. Every pharmaceutical processor's dispensing area or cannabis dispensing facility shall be under the  
 4215 personal supervision of a licensed pharmacist on the premises of the pharmaceutical processor or cannabis  
 4216 dispensing facility unless all cannabis products are contained in a vault or other similar container to which  
 4217 only the pharmacist has access controls. The pharmaceutical processor shall ensure that security measures are  
 4218 adequate to protect the cannabis from diversion at all times, and the pharmacist-in-charge shall have  
 4219 concurrent responsibility for preventing diversion from the dispensing area.

4220 Every pharmaceutical processor shall designate a person who shall have oversight of the cultivation and  
 4221 production areas of the pharmaceutical processor and shall provide such information to the Board. The Board  
 4222 shall direct all communications related to enforcement of requirements related to cultivation and production  
 4223 of cannabis and cannabis products by the pharmaceutical processor to such designated person.

4224 G. The Board shall require the material owners of an applicant for a pharmaceutical processor or cannabis  
 4225 dispensing facility permit to submit to fingerprinting and provide personal descriptive information to be  
 4226 forwarded along with his fingerprints through the Central Criminal Records Exchange to the Federal Bureau  
 4227 of Investigation for the purpose of obtaining criminal history record information regarding the applicant's  
 4228 material owners. The cost of fingerprinting and the criminal history record search shall be paid by the  
 4229 applicant. The Central Criminal Records Exchange shall forward the results of the criminal history  
 4230 background check to the Board or its designee, which shall be a governmental entity.

4231 H. A pharmaceutical processor shall maintain evidence of criminal background checks for all employees  
 4232 and delivery agents of the pharmaceutical processor. Criminal background checks of employees and delivery  
 4233 agents may be conducted by any service sufficient to disclose any federal and state criminal convictions.

4234 I. In addition to other employees authorized by the Board, a pharmaceutical processor may employ  
 4235 individuals who may have less than one year of experience (i) to perform cultivation-related duties under the  
 4236 supervision of an individual who has received a degree in a field related to the cultivation of plants or a  
 4237 certification recognized by the Board or who has at least one year of experience cultivating plants, (ii) to  
 4238 perform extraction-related duties under the supervision of an individual who has a degree in chemistry or  
 4239 pharmacology or at least one year of experience extracting chemicals from plants, (iii) to perform duties at  
 4240 the pharmaceutical processor and cannabis dispensing facility upon certification as a pharmacy technician,  
 4241 and (iv) to serve as pharmacy technician trainees.

4242 J. A pharmaceutical processor to whom a permit has been issued by the Board may (i) establish up to five  
 4243 cannabis dispensing facilities, subject to the permit requirement set forth in subsection B, for the dispensing  
 4244 of cannabis products that have been cultivated and produced on the premises of a pharmaceutical processor  
 4245 permitted by the Board and (ii) establish, if authorized by the Board, one additional location at which the  
 4246 pharmaceutical processor may cultivate cannabis plants. *Notwithstanding any other provision of law, a*  
 4247 *pharmaceutical processor shall cultivate cannabis only indoors, which may include a secure agricultural*  
 4248 *greenhouse, with a canopy that does not exceed 70,000 square feet in the aggregate across all cultivation*  
 4249 *conducted by the pharmaceutical processor, including cultivation authorized under this chapter and for*  
 4250 *purposes of a pharmaceutical processor's operations as a marijuana cultivation facility pursuant to*  
 4251 *§ 4.1-800, regardless of whether such canopy is utilized on the premises of the pharmaceutical processor or*  
 4252 *collectively on the premises of the pharmaceutical processor and the additional cultivation location. Each*  
 4253 *cannabis dispensing facility and the additional cultivation location shall be located within the same health*  
 4254 *service area as the pharmaceutical processor.*

4255 K. No person who has been convicted of a felony under the laws of the Commonwealth or another  
 4256 jurisdiction within the last five years shall be employed by or act as an agent of a pharmaceutical processor or  
 4257 cannabis dispensing facility.

4258 L. Every pharmaceutical processor or cannabis dispensing facility shall adopt policies for pre-employment  
 4259 drug screening and regular, ongoing, random drug screening of employees.

4260 M. A pharmacist at the pharmaceutical processor's dispensing area and the cannabis dispensing facility  
 4261 shall determine the number of pharmacy interns, pharmacy technicians, and pharmacy technician trainees  
 4262 who can be safely and competently supervised at one time; however, no pharmacist shall supervise more than  
 4263 six persons performing the duties of a pharmacy technician at one time in the pharmaceutical processor's  
 4264 dispensing area or cannabis dispensing facility.

4265 N. A pharmaceutical processor may acquire from a registered industrial hemp handler or processor  
 4266 industrial hemp extracts that (i) are grown and processed in Virginia in compliance with state or federal law,  
 4267 and (ii) notwithstanding the tetrahydrocannabinol limits set forth in the definition of "industrial hemp extract"  
 4268 in § 3.2-5145.1, contain a total tetrahydrocannabinol concentration of no greater than 0.3 percent. A  
 4269 pharmaceutical processor may process and formulate such extracts into an allowable dosage of cannabis

4270 product. Industrial hemp extracts acquired and formulated by a pharmaceutical processor are subject to the  
 4271 same third-party testing requirements that may apply to cannabis plant extract. Testing shall be performed by  
 4272 a laboratory located in Virginia and in compliance with state law governing the testing of cannabis products.  
 4273 The industrial hemp handler or processor shall provide such third-party testing results to the pharmaceutical  
 4274 processor before industrial hemp extracts may be acquired.

4275 O. ~~Product labels for all cannabis products and botanical cannabis shall be complete, accurate, easily~~  
 4276 ~~discernable, and uniform among different products and brands. Pharmaceutical processors shall affix to all~~  
 4277 ~~cannabis products and botanical cannabis a label, which shall also be accessible on the pharmaceutical~~  
 4278 ~~processor's website, that includes:~~

4279 1. The product name;

4280 2. All active and inactive ingredients, including cannabinoids, terpenes, additives, preservatives,  
 4281 flavorings, sweeteners, and carrier oils;

4282 3. The total percentage and milligrams of tetrahydrocannabinol and cannabidiol included in the product  
 4283 and the number of milligrams of tetrahydrocannabinol and cannabidiol in each serving;

4284 4. The amount of product that constitutes a single serving and the amount recommended for use by the  
 4285 practitioner or dispensing pharmacist;

4286 5. Information regarding the product's purpose and detailed usage directions;

4287 6. Child and safety warnings in a conspicuous font; and

4288 7. Such other information required by the Board.

4289 P. A pharmaceutical processor or cannabis dispensing facility shall maintain an adequate supply of  
 4290 cannabis products that (i) contain cannabidiol as their primary cannabinoid and (ii) have low levels of or no  
 4291 tetrahydrocannabinol.

4292 Q. P. With the exception of § 2.2-4031, neither the provisions of the Administrative Process Act  
 4293 (§ 2.2-4000 et seq.) nor public participation guidelines adopted pursuant thereto shall apply to the adoption of  
 4294 any regulation pursuant to this section. Prior to adopting any regulation pursuant to this section, the Board  
 4295 shall publish a notice of opportunity to comment in the Virginia Register of Regulations and post the action  
 4296 on the Virginia Regulatory Town Hall. Such notice of opportunity to comment shall contain (i) a summary of  
 4297 the proposed regulation; (ii) the text of the proposed regulation; and (iii) the name, address, and telephone  
 4298 number of the agency contact person responsible for receiving public comments. Such notice shall be made at  
 4299 least 60 days in advance of the last date prescribed in such notice for submittals of public comment. The  
 4300 legislative review provisions of subsections A and B of § 2.2-4014 shall apply to the promulgation or final  
 4301 adoption process for regulations pursuant to this section. The Board shall consider and keep on file all public  
 4302 comments received for any regulation adopted pursuant to this section.

4303 **§ 4.1-1602.1. Dual-use privileges.**

4304 A. As used in this section, "interest" means a direct or indirect equity ownership interest, a partial equity  
 4305 ownership interest, or any other financial or economic interest representing at least 10 percent or more of  
 4306 the ownership, voting power, or economic value of an entity, including being an investor, partner, member,  
 4307 officer, or director or serving in any other management position.

4308 B. Upon application to the Board, payment of a one-time conversion fee by a pharmaceutical processor,  
 4309 and verification by the Board that the applicable requirements are met, a pharmaceutical processor and its  
 4310 cannabis dispensing facilities may exercise dual-use privileges as set forth in this chapter.

4311 C. In addition to the provisions of this chapter, unless otherwise provided by law or regulation, a  
 4312 pharmaceutical processor authorized to exercise dual-use privileges shall hold the privileges of and be  
 4313 subject to all laws and regulations applicable to a marijuana cultivation facility, marijuana processing  
 4314 facility, and retail marijuana store and a cannabis dispensing facility shall hold the privileges of and be  
 4315 subject to all laws and regulations applicable to a retail marijuana store.

4316 D. Notwithstanding the provisions of subsection C or any other provisions of law, (i) the location  
 4317 restrictions set forth in subdivision B 3 of § 4.1-810 shall not apply to any pharmaceutical processor or  
 4318 cannabis dispensing facility authorized to exercise dual-use privileges and operating on July 1, 2026, and (ii)  
 4319 the provisions of subdivision C 3 of § 4.1-606 shall not apply to any pharmaceutical processor or cannabis  
 4320 dispensing facility authorized to exercise dual-use privileges and any such pharmaceutical processor or  
 4321 cannabis dispensing facility may operate with a retail floor space exceeding 2,500 square feet if the premises  
 4322 was approved by the Board prior to January 1, 2026, provided that the Board shall not approve any future  
 4323 premises modifications that would increase such retail floor space from the square footage previously  
 4324 approved.

4325 E. Notwithstanding any other provision of law, no person that has been granted or holds an interest in a  
 4326 pharmaceutical processor permit pursuant to this chapter shall be issued or hold interest in any other  
 4327 marijuana establishment license, except for the cannabis dispensing facility permits allowed pursuant to  
 4328 § 4.1-1602.

4329 **§ 4.1-1603. Dispensing cannabis products; report.**

4330 A. A pharmaceutical processor or cannabis dispensing facility shall dispense or deliver cannabis products  
 4331 only in person to (i) a patient who is a Virginia resident or temporarily resides in Virginia and has been issued

4332 a valid written certification; (ii) such patient's registered agent; or (iii) if such patient is a minor or a  
 4333 vulnerable adult as defined in § 18.2-369, such patient's parent or legal guardian who is a Virginia resident or  
 4334 temporarily resides in Virginia. *A pharmaceutical processor or cannabis dispensing facility may dispense or*  
 4335 *deliver cannabis products to such patient or such patient's registered agent, parent, or legal guardian at any*  
 4336 *residence, including a temporary residence, or business. Notwithstanding the foregoing, a pharmaceutical*  
 4337 *processor or cannabis dispensing facility shall not dispense or deliver cannabis products to (a) any military*  
 4338 *base, child day center, school, or correctional facility; (b) the State Capitol; (c) marine terminal under the*  
 4339 *supervision of the Virginia Port Authority; or (d) any public gathering places, including sporting events,*  
 4340 *festivals, fairs, races, concerts, and terminals of public transportation companies. A companion may*  
 4341 *accompany a patient into a pharmaceutical processor's dispensing area or cannabis dispensing facility. Prior*  
 4342 *to the initial dispensing of cannabis products pursuant to each written certification, a pharmacist or pharmacy*  
 4343 *technician employed by the pharmaceutical processor or cannabis dispensing facility shall make and*  
 4344 *maintain, on site or remotely by electronic means, for two years a paper or electronic copy of the written*  
 4345 *certification that provides an exact image of the document that is clearly legible; shall view, in person or by*  
 4346 *audiovisual means, a current photo identification of the patient, registered agent, parent, or legal guardian;*  
 4347 *and shall verify current board registration of the corresponding registered agent if applicable. Thereafter, an*  
 4348 *initial dispensing may be delivered to the patient, registered agent, parent, legal guardian, or designated*  
 4349 *caregiver facility. Prior to any subsequent dispensing of cannabis products pursuant to each written*  
 4350 *certification, an employee or delivery agent shall view a current photo identification of the patient, registered*  
 4351 *agent, parent, or legal guardian and the current board registration issued to the registered agent if applicable.*  
 4352 *No pharmaceutical processor or cannabis dispensing facility shall dispense more than a 90-day supply, as*  
 4353 *determined by the dispensing pharmacist or certifying practitioner, for any patient during any 90-day period.*  
 4354 *A pharmaceutical processor or cannabis dispensing facility may dispense less than a 90-day supply of a*  
 4355 *cannabis product for any patient during any 90-day period; however, a pharmaceutical processor or cannabis*  
 4356 *dispensing facility may dispense more than one cannabis product to a patient at one time. No more than four*  
 4357 *ounces of botanical cannabis shall be dispensed for each 30-day period for which botanical cannabis is*  
 4358 *dispensed. In determining the appropriate amount of a cannabis product to be dispensed to a patient, a*  
 4359 *pharmaceutical processor or cannabis dispensing facility shall consider all cannabis products dispensed to the*  
 4360 *patient and adjust the amount dispensed accordingly.*

4361 B. A pharmaceutical processor or cannabis dispensing facility shall dispense only cannabis products  
 4362 produced on the premises of a pharmaceutical processor permitted by the Board or cannabis products that  
 4363 have been formulated with extracts from industrial hemp acquired by a pharmaceutical processor from a  
 4364 registered industrial hemp handler or processor pursuant to § 4.1-1602. A pharmaceutical processor may  
 4365 begin cultivation upon being issued a permit by the Board.

4366 C. The Board shall report annually by December 1 to the Chairmen of the House Committee on General  
 4367 Laws and the Senate Committee on Rehabilitation and Social Services on the operation of pharmaceutical  
 4368 processors and cannabis dispensing facilities issued a permit by the Board.

4369 D. The concentration of total tetrahydrocannabinol in any cannabis product on site may be up to 15  
 4370 percent greater than or less than the level of total tetrahydrocannabinol listed in the approved cannabis  
 4371 product registration. A pharmaceutical processor and cannabis dispensing facility shall ensure that such  
 4372 concentration in any cannabis product on site is within such range. A pharmaceutical processor producing  
 4373 cannabis products shall establish a stability testing schedule of cannabis products that have an expiration date  
 4374 of longer than 12 months.

4375 E. *All transportation or delivery of usable cannabis, botanical cannabis, cannabis oil, or cannabis*  
 4376 *products, whether by an employee or delivery agent, shall comply with the provisions of this subtitle and*  
 4377 *Board regulations, including those related to background checks, proof of identification, vehicle security,*  
 4378 *GPS tracking, secure communications, and recordkeeping. The Board may suspend or revoke the privileges*  
 4379 *of any employee or delivery agent to transport or deliver usable cannabis, cannabis oil, or cannabis products*  
 4380 *for failure of such employee or delivery agent to comply with the provisions of this subtitle or Board*  
 4381 *regulations.*

4382 **§ 4.1-1603.1. Packaging and labeling; corrections.**

4383 A. Pharmaceutical processors shall comply with all packaging and labeling requirements set forth in this  
 4384 article and Board regulations. *Product labels for all cannabis products and botanical cannabis shall be*  
 4385 *complete, accurate, easily discernible, and uniform among different products and brands. Pharmaceutical*  
 4386 *processors shall affix to all cannabis products and botanical cannabis a label, which shall also be accessible*  
 4387 *on the pharmaceutical processor's website. The provisions of § 4.1-1405 shall apply, mutatis mutandis, to the*  
 4388 *packaging and labeling of all cannabis products and botanical cannabis.*

4389 B. ~~No cannabis product shall be packaged in a container or wrapper that bears, or is otherwise labeled to~~  
 4390 ~~bear the trademark, trade name, famous mark as defined in 15 U.S.C. § 1125, or other identifying mark,~~  
 4391 ~~imprint, or device, or any likeness thereof, of a manufacturer, processor, packer, or distributor of a product~~  
 4392 ~~intended for human consumption other than the manufacturer, processor, packer, or distributor that did in fact~~  
 4393 ~~so manufacture, process, pack, or distribute such cannabis product.~~

4394 C. Pharmaceutical processors may correct typographical errors made on cannabis product labels and any  
4395 documents generated as the result of a wholesale transaction.

4396 **§ 4.1-1603.2. Cannabis product registration.**

4397 A. A pharmaceutical processor shall register with the Board each cannabis product it manufactures.  
4398 Applications for cannabis product registration shall be submitted to the Board on a form prescribed by the  
4399 Board. *The provisions of § 4.1-1407 shall apply, mutatis mutandis, to the registration of such cannabis*  
4400 *products.*

4401 B. An application for cannabis product registration shall include:

4402 1. The total tetrahydrocannabinol and total cannabidiol in such cannabis product, based on laboratory  
4403 testing results for the cannabis product formulation;

4404 2. A product name;

4405 3. A proposed product package; and

4406 4. A proposed product label, which shall not be required to contain an expiration date at the time of  
4407 application.

4408 C. The Board shall register all cannabis products that meet testing, labeling, and packaging standards after  
4409 an application for registration is submitted. If the cannabis product fails to meet such standards or the  
4410 application was deficient, the Board shall notify the applicant of the specific reasons for such failure or  
4411 deficiency.

4412 D. Within two business days of the Board's approval or deemed approval of any cannabis product  
4413 registration, the Board shall enter the cannabis product's national drug code number into the Prescription  
4414 Monitoring Program.

4415 E. The following cannabis product deviations from an approved cannabis product registration shall be  
4416 permitted without any requirement for a new cannabis product registration or notice to the Board:

4417 1. A deviation in the concentration of total tetrahydrocannabinol (THC) or total cannabidiol (CBD) in a  
4418 cannabis product or dose thereof of up to 15 percent greater than or less than the concentration of total  
4419 tetrahydrocannabinol or total cannabidiol, either or both, listed in the approved cannabis product registration;  
4420 however, for a cannabis product with five milligrams or less of total THC or total CBD per dose, the total  
4421 THC or total CBD concentration shall be within 0.5 milligrams of the single dose total THC or total CBD  
4422 concentrations approved for that cannabis product;

4423 2. A variation in packaging, provided that the packaging is substantially similar to the approved packaging  
4424 and otherwise complies with applicable packaging requirements;

4425 3. A deviation in labeling, including a variation made in accordance with § 54.1-3442.7:1, that reflects  
4426 allowable deviations in total THC or total CBD or that makes a minor text, font, design, or similar  
4427 modification, provided that the labeling is substantially similar to the approved labeling and otherwise  
4428 complies with applicable labeling requirements; and

4429 4. Any other insignificant changes.

4430 F. A pharmaceutical processor may submit a request to modify an existing cannabis product registration in  
4431 the event of a cannabis product deviation that is not set forth in subsection E. Upon receipt, the Board shall  
4432 respond to such request. The Board may grant or deny the request, propose a reasonable revision, or require  
4433 the pharmaceutical processor to provide additional information.

4434 **§ 4.1-1604. Criminal liability; exceptions.**

4435 No agent or employee of a pharmaceutical processor or cannabis dispensing facility shall be prosecuted  
4436 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  
4437 marijuana or for possession, manufacture, or distribution of cannabis products, subject to any civil penalty,  
4438 denied any right or privilege, or subject to any disciplinary action by a professional licensing board if such  
4439 agent or employee (i) possessed or manufactured such marijuana for the purposes of producing cannabis  
4440 products in accordance with the provisions of this chapter and Board regulations or (ii) possessed,  
4441 manufactured, or distributed such cannabis products that are consistent with generally accepted cannabis  
4442 industry standards in accordance with the provisions of this chapter and Board regulations.

4443 **CHAPTER 17.**

4444 **REGULATED HEMP PRODUCTS.**

4445 **§ 4.1-1700. Regulated hemp product retail facility registration; fee.**

4446 A. No person shall offer for sale or sell at retail (i) a regulated hemp product or (ii) a substance intended  
4447 for human consumption, orally or by inhalation, that is advertised or labeled as containing an industrial  
4448 hemp-derived cannabinoid without a regulated hemp product retail facility registration.

4449 B. A nonrefundable annual registration fee of \$1,000 shall be required with each application for a  
4450 regulated hemp product retail facility registration.

4451 C. Each registration issued pursuant to this section shall be valid for a period of one year from the date of  
4452 issuance and may be renewed in successive years. Each annual renewal shall require the payment of the  
4453 nonrefundable annual registration fee prescribed in subsection B.

4454 D. A regulated hemp product retail facility registration shall be required for each location that offers for  
4455 sale or sells at retail regulated hemp products.

4456 E. Any person seeking a regulated hemp product retail facility registration shall apply to the Board on a  
4457 form provided by the Authority. At a minimum, the application shall include:

4458 1. The name and mailing address of the applicant;

4459 2. The physical address of the facility from which the applicant intends to offer for sale or sell at retail a  
4460 regulated hemp product. A registration shall authorize the offering for sale or sale of regulated hemp  
4461 products only at the location specified in the registration;

4462 3. Written consent allowing the Authority or its designee to enter the location from which the regulated  
4463 hemp product is offered for sale or sold to ensure compliance with the requirements of this article;

4464 4. If the applicant intends to offer for sale or sell an edible hemp product, a copy of the permit issued by  
4465 the Commissioner of Agriculture and Consumer Services pursuant to § 3.2-5100;

4466 5. Any other information required by the Board; and

4467 6. The payment of a nonrefundable application fee.

4468 F. This section shall not apply to products that are (i) approved for marketing by the U.S. Food and Drug  
4469 Administration and scheduled in the Drug Control Act (§ 54.1-3400 et seq.) or (ii) dispensed pursuant to  
4470 Article 4.2 (§ 54.1-3442.5 et seq.) of the Drug Control Act.

4471 **§ 4.1-1701. Product packaging, labeling, and testing.**

4472 A. No person shall offer for sale or sell at retail a regulated hemp product unless the product is:

4473 1. Contained in child-resistant packaging, as defined in § 4.1-600, if the product contains  
4474 tetrahydrocannabinol;

4475 2. Equipped with a label that states, in English and in a font no less than 1/16 of an inch, (i) all  
4476 ingredients contained in the substance; (ii) the amount of such substance that constitutes a single serving;  
4477 (iii) the total percentage and milligrams of all tetrahydrocannabinols included in the substance and the total  
4478 number of milligrams of all tetrahydrocannabinols that are contained in each serving; and (iv) if the  
4479 substance contains tetrahydrocannabinol, that the product may not be sold to persons younger than 21 years  
4480 of age; and

4481 3. Accompanied by a certificate of analysis, produced by an independent laboratory that is accredited  
4482 pursuant to standard ISO/IEC 17025 of the International Organization for Standardization by a third-party  
4483 accrediting body, that states the total tetrahydrocannabinol concentration of the substance or the total  
4484 tetrahydrocannabinol concentration of the batch from which the substance originates. The certificate of  
4485 accreditation to standard ISO/IEC 17025 issued by the third-party accrediting body to the independent  
4486 laboratory shall be available for review at the location at which the regulated hemp product is offered for  
4487 sale or sold.

4488 This subsection shall not (i) apply to products that are approved for marketing by the U.S. Food and Drug  
4489 Administration and scheduled in the Drug Control Act (§ 54.1-3400 et seq.) or (ii) be construed to prohibit  
4490 any conduct permitted under Article 4.2 (§ 54.1-3442.5 et seq.) of Chapter 34 of Title 54.1.

4491 B. No person shall offer for sale or sell a regulated hemp product that depicts or is in the shape of a  
4492 human, animal, vehicle, or fruit.

4493 C. No person shall offer for sale or sell a regulated hemp product that, without authorization, bears, is  
4494 packaged in a container or wrapper that bears, or is otherwise labeled to bear the trademark, trade name,  
4495 famous mark as defined in 15 U.S.C. § 1125, or other identifying mark, imprint, or device, or any likeness  
4496 thereof, of a manufacturer, processor, packer, or distributor of a product intended for human consumption  
4497 other than the manufacturer, processor, packer, or distributor that did in fact so manufacture, process, pack,  
4498 or distribute such substance.

4499 **§ 4.1-1702. Topical hemp products; civil penalty.**

4500 A. A topical hemp product that is offered for sale or sold at retail must bear a label stating that the  
4501 product is not intended for human consumption.

4502 B. A person that offers for sale or sells at retail a topical hemp product that does not bear a label stating  
4503 that the product is not intended for human consumption is subject to a civil penalty not to exceed \$500 for  
4504 each day a violation occurs. Such penalty shall be collected by the Authority and the proceeds shall be  
4505 payable to the State Treasurer for remittance to the Board.

4506 C. Notwithstanding the provisions of subsection A, a person may offer for sale or sell a topical hemp  
4507 product that does not bear a label stating that the product is not intended for human consumption if that  
4508 person provides, upon request by the Authority, documentation that the topical hemp product was  
4509 manufactured prior to July 1, 2023.

4510 D. This section shall not apply to products that are (i) approved for marketing by the U.S. Food and Drug  
4511 Administration and scheduled in the Drug Control Act (§ 54.1-3400 et seq.) or (ii) dispensed pursuant to  
4512 Article 4.2 (§ 54.1-3442.5 et seq.) of Chapter 34 of Title 54.1.

4513 **§ 4.1-1703. Authority to have access to retail facilities.**

4514 A. The Authority or its designee shall have access during business hours to a registered regulated hemp  
4515 product retail facility and to a business that offers for sale or sells at retail a substance intended for human  
4516 consumption, orally or by inhalation, that is advertised or labeled as containing a cannabinoid for the  
4517 purpose of:

4518 1. Inspecting to determine if any of the provisions of this chapter are being violated; and  
 4519 2. Securing samples of any regulated hemp product or substance intended for human consumption, orally  
 4520 or by inhalation, that is advertised or labeled as containing a cannabinoid. It shall be the duty of the  
 4521 Authority or its designee to make or cause to be made examinations or laboratory analysis of samples  
 4522 secured under the provisions of this section to determine whether any provision of this chapter is being  
 4523 violated.

4524 B. This section shall not apply to products that are (i) approved for marketing by the U.S. Food and Drug  
 4525 Administration and scheduled in the Drug Control Act (§ 54.1-3400 et seq.) or (ii) dispensed pursuant to  
 4526 Article 4.2 (§ 54.1-3442.5 et seq.) of Chapter 34 of Title 54.1.

4527 **§ 4.1-1704. Civil penalties.**

4528 A. The Board may, in accordance with the Administrative Process Act (§ 2.2-4000 et seq.), deny the  
 4529 application for a regulated hemp product retail facility registration or suspend or revoke the regulated hemp  
 4530 product retail facility registration of any person that (i) violates a provision of this chapter or (ii) has  
 4531 repeatedly violated any provisions of this subtitle by, without displaying a decal as required pursuant to  
 4532 § 4.1-1106.1, engaging in the illegal sale of marijuana or marijuana products on the licensed premises of an  
 4533 establishment or marketing or labeling products as marijuana or marijuana products.

4534 B. Any person that (i) offers for sale or sells at retail a regulated hemp product without first obtaining a  
 4535 registration to do so from the Board in accordance with § 4.1-1700; (ii) continues to offer for sale or sell at  
 4536 retail a regulated hemp product after revocation or suspension of such registration; (iii) offers for sale or  
 4537 sells at retail a substance intended for human consumption, orally or by inhalation, that (a) contains a total  
 4538 tetrahydrocannabinol concentration that is greater than 0.3 percent or (b) contains more than two milligrams  
 4539 of total tetrahydrocannabinol per package; (iv) offers for sale or sells at retail a regulated hemp product in  
 4540 violation of § 4.1-1701; or (v) offers for sale or sells at retail a substance intended for human consumption,  
 4541 orally or by inhalation, that is advertised or labeled as containing an industrial hemp-derived cannabinoid  
 4542 without a regulated hemp product retail facility registration is, in addition to any other penalties provided,  
 4543 subject to a civil penalty not to exceed \$10,000 for each day a violation occurs. Such penalty shall be  
 4544 collected by the Authority and the proceeds shall be payable to the State Treasurer for remittance to the  
 4545 Board.

4546 **§ 4.1-1705. Virginia Regulated Hemp Product Fund.**

4547 There is hereby created in the state treasury a special nonreverting fund to be known as the Virginia  
 4548 Regulated Hemp Product Fund, hereafter referred to as "the Fund," for the purposes of this chapter. The  
 4549 Fund shall be established on the books of the Comptroller. All moneys levied and collected under the  
 4550 provisions of this chapter shall be paid into the state treasury and credited to the Fund. Interest earned on  
 4551 moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund,  
 4552 including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain  
 4553 in the Fund. Moneys in the Fund shall be used by the Authority solely for carrying out the purposes of this  
 4554 chapter. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants  
 4555 issued by the Comptroller upon written request signed by the Authority.

4556 **§ 5.1-13. Operation of aircraft while under influence of intoxicating liquors or drugs; reckless  
 4557 operation.**

4558 Any person who ~~shall operate~~ operates any aircraft within the airspace over, above, or upon the lands or  
 4559 waters of ~~this~~ the Commonwealth, while under the influence of intoxicating liquor or of any narcotic or  
 4560 marijuana or any habit-forming drugs ~~shall be~~ is guilty of a felony and shall be confined in a state  
 4561 correctional facility not less than one nor more than five years, or, in the discretion of the court or jury trying  
 4562 the case, be confined in jail not exceeding ~~twelve~~ 12 months and fined not exceeding \$500, or both such fine  
 4563 and imprisonment.

4564 Any person who ~~shall operate~~ operates any aircraft within the airspace over, above, or upon the lands or  
 4565 waters of ~~this~~ the Commonwealth carelessly or heedlessly in willful or wanton disregard of the rights or  
 4566 safety of others, or without due caution and circumspection and in a manner so as to endanger any person or  
 4567 property, ~~shall be~~ is guilty of a misdemeanor.

4568 **§ 6.2-108. Financial services for licensed marijuana establishments.**

4569 A. As used in this section:

4570 "Business associate" means a person that provides goods or services to, or receives goods or services  
 4571 from, a licensed marijuana establishment in connection with lawful marijuana-related activities.

4572 "Financial service" includes deposit accounts, loans, lines of credit, payment processing, funds  
 4573 transmission, cash management services, and other services customarily provided by a bank or credit union  
 4574 in the ordinary course of business.

4575 "Licensed" and "marijuana establishment" have the same meanings as provided in § 4.1-600.

4576 B. A bank or credit union may provide financial services to a licensed marijuana establishment or its  
 4577 business associates, subject to applicable state and federal law.

4578 C. A bank or credit union that provides a financial service to a licensed marijuana establishment, and the  
 4579 officers, directors, and employees of that bank or credit union, shall not be held liable pursuant to any state

4580 law or regulation solely for providing such a financial service or for further investing any income derived  
4581 from such a financial service.

4582 D. Nothing in this section shall require a bank or credit union to provide financial services to a licensed  
4583 marijuana establishment.

4584 E. No agency or political subdivision of the Commonwealth shall penalize, prohibit, or take adverse  
4585 supervisory or regulatory action against a bank or credit union solely because the bank or credit union  
4586 provides financial services to a licensed marijuana establishment.

4587 F. A bank or credit union, and its officers, directors, and employees, shall not be subject to criminal  
4588 prosecution, civil liability, or administrative sanction under the laws of the Commonwealth solely for  
4589 providing financial services to a licensed marijuana establishment in compliance with this section.

4590 G. The legal interest of a bank or credit union in collateral for a loan or other financial service provided  
4591 to a licensed marijuana establishment shall not be subject to civil or criminal forfeiture under the laws of the  
4592 Commonwealth solely because the collateral is associated with a licensed marijuana establishment.

4593 H. Proceeds derived from a transaction involving a licensed marijuana establishment shall not be  
4594 considered proceeds of unlawful activity under the laws of the Commonwealth solely because the transaction  
4595 involves a licensed marijuana establishment.

4596 I. The protections provided by this section apply where a bank or credit union has exercised reasonable  
4597 due diligence to confirm that the marijuana establishment is duly licensed and operating in compliance with  
4598 applicable Virginia law.

4599 J. The protections of this section extend to financial services provided to a business associate of a licensed  
4600 marijuana establishment where such services are provided in connection with lawful marijuana-related  
4601 activities.

4602 K. Nothing in this section shall be construed to prohibit the Commission from performing its supervisory  
4603 duties pursuant to Chapters 8 (§ 6.2-800 et seq.) and 13 (§ 6.2-1300 et seq.) or taking any such action as it  
4604 deems necessary to protect depositors and the public interest.

4605 **§ 9.1-1101. Powers and duties of the Department.**

4606 A. It shall be the responsibility of the Department to provide forensic laboratory services upon request of  
4607 the Superintendent of State Police; the Chief Medical Examiner, the Assistant Chief Medical Examiners, and  
4608 local medical examiners; any attorney for the Commonwealth; any chief of police, sheriff, or sergeant  
4609 responsible for law enforcement in the jurisdiction served by him; any local fire department; the head of any  
4610 private police department that has been designated as a criminal justice agency by the Department of  
4611 Criminal Justice Services as defined by § 9.1-101; or any state agency in any criminal matter. The  
4612 Department shall provide such services to any federal investigatory agency within available resources.

4613 B. The Department shall:

4614 1. Provide forensic laboratory services to all law-enforcement agencies throughout the Commonwealth  
4615 and provide laboratory services, research, and scientific investigations for agencies of the Commonwealth as  
4616 needed;

4617 2. Establish and maintain a DNA testing program in accordance with Article 1.1 (§ 19.2-310.2 et seq.) of  
4618 Chapter 18 of Title 19.2 to determine identification characteristics specific to an individual; ~~and~~

4619 3. Test the accuracy of equipment used to test the blood alcohol content of breath at least once every six  
4620 months. Only equipment found to be accurate shall be used to test the blood alcohol content of breath; *and*

4621 4. Determine the proper methods for detecting the concentration of tetrahydrocannabinol (THC) in  
4622 substances for the purposes of Chapter 11 (§ 4.1-1100 et seq.) of Title 4.1 and §§ 54.1-3401 and 54.1-3446.  
4623 The testing methodology shall use post-decarboxylation testing or other equivalent method and shall consider  
4624 the potential conversion of tetrahydrocannabinol acid (THC-A) into THC.

4625 C. The Department shall have the power and duty to:

4626 1. Receive, administer, and expend all funds and other assistance available for carrying out the purposes  
4627 of this chapter;

4628 2. Make and enter into all contracts and agreements necessary or incidental to the performance of its  
4629 duties and execution of its powers under this chapter including, but not limited to, contracts with the United  
4630 States, units of general local government or combinations thereof in Virginia or other states, and with  
4631 agencies and departments of the Commonwealth; and

4632 3. Perform such other acts as may be necessary or convenient for the effective performance of its duties.

4633 D. The Director may appoint and employ a deputy director and such other personnel as are needed to  
4634 carry out the duties and responsibilities conferred by this chapter.

4635 **§ 15.2-912.4. Regulation of tobacco and hemp product retail sale locations.**

4636 Any locality may by ordinance regulate the retail sale locations of retail tobacco products, as such term is  
4637 defined in § 18.2-371.2, or hemp products intended for smoking, as such term is defined in § ~~3.2-4112~~  
4638 4.1-600, for any such retail sale location and may prohibit a retail sale location on property within 1,000  
4639 linear feet of a child day center as defined in § 22.1-289.02 or a public, private, or parochial school. An  
4640 ordinance adopted pursuant to this section shall not affect (i) a licensee holding a valid license under  
4641 § 4.1-206.3 or (ii) any retail sale location of retail tobacco products or hemp products intended for smoking

4642 operating before July 1, 2024.

4643 **§ 16.1-69.40:1. Traffic infractions within authority of traffic violations clerk; schedule of fines;**  
4644 **prepayment of local ordinances.**

4645 A. The Supreme Court shall by rule, which may from time to time be amended, supplemented or repealed,  
4646 but which shall be uniform in its application throughout the Commonwealth, designate the traffic infractions  
4647 for which a pretrial waiver of appearance, plea of guilty and fine payment may be accepted. Such designated  
4648 infractions shall include violations of §§ 46.2-830.1, 46.2-878.2 and 46.2-1242 or any parallel local  
4649 ordinances. Notwithstanding any rule of the Supreme Court, a person charged with a traffic offense that is  
4650 listed as prepayable in the Uniform Fine Schedule may prepay his fines and costs without court appearance  
4651 whether or not he was involved in an accident. The prepayable fine amount for a violation of § 46.2-878.2  
4652 shall be \$200 plus an amount per mile-per-hour in excess of posted speed limits, as authorized in  
4653 § 46.2-878.3.

4654 Such infractions shall not include:

4655 1. Indictable offenses;

4656 2. [Repealed.]

4657 3. Operation of a motor vehicle while under the influence of intoxicating liquor, *marijuana*, or a narcotic  
4658 or habit-producing drug, or permitting another person, who is under the influence of intoxicating liquor,  
4659 *marijuana*, or a narcotic or habit-producing drug, to operate a motor vehicle owned by the defendant or in his  
4660 custody or control;

4661 4. Reckless driving;

4662 5. Leaving the scene of an accident;

4663 6. Driving while under suspension or revocation of driving privileges;

4664 7. Driving without being licensed to drive.

4665 8. [Repealed.]

4666 B. An appearance may be made in person or in writing by mail to a clerk of court or in person before a  
4667 magistrate, prior to any date fixed for trial in court. Any person so appearing may enter a waiver of trial and a  
4668 plea of guilty and pay the fine and any civil penalties established for the offense charged, with costs. He shall,  
4669 prior to the plea, waiver, and payment, be informed of his right to stand trial, that his signature to a plea of  
4670 guilty will have the same force and effect as a judgment of court, and that the record of conviction will be  
4671 sent to the Commissioner of the Department of Motor Vehicles.

4672 C. The Supreme Court, upon the recommendation of the Committee on District Courts, shall establish a  
4673 schedule, within the limits prescribed by law, of the amounts of fines and any civil penalties to be imposed,  
4674 designating each infraction specifically. The schedule, which may from time to time be amended,  
4675 supplemented or repealed, shall be uniform in its application throughout the Commonwealth. Such schedule  
4676 shall not be construed or interpreted so as to limit the discretion of any trial judge trying individual cases at  
4677 the time fixed for trial. The rule of the Supreme Court establishing the schedule shall be prominently posted  
4678 in the place where the fines are paid. Fines and costs shall be paid in accordance with the provisions of this  
4679 Code or any rules or regulations promulgated thereunder.

4680 D. Fines imposed under local traffic infraction ordinances that do not parallel provisions of state law and  
4681 fulfill the criteria set out in subsection A may be prepayable in the manner set forth in subsection B if such  
4682 ordinances appear in a schedule entered by order of the local circuit courts. The chief judge of each circuit  
4683 may establish a schedule of the fines, within the limits prescribed by local ordinances, to be imposed for  
4684 prepayment of local ordinances designating each offense specifically. Upon the entry of such order it shall be  
4685 forwarded within 10 days to the Supreme Court of Virginia by the clerk of the local circuit court. The  
4686 schedule, which from time to time may be amended, supplemented or repealed, shall be uniform in its  
4687 application throughout the circuit. Such schedule shall not be construed or interpreted so as to limit the  
4688 discretion of any trial judge trying individual cases at the time fixed for trial. This schedule shall be  
4689 prominently posted in the place where fines are paid. Fines and costs shall be paid in accordance with the  
4690 provisions of this Code or any rules or regulations promulgated thereunder.

4691 **§ 16.1-260. Intake; petition; investigation.**

4692 A. All matters alleged to be within the jurisdiction of the court shall be commenced by the filing of a  
4693 petition, except as provided in subsection H and in § 16.1-259. The form and content of the petition shall be  
4694 as provided in § 16.1-262. No individual shall be required to obtain support services from the Department of  
4695 Social Services prior to filing a petition seeking support for a child. Complaints, requests, and the processing  
4696 of petitions to initiate a case shall be the responsibility of the intake officer. However, (i) the attorney for the  
4697 Commonwealth of the city or county may file a petition on his own motion with the clerk; (ii) designated  
4698 nonattorney employees of the Department of Social Services may complete, sign, and file petitions and  
4699 motions relating to the establishment, modification, or enforcement of support on forms approved by the  
4700 Supreme Court of Virginia with the clerk; (iii) designated nonattorney employees of a local department of  
4701 social services may complete, sign, and file with the clerk, on forms approved by the Supreme Court of  
4702 Virginia, petitions for foster care review, petitions for permanency planning hearings, petitions to establish  
4703 paternity, motions to establish or modify support, motions to amend or review an order, and motions for a

4704 rule to show cause; and (iv) any attorney may file petitions on behalf of his client with the clerk except  
 4705 petitions alleging that the subject of the petition is a child alleged to be in need of services, in need of  
 4706 supervision, or delinquent. Complaints alleging abuse or neglect of a child shall be referred initially to the  
 4707 local department of social services in accordance with the provisions of Chapter 15 (§ 63.2-1500 et seq.) of  
 4708 Title 63.2. Motions and other subsequent pleadings in a case shall be filed directly with the clerk. The intake  
 4709 officer or clerk with whom the petition or motion is filed shall inquire whether the petitioner is receiving  
 4710 child support services or public assistance. No individual who is receiving support services or public  
 4711 assistance shall be denied the right to file a petition or motion to establish, modify, or enforce an order for  
 4712 support of a child. If the petitioner is seeking or receiving child support services or public assistance, the  
 4713 clerk, upon issuance of process, shall forward a copy of the petition or motion, together with notice of the  
 4714 court date, to the Division of Child Support Enforcement. If a petitioner is seeking to establish child support,  
 4715 the intake officer shall provide the petitioner information on the possible availability of medical assistance  
 4716 through the Family Access to Medical Insurance Security (FAMIS) plan or other government-sponsored  
 4717 coverage through the Department of Medical Assistance Services.

4718 B. The appearance of a child before an intake officer may be by (i) personal appearance before the intake  
 4719 officer or (ii) use of two-way electronic video and audio communication. If two-way electronic video and  
 4720 audio communication is used, an intake officer may exercise all powers conferred by law. All  
 4721 communications and proceedings shall be conducted in the same manner as if the appearance were in person,  
 4722 and any documents filed may be transmitted by facsimile process. The facsimile may be served or executed  
 4723 by the officer or person to whom sent, and returned in the same manner, and with the same force, effect,  
 4724 authority, and liability as an original document. All signatures thereon shall be treated as original signatures.  
 4725 Any two-way electronic video and audio communication system used for an appearance shall meet the  
 4726 standards as set forth in subsection B of § 19.2-3.1.

4727 When the court service unit of any court receives a complaint alleging facts which may be sufficient to  
 4728 invoke the jurisdiction of the court pursuant to § 16.1-241, the unit, through an intake officer, may proceed  
 4729 informally to make such adjustment as is practicable without the filing of a petition or may authorize a  
 4730 petition to be filed by any complainant having sufficient knowledge of the matter to establish probable cause  
 4731 for the issuance of the petition.

4732 An intake officer may proceed informally on a complaint alleging a child is in need of services, in need of  
 4733 supervision, or delinquent only if the juvenile (a) is not alleged to have committed a violent juvenile felony or  
 4734 (b) has not previously been proceeded against informally or adjudicated delinquent for an offense that would  
 4735 be a felony if committed by an adult. A petition alleging that a juvenile committed a violent juvenile felony  
 4736 shall be filed with the court. A petition alleging that a juvenile is delinquent for an offense that would be a  
 4737 felony if committed by an adult shall be filed with the court if the juvenile had previously been proceeded  
 4738 against informally by intake or had been adjudicated delinquent for an offense that would be a felony if  
 4739 committed by an adult.

4740 If a juvenile is alleged to be a truant pursuant to a complaint filed in accordance with § 22.1-258 and the  
 4741 attendance officer has provided documentation to the intake officer that the relevant school division has  
 4742 complied with the provisions of § 22.1-258, then the intake officer shall file a petition with the court. The  
 4743 intake officer may defer filing the petition and proceed informally by developing a truancy plan, provided  
 4744 that (1) the juvenile has not previously been proceeded against informally or adjudicated in need of  
 4745 supervision on more than two occasions for failure to comply with compulsory school attendance as provided  
 4746 in § 22.1-254 and (2) the immediately previous informal action or adjudication occurred at least three  
 4747 calendar years prior to the current complaint. The juvenile and his parent or parents, guardian, or other person  
 4748 standing in loco parentis must agree, in writing, for the development of a truancy plan. The truancy plan may  
 4749 include requirements that the juvenile and his parent or parents, guardian, or other person standing in loco  
 4750 parentis participate in such programs, cooperate in such treatment, or be subject to such conditions and  
 4751 limitations as necessary to ensure the juvenile's compliance with compulsory school attendance as provided  
 4752 in § 22.1-254. The intake officer may refer the juvenile to the appropriate public agency for the purpose of  
 4753 developing a truancy plan using an interagency interdisciplinary team approach. The team may include  
 4754 qualified personnel who are reasonably available from the appropriate department of social services,  
 4755 community services board, local school division, court service unit, and other appropriate and available  
 4756 public and private agencies and may be the family assessment and planning team established pursuant to  
 4757 § 2.2-5207. If at the end of the deferral period the juvenile has not successfully completed the truancy plan or  
 4758 the truancy program, then the intake officer shall file the petition.

4759 Whenever informal action is taken as provided in this subsection on a complaint alleging that a child is in  
 4760 need of services, in need of supervision, or delinquent, the intake officer shall (A) develop a plan for the  
 4761 juvenile, which may include restitution, the performance of community service, or on a complaint alleging  
 4762 that a child has committed a delinquent act other than an act that would be a felony or a Class 1 misdemeanor  
 4763 if committed by an adult and with the consent of the juvenile's parent or legal guardian, referral to a youth  
 4764 justice diversion program established pursuant to § 16.1-309.11, based upon community resources and the  
 4765 circumstances which resulted in the complaint, (B) create an official record of the action taken by the intake

4766 officer and file such record in the juvenile's case file, and (C) advise the juvenile and the juvenile's parent,  
4767 guardian, or other person standing in loco parentis and the complainant that any subsequent complaint  
4768 alleging that the child is in need of supervision or delinquent based upon facts which may be sufficient to  
4769 invoke the jurisdiction of the court pursuant to § 16.1-241, or in the case of a referral to a youth justice  
4770 diversion program established pursuant to § 16.1-309.11, that any subsequent report from the youth justice  
4771 diversion program alleging that the juvenile failed to comply with the youth justice diversion program's  
4772 sentence within 180 days of the sentencing date, may result in the filing of a petition with the court.

4773 C. The intake officer shall accept and file a petition in which it is alleged that (i) the custody, visitation, or  
4774 support of a child is the subject of controversy or requires determination, (ii) a person has deserted,  
4775 abandoned, or failed to provide support for any person in violation of law, (iii) a child or such child's parent,  
4776 guardian, legal custodian, or other person standing in loco parentis is entitled to treatment, rehabilitation, or  
4777 other services which are required by law, (iv) family abuse has occurred and a protective order is being  
4778 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  
4779 occurred, a protective order is being sought pursuant to § 19.2-152.8, 19.2-152.9, or 19.2-152.10, and either  
4780 the alleged victim or the respondent is a juvenile. If any such complainant does not file a petition, the intake  
4781 officer may file it. In cases in which a child is alleged to be abused, neglected, in need of services, in need of  
4782 supervision, or delinquent, if the intake officer believes that probable cause does not exist, or that the  
4783 authorization of a petition will not be in the best interest of the family or juvenile or that the matter may be  
4784 effectively dealt with by some agency other than the court, he may refuse to authorize the filing of a petition.  
4785 The intake officer shall provide to a person seeking a protective order pursuant to § 16.1-253.1, 16.1-253.4,  
4786 or 16.1-279.1 a written explanation of the conditions, procedures and time limits applicable to the issuance of  
4787 protective orders pursuant to § 16.1-253.1, 16.1-253.4, or 16.1-279.1. If the person is seeking a protective  
4788 order pursuant to § 19.2-152.8, 19.2-152.9, or 19.2-152.10, the intake officer shall provide a written  
4789 explanation of the conditions, procedures, and time limits applicable to the issuance of protective orders  
4790 pursuant to § 19.2-152.8, 19.2-152.9, or 19.2-152.10.

4791 D. Prior to the filing of any petition alleging that a child is in need of supervision, the matter shall be  
4792 reviewed by an intake officer who shall determine whether the petitioner and the child alleged to be in need  
4793 of supervision have utilized or attempted to utilize treatment and services available in the community and  
4794 have exhausted all appropriate nonjudicial remedies which are available to them. When the intake officer  
4795 determines that the parties have not attempted to utilize available treatment or services or have not exhausted  
4796 all appropriate nonjudicial remedies which are available, he shall refer the petitioner and the child alleged to  
4797 be in need of supervision to the appropriate agency, treatment facility, or individual to receive treatment or  
4798 services, and a petition shall not be filed. Only after the intake officer determines that the parties have made a  
4799 reasonable effort to utilize available community treatment or services may he permit the petition to be filed.

4800 E. If the intake officer refuses to authorize a petition relating to an offense that if committed by an adult  
4801 would be punishable as a Class 1 misdemeanor or as a felony, when such refusal is based solely upon a  
4802 finding that no probable cause exists, the complainant shall be notified in writing at that time of the  
4803 complainant's right to apply to a magistrate for a warrant. The application for a warrant to the magistrate shall  
4804 be filed within 10 days of the issuance of the written notification. The written notification shall indicate that  
4805 the intake officer made a finding that no probable cause exists and shall provide notice that the complainant  
4806 has 10 days to apply for a warrant to the magistrate. The complainant shall provide the magistrate with a copy  
4807 of the written notification upon application to the magistrate. If a magistrate determines that probable cause  
4808 exists, he shall issue a warrant returnable to the juvenile and domestic relations district court. The warrant  
4809 shall be delivered forthwith to the juvenile court, and the intake officer shall accept and file a petition  
4810 founded upon the warrant. If the court is closed and the magistrate finds that the criteria for detention or  
4811 shelter care set forth in § 16.1-248.1 have been satisfied, the juvenile may be detained pursuant to the warrant  
4812 issued in accordance with this subsection. If the intake officer refuses to authorize a petition relating to a  
4813 child in need of services or in need of supervision, a status offense, or a misdemeanor other than Class 1, his  
4814 decision is final. If the intake officer refuses to authorize a petition relating to an offense that if committed by  
4815 an adult would be punishable as a Class 1 misdemeanor or as a felony when such refusal is based upon a  
4816 finding that (i) probable cause exists, but that (ii) the matter is appropriate for diversion, his decision is final  
4817 and the complainant shall not have a right to apply to a magistrate for a warrant.

4818 Upon delivery to the juvenile court of a warrant issued pursuant to subdivision 2 of § 16.1-256, the intake  
4819 officer shall accept and file a petition founded upon the warrant.

4820 F. The intake officer shall notify the attorney for the Commonwealth of the filing of any petition which  
4821 alleges facts of an offense which would be a felony if committed by an adult.

4822 G. Notwithstanding the provisions of Article 12 (§ 16.1-299 et seq.), the intake officer shall file a report  
4823 with the division superintendent of the school division in which any student who is the subject of a petition  
4824 alleging that such student who is a juvenile has committed an act, wherever committed, which would be a  
4825 crime if committed by an adult, or that such student who is an adult has committed a crime and is alleged to  
4826 be within the jurisdiction of the court. The report shall notify the division superintendent of the filing of the  
4827 petition and the nature of the offense, if the violation involves:

- 4828 1. A firearm offense pursuant to Article 4 (§ 18.2-279 et seq.), 5 (§ 18.2-288 et seq.), 6 (§ 18.2-299 et  
4829 seq.), 6.1 (§ 18.2-307.1 et seq.), or 7 (§ 18.2-308.1 et seq.) of Chapter 7 of Title 18.2;  
4830 2. Homicide, pursuant to Article 1 (§ 18.2-30 et seq.) of Chapter 4 of Title 18.2;  
4831 3. Felonious assault and bodily wounding, pursuant to Article 4 (§ 18.2-51 et seq.) of Chapter 4 of Title  
4832 18.2;  
4833 4. Criminal sexual assault, pursuant to Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2;  
4834 5. Manufacture, sale, gift, distribution or possession of Schedule I or II controlled substances, pursuant to  
4835 Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2;  
4836 6. Manufacture, sale or distribution of marijuana pursuant to ~~Article 4 Chapter 11~~ (§ ~~18.2-247 4.1-1100~~ et  
4837 seq.) of ~~Chapter 7~~ of Title 18.2;  
4838 7. Arson and related crimes, pursuant to Article 1 (§ 18.2-77 et seq.) of Chapter 5 of Title 18.2;  
4839 8. Burglary and related offenses, pursuant to §§ 18.2-89 through 18.2-93;  
4840 9. Robbery pursuant to § 18.2-58;  
4841 10. Prohibited criminal street gang activity pursuant to § 18.2-46.2;  
4842 11. Recruitment of other juveniles for a criminal street gang activity pursuant to § 18.2-46.3;  
4843 12. An act of violence by a mob pursuant to § 18.2-42.1;  
4844 13. Abduction of any person pursuant to § 18.2-47 or 18.2-48; or  
4845 14. A threat pursuant to § 18.2-60.

4846 The failure to provide information regarding the school in which the student who is the subject of the  
4847 petition may be enrolled shall not be grounds for refusing to file a petition.

4848 The information provided to a division superintendent pursuant to this section may be disclosed only as  
4849 provided in § 16.1-305.2.

4850 H. The filing of a petition shall not be necessary:

4851 1. In the case of violations of the traffic laws, including offenses involving bicycles, hitchhiking and other  
4852 pedestrian offenses, game and fish laws, or a violation of the ordinance of any city regulating surfing or any  
4853 ordinance establishing curfew violations, animal control violations, or littering violations. In such cases the  
4854 court may proceed on a summons issued by the officer investigating the violation in the same manner as  
4855 provided by law for adults. Additionally, an officer investigating a motor vehicle accident may, at the scene  
4856 of the accident or at any other location where a juvenile who is involved in such an accident may be located,  
4857 proceed on a summons in lieu of filing a petition.

4858 2. In the case of seeking consent to apply for the issuance of a work permit pursuant to subsection H of  
4859 § 16.1-241.

4860 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  
4861 other alcohol-related offense, provided that the juvenile is released to the custody of a parent or legal  
4862 guardian pending the initial court date. The officer releasing a juvenile to the custody of a parent or legal  
4863 guardian shall issue a summons to the juvenile and shall also issue a summons requiring the parent or legal  
4864 guardian to appear before the court with the juvenile. Disposition of the charge shall be in the manner  
4865 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  
4866 § 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  
4867 samples of both blood and breath for chemical analysis pursuant to §§ 18.2-268.1 through 18.2-268.12 or  
4868 29.1-738.2, the provisions of these sections shall be followed except that the magistrate shall authorize  
4869 execution of the warrant as a summons. The summons shall be served on a parent or legal guardian and the  
4870 juvenile, and a copy of the summons shall be forwarded to the court in which the violation is to be tried.  
4871 When a violation of § 4.1-305 *or* 4.1-1105 is charged by summons, the juvenile shall be entitled to have the  
4872 charge referred to intake for consideration of informal proceedings pursuant to subsection B, provided that  
4873 such right is exercised by written notification to the clerk not later than 10 days prior to trial. At the time such  
4874 summons alleging a violation of § 4.1-305 *or* 4.1-1105 is served, the officer shall also serve upon the juvenile  
4875 written notice of the right to have the charge referred to intake on a form approved by the Supreme Court and  
4876 make return of such service to the court. If the officer fails to make such service or return, the court shall  
4877 dismiss the summons without prejudice.

4878 4. In the case of offenses, *other than marijuana-related offenses*, which, if committed by an adult, would  
4879 be punishable as a Class 3 or Class 4 misdemeanor. In such cases the court may direct that an intake officer  
4880 proceed as provided in § 16.1-237 on a summons issued by the officer investigating the violation in the same  
4881 manner as provided by law for adults provided that notice of the summons to appear is mailed by the  
4882 investigating officer within five days of the issuance of the summons to a parent or legal guardian of the  
4883 juvenile.

4884 I. Failure to comply with the procedures set forth in this section shall not divest the juvenile court of the  
4885 jurisdiction granted it in § 16.1-241.

4886 **§ 16.1-273. Court may require investigation of social history and preparation of victim impact**  
4887 **statement.**

4888 A. When a juvenile and domestic relations district court or circuit court has adjudicated any case  
4889 involving a child subject to the jurisdiction of the court hereunder, except for a traffic violation, a violation of

4890 the game and fish law, or a violation of any city ordinance regulating surfing or establishing curfew  
 4891 violations, the court before final disposition thereof may require an investigation, which (i) shall include a  
 4892 drug screening and (ii) may, and for the purposes of subdivision A 14 or 17 of § 16.1-278.8 shall, include a  
 4893 social history of the physical, mental, and social conditions, including an assessment of any affiliation with a  
 4894 criminal street gang as defined in § 18.2-46.1, and personality of the child and the facts and circumstances  
 4895 surrounding the violation of law. However, in the case of a juvenile adjudicated delinquent on the basis of an  
 4896 act committed on or after January 1, 2000, which would be (a) a felony if committed by an adult, ~~or~~ (b) a  
 4897 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  
 4898 and such offense would be punishable as a Class 1 or Class 2 misdemeanor if committed by an adult, *or (c) a*  
 4899 *violation of § 4.1-1105*, the court shall order the juvenile to undergo a drug screening. If the drug screening  
 4900 indicates that the juvenile has a substance abuse or dependence problem, an assessment shall be completed by  
 4901 a certified substance abuse counselor as defined in § 54.1-3500 employed by the Department of Juvenile  
 4902 Justice or by a locally operated court services unit or by an individual employed by or currently under  
 4903 contract to such agencies and who is specifically trained to conduct such assessments under the supervision  
 4904 of such counselor.

4905 B. The court also shall, on motion of the attorney for the Commonwealth with the consent of the victim,  
 4906 or may in its discretion, require the preparation of a victim impact statement in accordance with the  
 4907 provisions of § 19.2-299.1 if the court determines that the victim may have suffered significant physical,  
 4908 psychological, or economic injury as a result of the violation of law.

4909 **§ 16.1-278.9. Delinquent children; loss of driving privileges for alcohol, firearm, and drug offenses;**  
 4910 **truancy.**

4911 A. If a court has found facts which would justify a finding that a child at least 13 years of age at the time  
 4912 of the offense is delinquent and such finding involves (i) a violation of § 18.2-266 or of a similar ordinance of  
 4913 any county, city, or town; (ii) a refusal to take a breath test in violation of § 18.2-268.2; (iii) a felony violation  
 4914 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  
 4915 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*  
 4916 *of § 4.1-1105*; (v) the unlawful purchase, possession, or consumption of alcohol in violation of § 4.1-305 or  
 4917 the unlawful drinking or possession of alcoholic beverages in or on public school grounds in violation of  
 4918 § 4.1-309; (vi) public intoxication in violation of § 18.2-388 or a similar ordinance of a county, city, or town;  
 4919 (vii) the unlawful use or possession of a handgun or possession of a "streetsweeper" as defined below; or  
 4920 (viii) a violation of § 18.2-83, the court shall order, in addition to any other penalty that it may impose as  
 4921 provided by law for the offense, that the child be denied a driver's license. In addition to any other penalty  
 4922 authorized by this section, if the offense involves a violation designated under clause (i) and the child was  
 4923 transporting a person 17 years of age or younger, the court shall impose the additional fine and order  
 4924 community service as provided in § 18.2-270. If the offense involves a violation designated under clause (i),  
 4925 (ii), (iii), or (viii), the denial of a driver's license shall be for a period of one year or until the juvenile reaches  
 4926 the age of 17, whichever is longer, for a first such offense or for a period of one year or until the juvenile  
 4927 reaches the age of 18, whichever is longer, for a second or subsequent such offense. If the offense involves a  
 4928 violation designated under clause (iv), (v), or (vi) the denial of driving privileges shall be for a period of six  
 4929 months unless the offense is committed by a child under the age of 16 years and three months, in which case  
 4930 the child's ability to apply for a driver's license shall be delayed for a period of six months following the date  
 4931 he reaches the age of 16 and three months. If the offense involves a first violation designated under clause (v)  
 4932 or (vi), the court shall impose the license sanction and may enter a judgment of guilt or, without entering a  
 4933 judgment of guilt, may defer disposition of the delinquency charge until such time as the court disposes of the  
 4934 case pursuant to subsection F. If the offense involves a violation designated under clause (iii) or (iv), the  
 4935 court shall impose the license sanction and shall dispose of the delinquency charge pursuant to the provisions  
 4936 of this chapter or § 18.2-251. If the offense involves a violation designated under clause (vii), the denial of  
 4937 driving privileges shall be for a period of not less than 30 days, except when the offense involves possession  
 4938 of a concealed handgun or a striker 12, commonly called a "streetsweeper," or any semi-automatic folding  
 4939 stock shotgun of like kind with a spring tension drum magazine capable of holding 12 shotgun shells, in  
 4940 which case the denial of driving privileges shall be for a period of two years unless the offense is committed  
 4941 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  
 4942 license shall be delayed for a period of two years following the date he reaches the age of 16 and three  
 4943 months.

4944 A1. If a court finds that a child at least 13 years of age has failed to comply with school attendance and  
 4945 meeting requirements as provided in § 22.1-258, the court shall order the denial of the child's driving  
 4946 privileges for a period of not less than 30 days. If such failure to comply involves a child under the age of 16  
 4947 years and three months, the child's ability to apply for a driver's license shall be delayed for a period of not  
 4948 less than 30 days following the date he reaches the age of 16 and three months.

4949 If the court finds a second or subsequent such offense, it may order the denial of a driver's license for a  
 4950 period of one year or until the juvenile reaches the age of 18, whichever is longer, or delay the child's ability  
 4951 to apply for a driver's license for a period of one year following the date he reaches the age of 16 and three

4952 months, as may be appropriate.

4953 A2. If a court finds that a child at least 13 years of age has refused to take a blood test in violation of  
4954 § 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  
4955 the juvenile reaches the age of 17, whichever is longer, for a first such offense or for a period of one year or  
4956 until the juvenile reaches the age of 18, whichever is longer, for a second or subsequent such offense.

4957 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  
4958 provided in subsection A1 or A2 shall be ordered to surrender his driver's license, which shall be held in the  
4959 physical custody of the court during any period of license denial.

4960 C. The court shall report any order issued under this section to the Department of Motor Vehicles, which  
4961 shall preserve a record thereof. The report and the record shall include a statement as to whether the child was  
4962 represented by or waived counsel or whether the order was issued pursuant to subsection A1 or A2.  
4963 Notwithstanding the provisions of Article 12 (§ 16.1-299 et seq.) or the provisions of Title 46.2, this record  
4964 shall be available only to all law-enforcement officers, attorneys for the Commonwealth and courts. No other  
4965 record of the proceeding shall be forwarded to the Department of Motor Vehicles unless the proceeding  
4966 results in an adjudication of guilt pursuant to subsection F.

4967 The Department of Motor Vehicles shall refuse to issue a driver's license to any child denied a driver's  
4968 license until such time as is stipulated in the court order or until notification by the court of withdrawal of the  
4969 order of denial under subsection E.

4970 D. If the finding as to the child involves a violation designated under clause (i), (ii), (iii) or (vi) of  
4971 subsection A or a violation designated under subsection A2, the child may be referred to a certified alcohol  
4972 safety action program in accordance with § 18.2-271.1 upon such terms and conditions as the court may set  
4973 forth. If the finding as to such child involves a violation designated under clause (iii), (iv), (v), (vii) or (viii)  
4974 of subsection A, such child may be referred to appropriate rehabilitative or educational services upon such  
4975 terms and conditions as the court may set forth.

4976 The court, in its discretion and upon a demonstration of hardship, may authorize the use of a restricted  
4977 permit to operate a motor vehicle by any child who has a driver's license at the time of the offense or at the  
4978 time of the court's finding as provided in subsection A1 or A2 for any of the purposes set forth in subsection  
4979 E of § 18.2-271.1 or for travel to and from school, except that no restricted license shall be issued for travel to  
4980 and from home and school when school-provided transportation is available and no restricted license shall be  
4981 issued if the finding as to such child involves a violation designated under clause (iii) or (iv) of subsection A,  
4982 or if it involves a second or subsequent violation of any offense designated in subsection A, a second finding  
4983 by the court of failure to comply with school attendance and meeting requirements as provided in subsection  
4984 A1, or a second or subsequent finding by the court of a refusal to take a blood test as provided in subsection  
4985 A2. The issuance of the restricted permit shall be set forth within the court order, a copy of which shall be  
4986 provided to the child, and shall specifically enumerate the restrictions imposed and contain such information  
4987 regarding the child as is reasonably necessary to identify him. The child may operate a motor vehicle under  
4988 the court order in accordance with its terms. Any child who operates a motor vehicle in violation of any  
4989 restrictions imposed pursuant to this section is guilty of a violation of § 46.2-301.

4990 E. Upon petition made at least 90 days after issuance of the order, the court may review and withdraw any  
4991 order of denial of a driver's license if for a first such offense or finding as provided in subsection A1 or A2.  
4992 For a second or subsequent such offense or finding, the order may not be reviewed and withdrawn until one  
4993 year after its issuance.

4994 F. If the finding as to such child involves a first violation designated under clause (vii) of subsection A,  
4995 upon fulfillment of the terms and conditions prescribed by the court and after the child's driver's license has  
4996 been restored, the court shall or, in the event the violation resulted in the injury or death of any person or if  
4997 the finding involves a violation designated under clause (i), (ii), (v), or (vi) of subsection A, may discharge  
4998 the child and dismiss the proceedings against him. Discharge and dismissal under these provisions shall be  
4999 without an adjudication of guilt but a record of the proceeding shall be retained for the purpose of applying  
5000 this section in subsequent proceedings. Failure of the child to fulfill such terms and conditions shall result in  
5001 an adjudication of guilt. If the finding as to such child involves a violation designated under clause (iii) or (iv)  
5002 of subsection A, the charge shall not be dismissed pursuant to this subsection but shall be disposed of  
5003 pursuant to the provisions of this chapter or § 18.2-251. If the finding as to such child involves a second  
5004 violation under clause (v), (vi) or (vii) of subsection A, the charge shall not be dismissed pursuant to this  
5005 subsection but shall be disposed of under § 16.1-278.8.

5006 **§ 18.2-46.1. Definitions.**

5007 As used in this article, unless the context requires a different meaning:

5008 "Act of violence" means those felony offenses described in subsection C of § 17.1-805 or subsection A of  
5009 § 19.2-297.1.

5010 "Criminal street gang" means any ongoing organization, association, or group of three or more persons,  
5011 whether formal or informal, (i) which has as one of its primary objectives or activities the commission of one  
5012 or more criminal activities; (ii) which has an identifiable name or identifying sign or symbol; and (iii) whose  
5013 members individually or collectively have engaged in the commission of, attempt to commit, conspiracy to

5014 commit, or solicitation of two or more predicate criminal acts, at least one of which is an act of violence,  
5015 provided such acts were not part of a common act or transaction.

5016 "Predicate criminal act" means (i) an act of violence; (ii) any violation of § 18.2-42, 18.2-46.3, 18.2-56.1,  
5017 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,  
5018 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,  
5019 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  
5020 § 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~~  
5021 ~~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  
5022 violation of a local ordinance adopted pursuant to § 15.2-1812.2; or (vi) any substantially similar offense  
5023 under the laws of another state or territory of the United States, the District of Columbia, or the United States.

5024 **§ 18.2-247. Use of terms "controlled substances," "Schedules I, II, III, IV, V, and VI," "imitation**  
5025 **controlled substance," and "counterfeit controlled substance" in Title 18.2.**

5026 A. Wherever the terms "controlled substances" and "Schedules I, II, III, IV, V, and VI" are used in Title  
5027 18.2, such terms refer to those terms as they are used or defined in the Drug Control Act (§ 54.1-3400 et  
5028 seq.).

5029 B. The term "imitation controlled substance" when used in this article means (i) a counterfeit controlled  
5030 substance or (ii) a pill, capsule, tablet, or substance in any form whatsoever ~~which~~ *that* is not a controlled  
5031 substance subject to abuse, and:

5032 1. Which by overall dosage unit appearance, including color, shape, size, marking, and packaging or by  
5033 representations made, would cause the likelihood that such a pill, capsule, tablet, or substance in any other  
5034 form whatsoever will be mistaken for a controlled substance unless such substance was introduced into  
5035 commerce prior to the initial introduction into commerce of the controlled substance which it is alleged to  
5036 imitate; or

5037 2. Which by express or implied representations purports to act like a controlled substance as a stimulant or  
5038 depressant of the central nervous system and which is not commonly used or recognized for use in that  
5039 particular formulation for any purpose other than for such stimulant or depressant effect, unless marketed,  
5040 promoted, or sold as permitted by the U.S. Food and Drug Administration.

5041 C. In determining whether a pill, capsule, tablet, or substance in any other form whatsoever, is an  
5042 "imitation controlled substance," there shall be considered, in addition to all other relevant factors,  
5043 comparisons with accepted methods of marketing for legitimate nonprescription drugs for medicinal purposes  
5044 rather than for drug abuse or any similar nonmedicinal use, including consideration of the packaging of the  
5045 drug and its appearance in overall finished dosage form, promotional materials or representations, oral or  
5046 written, concerning the drug, and the methods of distribution of the drug and where and how it is sold to the  
5047 public.

5048 D. The term "marijuana" when used in this article means any part of a plant of the genus *Cannabis*,  
5049 ~~whether growing or not, its seeds or resin; and every compound, manufacture, salt, derivative, mixture, or~~  
5050 ~~preparation of such plant, its seeds, its resin, or any extract containing one or more cannabinoids. "Marijuana"~~  
5051 ~~does not include (i) the mature stalks of such plant, fiber produced from such stalk, oil or cake made from the~~  
5052 ~~seed of such plant, unless such stalks, fiber, oil or cake is combined with other parts of plants of the genus~~  
5053 ~~*Cannabis*; (ii) industrial hemp, as defined in § 3.2-4112, that is possessed by a person registered pursuant to~~  
5054 ~~subsection A of § 3.2-4115 or his agent; (iii) industrial hemp, as defined in § 3.2-4112, that is possessed by a~~  
5055 ~~person who holds a hemp producer license issued by the U.S. Department of Agriculture pursuant to 7 C.F.R.~~  
5056 ~~Part 990; (iv) a hemp product, as defined in § 3.2-4112; (v) an industrial hemp extract, as defined in~~  
5057 ~~§ 3.2-5145.1; or (vi) any substance containing a tetrahydrocannabinol isomer, ester, ether, salt or salts of such~~  
5058 ~~isomer, ester, or ether that has been placed by the Board of Pharmacy into one of the schedules set forth in the~~  
5059 ~~Drug Control Act (§ 54.1-3400 et seq.) pursuant to § 54.1-3443.~~

5060 E. The term "counterfeit controlled substance" means a controlled substance that, without authorization,  
5061 bears, is packaged in a container or wrapper that bears, or is otherwise labeled to bear, the trademark, trade  
5062 name, or other identifying mark, imprint or device or any likeness thereof, of a drug manufacturer, processor,  
5063 packer, or distributor other than the manufacturer, processor, packer, or distributor who did in fact so  
5064 manufacture, process, pack or distribute such drug.

5065 F. E. The term "tetrahydrocannabinol" means any naturally occurring or synthetic tetrahydrocannabinol,  
5066 including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of  
5067 isomers is possible within the specific chemical designation and any preparation, mixture, or substance  
5068 containing, or mixed or infused with, any detectable amount of tetrahydrocannabinol. For the purposes of this  
5069 definition, "isomer" means the optical, position, and geometric isomers.

5070 G. F. The term "total tetrahydrocannabinol" means the sum, after the application of any necessary  
5071 conversion factor, of the percentage by weight of tetrahydrocannabinol and the percentage by weight of  
5072 tetrahydrocannabinolic acid.

5073 H. G. The Department of Forensic Science shall determine the proper methods for detecting the  
5074 concentration of tetrahydrocannabinol in substances for the purposes of this title, Chapter 11 (§ 4.1-1100 et  
5075 seq.) of Title 4.1, and § 54.1-3401. The testing methodology shall use post-decarboxylation testing or other

5076 equivalent method and shall consider the potential conversion of tetrahydrocannabinolic acid into  
5077 tetrahydrocannabinol.

5078 **§ 18.2-248. Manufacturing, selling, giving, distributing, or possessing with intent to manufacture,**  
5079 **sell, give, or distribute a controlled substance or an imitation controlled substance prohibited;**  
5080 **penalties.**

5081 A. Except as authorized in the Drug Control Act (§ 54.1-3400 et seq.), it ~~shall be~~ *is* unlawful for any  
5082 person to manufacture, sell, give, distribute, or possess with intent to manufacture, sell, give or distribute a  
5083 controlled substance or an imitation controlled substance.

5084 B. In determining whether any person intends to manufacture, sell, give or distribute an imitation  
5085 controlled substance, the court may consider, in addition to all other relevant evidence, whether any  
5086 distribution or attempted distribution of such pill, capsule, tablet or substance in any other form whatsoever  
5087 included an exchange of or a demand for money or other property as consideration, and, if so, whether the  
5088 amount of such consideration was substantially greater than the reasonable value of such pill, capsule, tablet  
5089 or substance in any other form whatsoever, considering the actual chemical composition of such pill, capsule,  
5090 tablet or substance in any other form whatsoever and, where applicable, the price at which over-the-counter  
5091 substances of like chemical composition sell.

5092 C. Except as provided in subsection C1, any person who violates this section with respect to a controlled  
5093 substance classified in Schedule I or II shall upon conviction be imprisoned for not less than five nor more  
5094 than 40 years and fined not more than \$500,000. Upon a second conviction of such a violation, and it is  
5095 alleged in the warrant, indictment, or information that the person has been before convicted of such an  
5096 offense or of a substantially similar offense in any other jurisdiction, which offense would be a felony if  
5097 committed in the Commonwealth, and such prior conviction occurred before the date of the offense alleged in  
5098 the warrant, indictment, or information, any such person may, in the discretion of the court or jury imposing  
5099 the sentence, be sentenced to imprisonment for life or for any period not less than five years, three years of  
5100 which shall be a mandatory minimum term of imprisonment to be served consecutively with any other  
5101 sentence, and he shall be fined not more than \$500,000.

5102 When a person is convicted of a third or subsequent offense under this subsection and it is alleged in the  
5103 warrant, indictment or information that he has been before convicted of two or more such offenses or of  
5104 substantially similar offenses in any other jurisdiction which offenses would be felonies if committed in the  
5105 Commonwealth and such prior convictions occurred before the date of the offense alleged in the warrant,  
5106 indictment, or information, he shall be sentenced to imprisonment for life or for a period of not less than 10  
5107 years, 10 years of which shall be a mandatory minimum term of imprisonment to be served consecutively  
5108 with any other sentence, and he shall be fined not more than \$500,000.

5109 Any person who manufactures, sells, gives, distributes or possesses with the intent to manufacture, sell,  
5110 give, or distribute the following is guilty of a felony punishable by a fine of not more than \$1 million and  
5111 imprisonment for five years to life, five years of which shall be a mandatory minimum term of imprisonment  
5112 to be served consecutively with any other sentence:

- 5113 1. 100 grams or more of a mixture or substance containing a detectable amount of heroin;
- 5114 2. 500 grams or more of a mixture or substance containing a detectable amount of:
  - 5115 a. Coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and  
5116 derivatives of ecgonine or their salts have been removed;
  - 5117 b. Cocaine, its salts, optical and geometric isomers, and salts of isomers;
  - 5118 c. Cocaine base;
  - 5119 d. Ecgonine, its derivatives, their salts, isomers, and salts of isomers; or
  - 5120 e. Any compound, mixture, or preparation that contains any quantity of any of the substances referred to  
5121 in subdivisions 2a through 2d; or
- 5122 3. 10 grams or more of methamphetamine, its salts, isomers, or salts of its isomers or 20 grams or more of  
5123 a mixture or substance containing a detectable amount of methamphetamine, its salts, isomers, or salts of its  
5124 isomers.

5125 The mandatory minimum term of imprisonment to be imposed for a violation of this subsection shall not  
5126 be applicable if the court finds that:

- 5127 a. The person does not have a prior conviction for an offense listed in subsection C of § 17.1-805;
- 5128 b. The person did not use violence or credible threats of violence or possess a firearm or other dangerous  
5129 weapon in connection with the offense or induce another participant in the offense to do so;
- 5130 c. The offense did not result in death or serious bodily injury to any person;
- 5131 d. The person was not an organizer, leader, manager, or supervisor of others in the offense, and was not  
5132 engaged in a continuing criminal enterprise as defined in subsection I; and
- 5133 e. Not later than the time of the sentencing hearing, the person has truthfully provided to the  
5134 Commonwealth all information and evidence the person has concerning the offense or offenses that were part  
5135 of the same course of conduct or of a common scheme or plan, but the fact that the person has no relevant or  
5136 useful other information to provide or that the Commonwealth already is aware of the information shall not  
5137 preclude a determination by the court that the defendant has complied with this requirement.

5138 C1. Any person who violates this section with respect to the manufacturing of methamphetamine, its salts,  
5139 isomers, or salts of its isomers or less than 200 grams of a mixture or substance containing a detectable  
5140 amount of methamphetamine, its salts, isomers, or salts of its isomers shall, upon conviction, be imprisoned  
5141 for not less than 10 nor more than 40 years and fined not more than \$500,000. Upon a second conviction of  
5142 such a violation, any such person may, in the discretion of the court or jury imposing the sentence, be  
5143 sentenced to imprisonment for life or for any period not less than 10 years, and be fined not more than  
5144 \$500,000. When a person is convicted of a third or subsequent offense under this subsection and it is alleged  
5145 in the warrant, indictment, or information that he has been previously convicted of two or more such offenses  
5146 or of substantially similar offenses in any other jurisdiction, which offenses would be felonies if committed in  
5147 the Commonwealth and such prior convictions occurred before the date of the offense alleged in the warrant,  
5148 indictment, or information, he shall be sentenced to imprisonment for life or for a period not less than 10  
5149 years, three years of which shall be a mandatory minimum term of imprisonment to be served consecutively  
5150 with any other sentence and he shall be fined not more than \$500,000.

5151 Upon conviction, in addition to any other punishment, a person found guilty of this offense shall be  
5152 ordered by the court to make restitution, as the court deems appropriate, to any innocent property owner  
5153 whose property is damaged, destroyed, or otherwise rendered unusable as a result of such methamphetamine  
5154 production. This restitution shall include the person's or his estate's estimated or actual expenses associated  
5155 with cleanup, removal, or repair of the affected property. If the property that is damaged, destroyed, or  
5156 otherwise rendered unusable as a result of such methamphetamine production is property owned in whole or  
5157 in part by the person convicted, the court shall order the person to pay to the Methamphetamine Cleanup  
5158 Fund authorized in § 18.2-248.04 the reasonable estimated or actual expenses associated with cleanup,  
5159 removal, or repair of the affected property or, if actual or estimated expenses cannot be determined, the sum  
5160 of \$10,000. The convicted person shall also pay the cost of certifying that any building that is cleaned up or  
5161 repaired pursuant to this section is safe for human occupancy according to the guidelines established pursuant  
5162 to § 32.1-11.7.

5163 D. If such person proves that he gave, distributed or possessed with intent to give or distribute a controlled  
5164 substance classified in Schedule I or II only as an accommodation to another individual who is not an inmate  
5165 in a community correctional facility, local correctional facility or state correctional facility as defined in  
5166 § 53.1-1 or in the custody of an employee thereof, and not with intent to profit thereby from any  
5167 consideration received or expected nor to induce the recipient or intended recipient of the controlled  
5168 substance to use or become addicted to or dependent upon such controlled substance, he ~~shall be~~ *is* guilty of a  
5169 Class 5 felony.

5170 E. If the violation of the provisions of this article consists of the filling by a pharmacist of the prescription  
5171 of a person authorized under this article to issue the same, which prescription has not been received in writing  
5172 by the pharmacist prior to the filling thereof, and such written prescription is in fact received by the  
5173 pharmacist within one week of the time of filling the same, or if such violation consists of a request by such  
5174 authorized person for the filling by a pharmacist of a prescription which has not been received in writing by  
5175 the pharmacist and such prescription is, in fact, written at the time of such request and delivered to the  
5176 pharmacist within one week thereof, either such offense shall constitute a Class 4 misdemeanor.

5177 E1. Any person who violates this section with respect to a controlled substance classified in Schedule III  
5178 except for an anabolic steroid classified in Schedule III, constituting a violation of § 18.2-248.5, ~~shall be~~ *is*  
5179 guilty of a Class 5 felony.

5180 E2. Any person who violates this section with respect to a controlled substance classified in Schedule IV  
5181 ~~shall be~~ *is* guilty of a Class 6 felony.

5182 E3. Any person who proves that he gave, distributed or possessed with the intent to give or distribute a  
5183 controlled substance classified in Schedule III or IV, except for an anabolic steroid classified in Schedule III,  
5184 constituting a violation of § 18.2-248.5, only as an accommodation to another individual who is not an inmate  
5185 in a community correctional facility, local correctional facility or state correctional facility as defined in  
5186 § 53.1-1 or in the custody of an employee thereof, and not with the intent to profit thereby from any  
5187 consideration received or expected nor to induce the recipient or intended recipient of the controlled  
5188 substance to use or become addicted to or dependent upon such controlled substance, is guilty of a Class 1  
5189 misdemeanor.

5190 F. Any person who violates this section with respect to a controlled substance classified in Schedule V or  
5191 Schedule VI or an imitation controlled substance ~~which~~ *that* imitates a controlled substance classified in  
5192 Schedule V or Schedule VI, ~~shall be~~ *is* guilty of a Class 1 misdemeanor.

5193 G. Any person who violates this section with respect to an imitation controlled substance ~~which~~ *that*  
5194 imitates a controlled substance classified in Schedule I, II, III, or IV ~~shall be~~ *is* guilty of a Class 6 felony. In  
5195 any prosecution brought under this subsection, it is not a defense to a violation of this subsection that the  
5196 defendant believed the imitation controlled substance to actually be a controlled substance.

5197 H. Any person who manufactures, sells, gives, distributes or possesses with the intent to manufacture, sell,  
5198 give or distribute the following:

5199 1. 1.0 kilograms or more of a mixture or substance containing a detectable amount of heroin;

- 5200 2. 5.0 kilograms or more of a mixture or substance containing a detectable amount of:
- 5201 a. Coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and
- 5202 derivatives of ecgonine or their salts have been removed;
- 5203 b. Cocaine, its salts, optical and geometric isomers, and salts of isomers;
- 5204 c. Cocaine base;
- 5205 d. Ecgonine, its derivatives, their salts, isomers, and salts of isomers; or
- 5206 e. Any compound, mixture, or preparation ~~which~~ *that* contains any quantity of any of the substances
- 5207 referred to in subdivisions a through d; *or*
- 5208 3. ~~100 kilograms or more of a mixture or substance containing a detectable amount of marijuana; or~~
- 5209 4. 100 grams or more of methamphetamine, its salts, isomers, or salts of its isomers or 200 grams or more
- 5210 of a mixture or substance containing a detectable amount of methamphetamine, its salts, isomers, or salts of
- 5211 its isomers ~~shall be~~ *is* guilty of a felony punishable by a fine of not more than \$1 million and imprisonment
- 5212 for 20 years to life, 20 years of which shall be a mandatory minimum sentence. Such mandatory minimum
- 5213 sentence shall not be applicable if the court finds that (i) the person does not have a prior conviction for an
- 5214 offense listed in subsection C of § 17.1-805; (ii) the person did not use violence or credible threats of
- 5215 violence or possess a firearm or other dangerous weapon in connection with the offense or induce another
- 5216 participant in the offense to do so; (iii) the offense did not result in death or serious bodily injury to any
- 5217 person; (iv) the person was not an organizer, leader, manager, or supervisor of others in the offense, and was
- 5218 not engaged in a continuing criminal enterprise as defined in subsection I ~~of this section~~; and (v) not later
- 5219 than the time of the sentencing hearing, the person has truthfully provided to the Commonwealth all
- 5220 information and evidence the person has concerning the offense or offenses that were part of the same course
- 5221 of conduct or of a common scheme or plan, but the fact that the person has no relevant or useful other
- 5222 information to provide or that the Commonwealth already is aware of the information shall not preclude a
- 5223 determination by the court that the defendant has complied with this requirement.
- 5224 H1. Any person who was the principal or one of several principal administrators, organizers or leaders of
- 5225 a continuing criminal enterprise ~~shall be~~ *is* guilty of a felony if (i) the enterprise received at least \$100,000
- 5226 but less than \$250,000 in gross receipts during any 12-month period of its existence from the manufacture,
- 5227 importation, or distribution of heroin or cocaine or ecgonine or methamphetamine or the derivatives, salts,
- 5228 isomers, or salts of isomers thereof ~~or marijuana~~ or (ii) the person engaged in the enterprise to manufacture,
- 5229 sell, give, distribute or possess with the intent to manufacture, sell, give or distribute the following during any
- 5230 12-month period of its existence:
- 5231 1. At least 1.0 kilograms but less than 5.0 kilograms of a mixture or substance containing a detectable
- 5232 amount of heroin;
- 5233 2. At least 5.0 kilograms but less than 10 kilograms of a mixture or substance containing a detectable
- 5234 amount of:
- 5235 a. Coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and
- 5236 derivatives of ecgonine or their salts have been removed;
- 5237 b. Cocaine, its salts, optical and geometric isomers, and salts of isomers;
- 5238 c. Cocaine base;
- 5239 d. Ecgonine, its derivatives, their salts, isomers, and salts of isomers; or
- 5240 e. Any compound, mixture, or preparation ~~which~~ *that* contains any quantity of any of the substances
- 5241 referred to in subdivisions a through d; *or*
- 5242 3. ~~At least 100 kilograms but less than 250 kilograms of a mixture or substance containing a detectable~~
- 5243 ~~amount of marijuana; or~~
- 5244 4. ~~At least 100 grams but less than 250 grams of methamphetamine, its salts, isomers, or salts of its~~
- 5245 ~~isomers or at least 200 grams but less than 1.0 kilograms of a mixture or substance containing a detectable~~
- 5246 ~~amount of methamphetamine, its salts, isomers, or salts of its isomers.~~
- 5247 A conviction under this section shall be punishable by a fine of not more than \$1 million and
- 5248 imprisonment for 20 years to life, 20 years of which shall be a mandatory minimum sentence.
- 5249 H2. Any person who was the principal or one of several principal administrators, organizers or leaders of
- 5250 a continuing criminal enterprise if (i) the enterprise received \$250,000 or more in gross receipts during any
- 5251 12-month period of its existence from the manufacture, importation, or distribution of heroin or cocaine or
- 5252 ecgonine or methamphetamine or the derivatives, salts, isomers, or salts of isomers thereof ~~or marijuana~~ or
- 5253 (ii) the person engaged in the enterprise to manufacture, sell, give, distribute or possess with the intent to
- 5254 manufacture, sell, give or distribute the following during any 12-month period of its existence:
- 5255 1. At least 5.0 kilograms of a mixture or substance containing a detectable amount of heroin;
- 5256 2. At least 10 kilograms of a mixture or substance containing a detectable amount of:
- 5257 a. Coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and
- 5258 derivatives of ecgonine or their salts have been removed;
- 5259 b. Cocaine, its salts, optical and geometric isomers, and salts of isomers;
- 5260 c. Cocaine base;
- 5261 d. Ecgonine, its derivatives, their salts, isomers, and salts of isomers; or

5262 e. Any compound, mixture, or preparation ~~which~~ *that* contains any quantity of any of the substances  
5263 referred to in subdivisions a through d; *or*

5264 3. ~~At least 250 kilograms of a mixture or substance containing a detectable amount of marijuana; or~~

5265 4. At least 250 grams of methamphetamine, its salts, isomers, or salts of its isomers or at least 1.0  
5266 kilograms of a mixture or substance containing a detectable amount of methamphetamine, its salts, isomers,  
5267 or salts of its isomers ~~shall be~~ *is* guilty of a felony punishable by a fine of not more than \$1 million and  
5268 imprisonment for life, which shall be served with no suspension in whole or in part. Such punishment shall be  
5269 made to run consecutively with any other sentence. However, the court may impose a mandatory minimum  
5270 sentence of 40 years if the court finds that the defendant substantially cooperated with law-enforcement  
5271 authorities.

5272 I. For purposes of this section, a person is engaged in a continuing criminal enterprise if (i) he violates any  
5273 provision of this section, the punishment for which is a felony and either (ii) such violation is a part of a  
5274 continuing series of violations of this section which are undertaken by such person in concert with five or  
5275 more other persons with respect to whom such person occupies a position of organizer, a supervisory  
5276 position, or any other position of management, and from which such person obtains substantial income or  
5277 resources or (iii) such violation is committed, with respect to methamphetamine or other controlled substance  
5278 classified in Schedule I or II, for the benefit of, at the direction of, or in association with any criminal street  
5279 gang as defined in § 18.2-46.1.

5280 J. Except as authorized in the Drug Control Act (§ 54.1-3400 et seq.), any person who possesses any two  
5281 or more different substances listed below with the intent to manufacture methamphetamine, methcathinone,  
5282 or amphetamine is guilty of a Class 6 felony: liquefied ammonia gas, ammonium nitrate, ether,  
5283 hypophosphorus acid solutions, hypophosphite salts, hydrochloric acid, iodine crystals or tincture of iodine,  
5284 phenylacetone, phenylacetic acid, red phosphorus, methylamine, methyl formamide, lithium, sodium metal,  
5285 sulfuric acid, sodium hydroxide, potassium dichromate, sodium dichromate, potassium permanganate,  
5286 chromium trioxide, methylbenzene, methamphetamine precursor drugs, trichloroethane, or 2-propanone.

5287 K. The term "methamphetamine precursor drug," when used in this article, means a drug or product  
5288 containing ephedrine, pseudoephedrine, or phenylpropanolamine or any of their salts, optical isomers, or salts  
5289 of optical isomers.

5290 **§ 18.2-248.01. Transporting controlled substances into the Commonwealth; penalty.**

5291 Except as authorized in the Drug Control Act (§ 54.1-3400 et seq.) it is unlawful for any person to  
5292 transport into the Commonwealth by any means with intent to sell or distribute one ounce or more of cocaine,  
5293 coca leaves or any salt, compound, derivative or preparation thereof as described in Schedule II of the Drug  
5294 Control Act or one ounce or more of any other Schedule I or II controlled substance ~~or five or more pounds~~  
5295 ~~of marijuana~~. A violation of this section shall constitute a separate and distinct felony. Upon conviction, the  
5296 person shall be sentenced to not less than five years nor more than 40 years imprisonment, three years of  
5297 which shall be a mandatory minimum term of imprisonment, and a fine not to exceed ~~\$1,000,000~~ *\$1 million*.  
5298 A second or subsequent conviction hereunder shall be punishable by a mandatory minimum term of  
5299 imprisonment of 10 years, which shall be served consecutively with any other sentence.

5300 **§ 18.2-251. Persons charged with first offense may be placed on probation; conditions; substance**  
5301 **abuse screening, assessment treatment and education programs or services; drug tests; costs and fees;**  
5302 **violations; discharge.**

5303 Whenever any person who has not previously been convicted of any criminal offense under this article or  
5304 under any statute of the United States or of any state relating to narcotic drugs; ~~marijuana~~, or stimulant,  
5305 depressant, or hallucinogenic drugs, ~~with the exception of any misdemeanor conviction for possession of~~  
5306 ~~marijuana~~, or has not previously had a proceeding against him for violation of such an offense dismissed as  
5307 provided in this section, ~~except a dismissal of a misdemeanor offense for possession of marijuana~~, pleads  
5308 guilty to or enters a plea of not guilty to possession of a controlled substance under § 18.2-250, the court,  
5309 upon such plea if the facts found by the court would justify a finding of guilt, without entering a judgment of  
5310 guilt and with the consent of the accused, may defer further proceedings and place him on probation upon  
5311 terms and conditions. If the court defers further proceedings, at that time the court shall determine whether  
5312 the clerk of court has been provided with the fingerprint identification information or fingerprints of the  
5313 person, taken by a law-enforcement officer pursuant to § 19.2-390, and, if not, shall order that the fingerprints  
5314 and photograph of the person be taken by a law-enforcement officer.

5315 As a term or condition, the court shall require the accused to undergo a substance abuse assessment  
5316 pursuant to § 18.2-251.01 or 19.2-299.2, as appropriate, and enter treatment and/or education program or  
5317 services, if available, such as, in the opinion of the court, may be best suited to the needs of the accused based  
5318 upon consideration of the substance abuse assessment. The program or services may be located in the judicial  
5319 district in which the charge is brought or in any other judicial district as the court may provide. The services  
5320 shall be provided by (i) a program licensed by the Department of Behavioral Health and Developmental  
5321 Services, by a similar program which is made available through the Department of Corrections, (ii) a local  
5322 community-based probation services agency established pursuant to § 9.1-174, or (iii) an ASAP program  
5323 certified by the Commission on VASAP.

5324 The court shall require the person entering such program under the provisions of this section to pay all or  
 5325 part of the costs of the program, including the costs of the screening, assessment, testing, and treatment,  
 5326 based upon the accused's ability to pay unless the person is determined by the court to be indigent.

5327 As a condition of probation, the court shall require the accused (a) to successfully complete treatment or  
 5328 education program or services, (b) to remain drug and alcohol free during the period of probation and submit  
 5329 to such tests during that period as may be necessary and appropriate to determine if the accused is drug and  
 5330 alcohol free, (c) to make reasonable efforts to secure and maintain employment, and (d) to comply with a  
 5331 plan of at least 100 hours of community service for a felony and up to 24 hours of community service for a  
 5332 misdemeanor. Such testing shall be conducted by personnel of the supervising probation agency or personnel  
 5333 of any program or agency approved by the supervising probation agency.

5334 Upon violation of a term or condition, the court may enter an adjudication of guilt and proceed as  
 5335 otherwise provided. Upon fulfillment of the terms and conditions, and upon determining that the clerk of  
 5336 court has been provided with the fingerprint identification information or fingerprints of such person, the  
 5337 court shall discharge the person and dismiss the proceedings against him. Discharge and dismissal under this  
 5338 section shall be without adjudication of guilt and is a conviction only for the purposes of applying this section  
 5339 in subsequent proceedings.

5340 Notwithstanding any other provision of this section, whenever a court places an individual on probation  
 5341 upon terms and conditions pursuant to this section, such action shall be treated as a conviction for purposes of  
 5342 § 22.1-315. The provisions of this paragraph shall not be applicable to any offense for which a juvenile has  
 5343 had his license suspended or denied pursuant to § 16.1-278.9 for the same offense.

5344 **§ 18.2-251.03. Arrest and prosecution when experiencing or reporting an overdose or act of sexual**  
 5345 **violence.**

5346 A. For purposes of this section:

5347 "Act of sexual violence" means an alleged violation of § 18.2-361, 18.2-370, or 18.2-370.1 or the laws  
 5348 pertaining to criminal sexual assault pursuant to Article 7 (§ 18.2-61 et seq.) of Chapter 4.

5349 "Overdose" means a life-threatening condition resulting from the consumption or use of a controlled  
 5350 substance, alcohol, or any combination of such substances.

5351 B. No individual shall be subject to arrest or prosecution for the unlawful purchase, possession, or  
 5352 consumption of alcohol pursuant to § 4.1-305, unlawful purchase, possession, or consumption of marijuana  
 5353 pursuant to § ~~4.1-1105.1~~ 4.1-1105, involuntary manslaughter pursuant to § 18.2-36.3, possession of a  
 5354 controlled substance pursuant to § 18.2-250, intoxication in public pursuant to § 18.2-388, or possession of  
 5355 controlled paraphernalia pursuant to § 54.1-3466 if:

5356 1. Such individual (i) in good faith, seeks or obtains emergency medical attention (a) for himself, if he is  
 5357 experiencing an overdose, or (b) for another individual, if such other individual is experiencing an overdose;  
 5358 (ii) is experiencing an overdose and another individual, in good faith, seeks or obtains emergency medical  
 5359 attention for such individual, by contemporaneously reporting such overdose to a firefighter, as defined in  
 5360 § 65.2-102, emergency medical services personnel, as defined in § 32.1-111.1, a law-enforcement officer, as  
 5361 defined in § 9.1-101, or an emergency 911 system; or (iii) in good faith, renders emergency care or  
 5362 assistance, including cardiopulmonary resuscitation (CPR) or the administration of naloxone or other opioid  
 5363 antagonist for overdose reversal, to an individual experiencing an overdose while another individual seeks or  
 5364 obtains emergency medical attention in accordance with this subdivision;

5365 2. Such individual remains at the scene of the overdose or at any alternative location to which he or the  
 5366 person requiring emergency medical attention has been transported until a law-enforcement officer responds  
 5367 to the report of an overdose. If no law-enforcement officer is present at the scene of the overdose or at the  
 5368 alternative location, then such individual shall cooperate with law enforcement as otherwise set forth herein;

5369 3. Such individual identifies himself to the law-enforcement officer who responds to the report of the  
 5370 overdose; and

5371 4. The evidence for the prosecution of an offense enumerated in this subsection was obtained as a result of  
 5372 the individual seeking or obtaining emergency medical attention or rendering emergency care or assistance.

5373 C. No individual shall be subject to arrest or prosecution for the unlawful purchase, possession, or  
 5374 consumption of alcohol pursuant to § 4.1-305, unlawful purchase, possession, or consumption of marijuana  
 5375 pursuant to § ~~4.1-1105.1~~ 4.1-1105, possession of a controlled substance pursuant to § 18.2-250, intoxication  
 5376 in public pursuant to § 18.2-388, or possession of controlled paraphernalia pursuant to § 54.1-3466 if:

5377 1. Such individual, in good faith, seeks or obtains assistance for himself or another individual from  
 5378 emergency medical services personnel, as defined in § 32.1-111.1, a health care provider, as defined in  
 5379 § 8.01-581.1, or a law-enforcement officer, as defined in § 9.1-101, and seeks to report an act of sexual  
 5380 violence committed against himself or another individual;

5381 2. Such individual identifies himself to the law-enforcement officer who responds to the report of the act  
 5382 of sexual violence; and

5383 3. The evidence for the prosecution of an offense enumerated in this subsection was obtained as a result of  
 5384 the individual seeking or obtaining medical attention, rendering care or assistance, or reporting to law  
 5385 enforcement.

5386 This subsection shall not apply to an individual who is alleged to have committed the act of sexual  
5387 violence.

5388 D. The provisions of this section shall not apply to any person who seeks or obtains emergency medical  
5389 attention for himself or another individual, to a person experiencing an overdose or who has experienced an  
5390 act of sexual violence when another individual seeks or obtains emergency medical attention for him, or to a  
5391 person who renders emergency care or assistance to an individual experiencing an overdose or who has  
5392 experienced an act of sexual violence while another person seeks or obtains emergency medical attention  
5393 during the execution of a search warrant or during the conduct of a lawful search or a lawful arrest.

5394 E. This section does not establish protection from arrest or prosecution for any individual or offense other  
5395 than those listed in subsection B or C. However, any individual immune to arrest or prosecution under this  
5396 section shall not have his bail, probation, furlough, supervised release, suspended sentence, or parole revoked  
5397 for the behavior immune from arrest or prosecution under the provisions of this section.

5398 F. No law-enforcement officer acting in good faith shall be found liable for false arrest if it is later  
5399 determined that the person arrested was immune from prosecution under this section.

5400 **§ 18.2-251.1:1. Possession or distribution of cannabis oil; public schools.**

5401 No school nurse employed by a local school board, person employed by a local health department who is  
5402 assigned to the public school pursuant to an agreement between the local health department and the school  
5403 board, or other person employed by or contracted with a local school board to deliver health-related services  
5404 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  
5405 18.2-255 for the possession or distribution of cannabis oil for storing, dispensing, or administering cannabis  
5406 oil, in accordance with a policy adopted by the local school board, to a student who has been issued a valid  
5407 written certification for the use of cannabis oil in accordance with § 4.1-1601.

5408 **§ 18.2-251.1:2. Possession or distribution of cannabis oil; nursing homes and certified nursing  
5409 facilities; hospice and hospice facilities; assisted living facilities.**

5410 No person employed by a nursing home, hospice, hospice facility, or assisted living facility and  
5411 authorized to possess, distribute, or administer medications to patients or residents shall be prosecuted under  
5412 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  
5413 distribution of cannabis oil for the purposes of storing, dispensing, or administering cannabis oil to a patient  
5414 or resident who has been issued a valid written certification for the use of cannabis oil in accordance with  
5415 § 4.1-1601.

5416 **§ 18.2-251.1:3. Possession or distribution of cannabis oil, or industrial hemp; laboratories;  
5417 Department of Agriculture and Consumer Services, Department of Law employees.**

5418 A. No person employed by an analytical laboratory to retrieve, deliver, or possess cannabis oil or  
5419 industrial hemp samples from a permitted pharmaceutical processor, a registered industrial hemp grower, a  
5420 federally licensed hemp producer, or a registered industrial hemp processor for the purpose of performing  
5421 required testing shall be prosecuted under Chapter 11 (§ 4.1-1100 et seq.) of Title 4.1 or § 18.2-248,  
5422 ~~18.2-248.1~~, 18.2-250, or 18.2-255 for the possession or distribution of cannabis oil or industrial hemp or for  
5423 storing cannabis oil or industrial hemp for testing purposes in accordance with regulations promulgated by  
5424 the Board of ~~Pharmacy~~ *of Directors of the Virginia Cannabis Control Authority* and the Board of Agriculture  
5425 and Consumer Services.

5426 B. No employee of the Department of Agriculture and Consumer Services or of the Department of Law  
5427 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,  
5428 ~~18.2-248.1~~, or 18.2-250 for the possession or distribution of industrial hemp or any substance containing  
5429 tetrahydrocannabinol when possession of industrial hemp or any substance containing tetrahydrocannabinol  
5430 is necessary in the performance of his duties.

5431 **§ 18.2-252. Suspended sentence conditioned upon substance abuse screening, assessment, testing,  
5432 and treatment or education.**

5433 The trial judge or court trying the case of any person found guilty of a criminal violation of any law  
5434 concerning the use, in any manner, of drugs, controlled substances, narcotics, ~~marijuana~~, noxious chemical  
5435 substances and like substances shall condition any suspended sentence by first requiring such person to agree  
5436 to undergo a substance abuse screening pursuant to § 18.2-251.01 and to submit to such periodic substance  
5437 abuse testing, to include alcohol testing, as may be directed by the court. Such testing shall be conducted by  
5438 the supervising probation agency or by personnel of any program or agency approved by the supervising  
5439 probation agency. The cost of such testing ordered by the court shall be paid by the Commonwealth and taxed  
5440 as a part of the costs of such proceedings. The judge or court shall order the person, as a condition of any  
5441 suspended sentence, to undergo such treatment or education for substance abuse, if available, as the judge or  
5442 court deems appropriate based upon consideration of the substance abuse assessment. The treatment or  
5443 education shall be provided by a program or agency licensed by the Department of Behavioral Health and  
5444 Developmental Services, by a similar program or services available through the Department of Corrections if  
5445 the court imposes a sentence of one year or more or, if the court imposes a sentence of 12 months or less, by a  
5446 similar program or services available through a local or regional jail, a local community-based probation  
5447 services agency established pursuant to § 9.1-174, or an ASAP program certified by the Commission on

5448 VASAP.

5449 **§ 18.2-254. Commitment of convicted person for treatment for substance abuse.**

5450 A. Whenever any person who has not previously been convicted of any criminal offense under this article  
5451 or under any statute of the United States or of any state relating to narcotic drugs, ~~marijuana~~, or stimulant,  
5452 depressant, or hallucinogenic drugs or has not previously had a proceeding against him for violation of such  
5453 an offense dismissed as provided in § 18.2-251 is found guilty of violating any law concerning the use, in any  
5454 manner, of drugs, controlled substances, narcotics, ~~marijuana~~, noxious chemical substances, and like  
5455 substances, the judge or court shall require such person to undergo a substance abuse screening pursuant to  
5456 § 18.2-251.01 and to submit to such periodic substance abuse testing, to include alcohol testing, as may be  
5457 directed by the court. The cost of such testing ordered by the court shall be paid by the Commonwealth and  
5458 taxed as a part of the costs of the criminal proceedings. The judge or court shall also order the person to  
5459 undergo such treatment or education for substance abuse, if available, as the judge or court deems appropriate  
5460 based upon consideration of the substance abuse assessment. The treatment or education shall be provided by  
5461 a program or agency licensed by the Department of Behavioral Health and Developmental Services or by a  
5462 similar program or services available through the Department of Corrections if the court imposes a sentence  
5463 of one year or more or, if the court imposes a sentence of 12 months or less, by a similar program or services  
5464 available through a local or regional jail, a local community-based probation services agency established  
5465 pursuant to § 9.1-174, or an ASAP program certified by the Commission on VASAP.

5466 B. The court trying the case of any person alleged to have committed any criminal offense designated by  
5467 this article or by the Drug Control Act (§ 54.1-3400 et seq.) or in any other criminal case in which the  
5468 commission of the offense was motivated by or closely related to the use of drugs and determined by the  
5469 court, pursuant to a substance abuse screening and assessment, to be in need of treatment for the use of drugs  
5470 may commit, based upon a consideration of the substance abuse assessment, such person, upon his  
5471 conviction, to any facility for the treatment of persons with substance abuse, licensed by the Department of  
5472 Behavioral Health and Developmental Services, if space is available in such facility, for a period of time not  
5473 in excess of the maximum term of imprisonment specified as the penalty for conviction of such offense or, if  
5474 sentence was determined by a jury, not in excess of the term of imprisonment as set by such jury.  
5475 Confinement under such commitment shall be, in all regards, treated as confinement in a penal institution and  
5476 the person so committed may be convicted of escape if he leaves the place of commitment without authority.  
5477 A charge of escape may be prosecuted in either the jurisdiction where the treatment facility is located or the  
5478 jurisdiction where the person was sentenced to commitment. The court may revoke such commitment at any  
5479 time and transfer the person to an appropriate state or local correctional facility. Upon presentation of a  
5480 certified statement from the director of the treatment facility to the effect that the confined person has  
5481 successfully responded to treatment, the court may release such confined person prior to the termination of  
5482 the period of time for which such person was confined and may suspend the remainder of the term upon such  
5483 conditions as the court may prescribe.

5484 C. The court trying a case in which commission of the criminal offense was related to the defendant's  
5485 habitual abuse of alcohol and in which the court determines, pursuant to a substance abuse screening and  
5486 assessment, that such defendant is in need of treatment, may commit, based upon a consideration of the  
5487 substance abuse assessment, such person, upon his conviction, to any facility for the treatment of persons  
5488 with substance abuse licensed by the Department of Behavioral Health and Developmental Services, if space  
5489 is available in such facility, for a period of time not in excess of the maximum term of imprisonment  
5490 specified as the penalty for conviction. Confinement under such commitment shall be, in all regards, treated  
5491 as confinement in a penal institution and the person so committed may be convicted of escape if he leaves the  
5492 place of commitment without authority. The court may revoke such commitment at any time and transfer the  
5493 person to an appropriate state or local correctional facility. Upon presentation of a certified statement from  
5494 the director of the treatment facility to the effect that the confined person has successfully responded to  
5495 treatment, the court may release such confined person prior to the termination of the period of time for which  
5496 such person was confined and may suspend the remainder of the term upon such conditions as the court may  
5497 prescribe.

5498 **§ 18.2-255. Distribution of certain drugs to persons under 18 prohibited; penalty.**

5499 A. Except as authorized in the Drug Control Act, ~~Chapter 34~~ (§ 54.1-3400 et seq.) of ~~Title 54-1~~, it shall be  
5500 *is* unlawful for any person who is at least 18 years of age to knowingly or intentionally (i) distribute any drug  
5501 classified in Schedule I, II, III, or IV ~~or marijuana~~ to any person under 18 years of age who is at least three  
5502 years his junior or (ii) cause any person under 18 years of age to assist in such distribution of any drug  
5503 classified in Schedule I, II, III, or IV ~~or marijuana~~. Any person violating this provision shall upon conviction  
5504 be imprisoned in a state correctional facility for a period not less than 10 nor more than 50 years, and fined  
5505 not more than \$100,000. Five years of the sentence imposed for a conviction under this section involving a  
5506 Schedule I or II controlled substance ~~or one ounce or more of marijuana~~ shall be a mandatory minimum  
5507 sentence. ~~Two years of the sentence imposed for a conviction under this section involving less than one~~  
5508 ~~ounce of marijuana shall be a mandatory minimum sentence.~~

5509 B. It ~~shall be~~ *is* unlawful for any person who is at least 18 years of age to knowingly or intentionally (i)

5510 distribute any imitation controlled substance to a person under 18 years of age who is at least three years his  
 5511 junior or (ii) cause any person under 18 years of age to assist in such distribution of any imitation controlled  
 5512 substance. Any person violating this provision shall be is guilty of a Class 6 felony.

5513 **§ 18.2-255.1. Distribution, sale or display of printed material advertising instruments for use in**  
 5514 **administering controlled substances to minors; penalty.**

5515 It shall be is a Class 1 misdemeanor for any person knowingly to sell, distribute, or display for sale to a  
 5516 minor any book, pamphlet, periodical, or other printed matter which that he knows advertises for sale any  
 5517 instrument, device, article, or contrivance for advertised use in unlawfully ingesting, smoking, administering,  
 5518 preparing, or growing marijuana or a controlled substance.

5519 **§ 18.2-255.2. Prohibiting the sale or manufacture of drugs on or near certain properties; penalty.**

5520 A. It shall be is unlawful for any person to manufacture, sell, or distribute or possess with intent to sell,  
 5521 give, or distribute any controlled substance; or imitation controlled substance; or marijuana while:

5522 1. Upon the property, including buildings and grounds, of any public or private elementary or secondary  
 5523 school, any institution of higher education, or any clearly marked licensed child day center as defined in  
 5524 § 22.1-289.02;

5525 2. Upon public property or any property open to public use within 1,000 feet of the property described in  
 5526 subdivision 1;

5527 3. On any school bus as defined in § 46.2-100;

5528 4. Upon a designated school bus stop, or upon either public property or any property open to public use  
 5529 which is within 1,000 feet of such school bus stop, during the time when school children are waiting to be  
 5530 picked up and transported to or are being dropped off from school or a school-sponsored activity;

5531 5. Upon the property, including buildings and grounds, of any publicly owned or publicly operated  
 5532 recreation or community center facility or any public library; or

5533 6. Upon the property of any state facility as defined in § 37.2-100 or upon public property or property  
 5534 open to public use within 1,000 feet of such an institution facility. It is a violation of the provisions of this  
 5535 section if the person possessed the controlled substance; or imitation controlled substance; or marijuana on  
 5536 the property described in subdivisions 1 through 6, regardless of where the person intended to sell, give, or  
 5537 distribute the controlled substance; or imitation controlled substance; or marijuana. Nothing in this section  
 5538 shall prohibit the authorized distribution of controlled substances.

5539 B. Violation of this section shall constitute a separate and distinct felony. Any person violating the  
 5540 provisions of this section shall, upon conviction, be imprisoned for a term of not less than one year nor more  
 5541 than five years and fined not more than \$100,000. A second or subsequent conviction hereunder for an  
 5542 offense involving a controlled substance classified in Schedule I, II, or III of the Drug Control Act  
 5543 (§ 54.1-3400 et seq.) or more than one-half ounce of marijuana shall be punished by a mandatory minimum  
 5544 term of imprisonment of one year to be served consecutively with any other sentence. However, if such  
 5545 person proves that he sold such controlled substance or marijuana only as an accommodation to another  
 5546 individual and not with intent to profit thereby from any consideration received or expected nor to induce the  
 5547 recipient or intended recipient of the controlled substance or marijuana to use or become addicted to or  
 5548 dependent upon such controlled substance or marijuana, he is guilty of a Class 1 misdemeanor.

5549 C. If a person commits an act violating the provisions of this section, and the same act also violates  
 5550 another provision of law that provides for penalties greater than those provided for by this section, then  
 5551 nothing in this section shall prohibit or bar any prosecution or proceeding under that other provision of law or  
 5552 the imposition of any penalties provided for thereby.

5553 **§ 18.2-258. Certain premises deemed common nuisance; penalty.**

5554 Any office, store, shop, restaurant, dance hall, theater, poolroom, clubhouse, storehouse, warehouse,  
 5555 dwelling house, apartment, building of any kind, vehicle, vessel, boat, or aircraft, which with the knowledge  
 5556 of the owner, lessor, agent of any such lessor, manager, chief executive officer, operator, or tenant thereof, is  
 5557 frequented by persons under the influence of illegally obtained controlled substances or marijuana, as defined  
 5558 in § 54.1-3401, or for the purpose of illegally obtaining possession of, manufacturing, or distributing  
 5559 controlled substances or marijuana, or is used for the illegal possession, manufacture, or distribution of  
 5560 controlled substances or marijuana shall be deemed a common nuisance. Any such owner, lessor, agent of  
 5561 any such lessor, manager, chief executive officer, operator, or tenant who knowingly permits, establishes,  
 5562 keeps or maintains such a common nuisance is guilty of a Class 1 misdemeanor and, for a second or  
 5563 subsequent offense, a Class 6 felony.

5564 **§ 18.2-258.02. Maintaining a fortified drug house; penalty.**

5565 Any office, store, shop, restaurant, dance hall, theater, poolroom, clubhouse, storehouse, warehouse,  
 5566 dwelling house, apartment or building or structure of any kind which that is (i) substantially altered from its  
 5567 original status by means of reinforcement with the intent to impede, deter or delay lawful entry by a  
 5568 law-enforcement officer into such structure, (ii) being used for the purpose of manufacturing or distributing  
 5569 controlled substances or marijuana, and (iii) the object of a valid search warrant, shall be considered a  
 5570 fortified drug house. Any person who maintains or operates a fortified drug house is guilty of a Class 5  
 5571 felony.

5572 § 18.2-258.1. Obtaining drugs, procuring administration of controlled substances, etc., by fraud,  
5573 deceit or forgery.

5574 A. It shall be is unlawful for any person to obtain or attempt to obtain any drug or procure or attempt to  
5575 procure the administration of any controlled substance or marijuana: (i) by fraud, deceit, misrepresentation,  
5576 embezzlement, or subterfuge; (ii) by the forgery or alteration of a prescription or of any written order; (iii) by  
5577 the concealment of a material fact; or (iv) by the use of a false name or the giving of a false address.

5578 B. It shall be is unlawful for any person to furnish false or fraudulent information in or omit any  
5579 information from, or willfully make a false statement in, any prescription, order, report, record, or other  
5580 document required by Chapter 34 the Drug Control Act (§ 54.1-3400 et seq.) of Title 54.1.

5581 C. It shall be is unlawful for any person to use in the course of the manufacture or distribution of a  
5582 controlled substance or marijuana a license number which that is fictitious, revoked, suspended, or issued to  
5583 another person.

5584 D. It shall be is unlawful for any person, for the purpose of obtaining any controlled substance or  
5585 marijuana, to falsely assume the title of, or represent himself to be, a manufacturer, wholesaler, pharmacist,  
5586 physician, dentist, veterinarian, or other authorized person.

5587 E. It shall be is unlawful for any person to make or utter any false or forged prescription or false or forged  
5588 written order.

5589 F. It shall be is unlawful for any person to affix any false or forged label to a package or receptacle  
5590 containing any controlled substance.

5591 G. This section shall not apply to officers and employees of the United States, of this Commonwealth or  
5592 of a political subdivision of this Commonwealth acting in the course of their employment, who obtain such  
5593 drugs for investigative, research or analytical purposes, or to the agents or duly authorized representatives of  
5594 any pharmaceutical manufacturer who obtain such drugs for investigative, research or analytical purposes and  
5595 who are acting in the course of their employment; provided that such manufacturer is licensed under the  
5596 provisions of the Federal Food, Drug and Cosmetic Act; and provided further, that such pharmaceutical  
5597 manufacturer, its agents and duly authorized representatives file with the Board such information as the  
5598 Board may deem appropriate.

5599 H. Except as otherwise provided in this subsection, any person who shall violate any provision herein  
5600 shall be is guilty of a Class 6 felony.

5601 Whenever any person who has not previously been convicted of any offense under this article or under  
5602 any statute of the United States or of any state relating to narcotic drugs, marijuana, or stimulant, depressant,  
5603 or hallucinogenic drugs, or has not previously had a proceeding against him for violation of such an offense  
5604 dismissed, or reduced as provided in this section, pleads guilty to or enters a plea of not guilty to the court for  
5605 violating this section, upon such plea if the facts found by the court would justify a finding of guilt, the court  
5606 may place him on probation upon terms and conditions.

5607 As a term or condition, the court shall require the accused to be evaluated and enter a treatment and/or  
5608 education program, if available, such as, in the opinion of the court, may be best suited to the needs of the  
5609 accused. This program may be located in the judicial circuit in which the charge is brought or in any other  
5610 judicial circuit as the court may provide. The services shall be provided by a program certified or licensed by  
5611 the Department of Behavioral Health and Developmental Services. The court shall require the person entering  
5612 such program under the provisions of this section to pay all or part of the costs of the program, including the  
5613 costs of the screening, evaluation, testing and education, based upon the person's ability to pay unless the  
5614 person is determined by the court to be indigent.

5615 As a condition of supervised probation, the court shall require the accused to remain drug free during the  
5616 period of probation and submit to such tests during that period as may be necessary and appropriate to  
5617 determine if the accused is drug free. Such testing may be conducted by the personnel of any screening,  
5618 evaluation, and education program to which the person is referred or by the supervising agency.

5619 Unless the accused was fingerprinted at the time of arrest, the court shall order the accused to report to the  
5620 original arresting law-enforcement agency to submit to fingerprinting.

5621 Upon violation of a term or condition, the court may enter an adjudication of guilt upon the felony and  
5622 proceed as otherwise provided. Upon fulfillment of the terms and conditions of probation, the court shall find  
5623 the defendant guilty of a Class 1 misdemeanor.

5624 § 18.2-265.1. Definition.

5625 As used in this article, "drug paraphernalia" means all equipment, products, and materials of any kind  
5626 which are either designed for use or which are intended by the person charged with violating § 18.2-265.3 for  
5627 use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting,  
5628 producing, processing, preparing, strength testing, analyzing, packaging, repackaging, storing, containing,  
5629 concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body marijuana or a  
5630 controlled substance. "Drug paraphernalia" includes:

5631 1. Kits intended for use or designed for use in planting, propagating, cultivating, growing, or harvesting  
5632 marijuana or any species of plant which is a controlled substance or from which a controlled substance can be  
5633 derived;

- 5634 2. Kits intended for use or designed for use in manufacturing, compounding, converting, producing,  
5635 processing, or preparing ~~marijuana~~ or controlled substances;
- 5636 3. Isomerization devices intended for use or designed for use in increasing the potency of ~~marijuana~~ or  
5637 any species of plant ~~which that~~ is a controlled substance;
- 5638 4. Testing equipment intended for use or designed for use in identifying or in analyzing the strength or  
5639 effectiveness of ~~marijuana~~ or controlled substances, other than drug checking products used to determine the  
5640 presence or concentration of a contaminant that can cause physical harm or death;
- 5641 5. Scales and balances intended for use or designed for use in weighing or measuring ~~marijuana~~ or  
5642 controlled substances;
- 5643 6. Diluents and adulterants, such as quinine hydrochloride, mannitol, or mannite, intended for use or  
5644 designed for use in cutting controlled substances;
- 5645 7. ~~Separation gins and sifters intended for use or designed for use in removing twigs and seeds from, or in~~  
5646 ~~otherwise cleaning or refining, marijuana;~~
- 5647 8. Blenders, bowls, containers, spoons, and mixing devices intended for use or designed for use in  
5648 compounding controlled substances;
- 5649 9. 8. Capsules, balloons, envelopes, and other containers intended for use or designed for use in packaging  
5650 small quantities of ~~marijuana~~ or controlled substances;
- 5651 ~~10. 9. Containers and other objects intended for use or designed for use in storing or concealing marijuana~~  
5652 ~~or controlled substances;~~
- 5653 ~~11. 10. Hypodermic syringes, needles, and other objects intended for use or designed for use in~~  
5654 ~~parenterally injecting controlled substances into the human body;~~
- 5655 ~~12. 11. Objects intended for use or designed for use in ingesting, inhaling, or otherwise introducing~~  
5656 ~~marijuana, cocaine, hashish, or hashish oil into the human body, such as:~~
- 5657 a. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent  
5658 screens, ~~hashish heads~~, or punctured metal bowls;
- 5659 b. Water pipes;
- 5660 c. Carburetion tubes and devices;
- 5661 d. Smoking and carburetion masks;
- 5662 e. Roach clips, meaning objects used to hold burning material, ~~such as a marijuana cigarette~~, that has  
5663 become too small or too short to be held in the hand;
- 5664 f. Miniature cocaine spoons, and cocaine vials;
- 5665 g. Chamber pipes;
- 5666 h. Carburetor pipes;
- 5667 i. Electric pipes;
- 5668 j. Air-driven pipes;
- 5669 k. Chillums;
- 5670 l. Bongs;
- 5671 m. Ice pipes or chillers.

5672 **§ 18.2-265.2. Evidence to be considered in cases under this article.**

5673 In determining whether an object is drug paraphernalia, the court may consider, in addition to all other  
5674 relevant evidence, the following:

- 5675 1. Constitutionally admissible statements by the accused concerning the use of the object;
- 5676 2. The proximity of the object to ~~marijuana~~ or controlled substances, which proximity is actually known to  
5677 the accused;
- 5678 3. Instructions, oral or written, provided with the object concerning its use;
- 5679 4. Descriptive materials accompanying the object ~~which that~~ explain or depict its use;
- 5680 5. National and local advertising within the actual knowledge of the accused concerning its use;
- 5681 6. The manner in which the object is displayed for sale;
- 5682 7. Whether the accused is a legitimate supplier of like or related items to the community, such as a  
5683 licensed distributor or dealer of tobacco products;
- 5684 8. Evidence of the ratio of sales of the objects defined in § 18.2-265.1 to the total sales of the business  
5685 enterprise;
- 5686 9. The existence and scope of legitimate uses for the object in the community;
- 5687 10. Expert testimony concerning its use or the purpose for which it was designed; *and*
- 5688 11. Relevant evidence of the intent of the accused to deliver it to persons who he knows, or should  
5689 reasonably know, intend to use the object with an illegal drug. The innocence of an owner, or of anyone in  
5690 control of the object, as to a direct violation of this article shall not prevent a finding that the object is  
5691 intended for use or designed for use as drug paraphernalia.

5692 **§ 18.2-265.3. Penalties for sale, etc., of drug paraphernalia.**

5693 A. Any person who sells or possesses with intent to sell drug paraphernalia, knowing, or under  
5694 circumstances where one reasonably should know, that it is either designed for use or intended by such  
5695 person for use to illegally plant, propagate, cultivate, grow, harvest, manufacture, compound, convert,

5696 produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or  
5697 otherwise introduce into the human body ~~marijuana~~ or a controlled substance, ~~shall be~~ *is* guilty of a Class 1  
5698 misdemeanor.

5699 B. Any person ~~eighteen~~ 18 years of age or older who violates subsection A ~~hereof~~ by selling drug  
5700 paraphernalia to a minor who is at least three years junior to the accused in age ~~shall be~~ *is* guilty of a Class 6  
5701 felony.

5702 C. Any person ~~eighteen~~ 18 years of age or older who distributes drug paraphernalia to a minor ~~shall be~~ *is*  
5703 guilty of a Class 1 misdemeanor.

5704 **§ 18.2-287.2. Wearing of body armor while committing a crime; penalty.**

5705 Any person who, while committing a crime of violence as defined in § 18.2-288 (2) or a felony violation  
5706 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  
5707 body armor designed to diminish the effect of the impact of a bullet or projectile ~~shall be~~ *is* guilty of a Class 4  
5708 felony.

5709 **§ 18.2-308.012. Prohibited conduct.**

5710 A. Any person permitted to carry a concealed handgun who is under the influence of alcohol, *marijuana*,  
5711 or illegal drugs while carrying such handgun in a public place is guilty of a Class 1 misdemeanor. Conviction  
5712 of any of the following offenses shall be prima facie evidence, subject to rebuttal, that the person is "under  
5713 the influence" for purposes of this section: manslaughter in violation of § 18.2-36.1, maiming in violation of  
5714 § 18.2-51.4, driving while intoxicated in violation of § 18.2-266, public intoxication in violation of  
5715 § 18.2-388, or driving while intoxicated in violation of § 46.2-341.24. Upon such conviction that court shall  
5716 revoke the person's permit for a concealed handgun and promptly notify the issuing circuit court. A person  
5717 convicted of a violation of this subsection shall be ineligible to apply for a concealed handgun permit for a  
5718 period of five years.

5719 B. No person who carries a concealed handgun onto the premises of any restaurant or club as defined in  
5720 § 4.1-100 for which a license to sell and serve alcoholic beverages for on-premises consumption has been  
5721 granted by the Virginia Alcoholic Beverage Control Authority under Title 4.1 may consume an alcoholic  
5722 beverage while on the premises. A person who carries a concealed handgun onto the premises of such a  
5723 restaurant or club and consumes alcoholic beverages is guilty of a Class 2 misdemeanor. However, nothing in  
5724 this subsection shall apply to a federal, state, or local law-enforcement officer.

5725 **§ 18.2-308.4. Possession of firearms while in possession of certain substances.**

5726 A. It ~~shall be~~ *is* unlawful for any person unlawfully in possession of a controlled substance classified in  
5727 Schedule I or II of the Drug Control Act (§ 54.1-3400 et seq.) of Title 54.1 to simultaneously with knowledge  
5728 and intent possess any firearm. A violation of this subsection is a Class 6 felony and constitutes a separate  
5729 and distinct felony.

5730 B. It ~~shall be~~ *is* unlawful for any person unlawfully in possession of a controlled substance classified in  
5731 Schedule I or II of the Drug Control Act (§ 54.1-3400 et seq.) to simultaneously with knowledge and intent  
5732 possess any firearm on or about his person. A violation of this subsection is a Class 6 felony and constitutes a  
5733 separate and distinct felony and any person convicted hereunder shall be sentenced to a mandatory minimum  
5734 term of imprisonment of two years. Such punishment shall be separate and apart from, and shall be made to  
5735 run consecutively with, any punishment received for the commission of the primary felony.

5736 C. It ~~shall be~~ *is* unlawful for any person to possess, use, or attempt to use any pistol, shotgun, rifle, or  
5737 other firearm or display such weapon in a threatening manner while committing or attempting to commit the  
5738 illegal manufacture, sale, distribution, or the possession with the intent to manufacture, sell, or distribute a  
5739 controlled substance classified in Schedule I or Schedule II of the Drug Control Act (§ 54.1-3400 et seq.) ~~or~~  
5740 ~~more than one pound of marijuana~~. A violation of this subsection is a Class 6 felony, and constitutes a  
5741 separate and distinct felony and any person convicted hereunder shall be sentenced to a mandatory minimum  
5742 term of imprisonment of five years. Such punishment shall be separate and apart from, and shall be made to  
5743 run consecutively with, any punishment received for the commission of the primary felony.

5744 **§ 18.2-371.2. Prohibiting purchase or possession of retail tobacco products and hemp products  
5745 intended for smoking by a person under 21 years of age or sale of retail tobacco products and hemp  
5746 products intended for smoking to persons under 21 years of age; civil penalties.**

5747 A. No person shall sell to, distribute to, purchase for, or knowingly permit the purchase by any person  
5748 younger than 21 years of age, knowing or having reason to believe that such person is younger than 21 years  
5749 of age, any retail tobacco product or hemp product intended for smoking.

5750 No person shall sell retail tobacco products or hemp products intended for smoking from a vending  
5751 machine.

5752 B. No person shall sell a retail tobacco product or hemp product intended for smoking to any individual  
5753 who does not demonstrate, by producing a driver's license or similar photo identification issued by a  
5754 government agency, that the individual is at least 21 years of age.

5755 Before a retail dealer may sell retail tobacco products, other than cigar and pipe tobacco products as  
5756 defined in § 58.1-1021.01, to any consumer, the person selling, offering for sale, giving, or furnishing the  
5757 retail tobacco products shall verify that the consumer is of legal age by examining from any person who

5758 appears to be under 30 years of age a government-issued photographic identification that establishes that the  
 5759 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  
 5760 § 59.1-293.12, verifying the identification presented using identification fraud detection software,  
 5761 technology, or a scanner that confirms the authenticity of such identification.

5762 This subsection shall not apply to mail order or Internet sales, provided that the person offering the retail  
 5763 tobacco product or hemp product intended for smoking for sale through mail order or the Internet (i) prior to  
 5764 the sale of the retail tobacco product or hemp product intended for smoking verifies that the purchaser is at  
 5765 least 21 years of age through a commercially available database that is regularly used by businesses or  
 5766 governmental entities for the purpose of age and identity verification and (ii) uses a method of mailing,  
 5767 shipping, or delivery that requires the signature of a person at least 21 years of age before the retail tobacco  
 5768 product or hemp product intended for smoking will be released to the purchaser.

5769 C. A violation of subsection A or B by an individual or by a separate retail establishment is punishable by  
 5770 a civil penalty in the amount of \$500 for a first violation and a civil penalty in the amount of \$2,500 for a  
 5771 second or subsequent violation within a three-year period. If applicable, upon a second or subsequent  
 5772 violation within a three-year period, the Department of Taxation may suspend or revoke any approved  
 5773 license, permit, or registration issued pursuant to subsection C of § 58.1-1021.04:1.

5774 For any violation of this section by an employee of a retail establishment, (i) such penalty shall be  
 5775 assessed against the establishment and (ii) an additional penalty of \$100 shall be assessed against the  
 5776 employee.

5777 Any attorney for the Commonwealth of the county or city in which an alleged violation occurred may  
 5778 bring an action to recover the civil penalty, which shall be paid into the state treasury. Any law-enforcement  
 5779 officer may issue a summons for a violation of subsection A or B.

5780 D. 1. Cigarettes and hemp products intended for smoking shall be sold only in sealed packages provided  
 5781 by the manufacturer, with the required health warning. The proprietor of every retail establishment that offers  
 5782 for sale any retail tobacco product or hemp product intended for smoking shall post in a conspicuous manner  
 5783 and place a sign or signs indicating that the sale of retail tobacco products or hemp products intended for  
 5784 smoking to any person under 21 years of age is prohibited by law. Any attorney for the county, city, or town  
 5785 in which an alleged violation of this subsection occurred may enforce this subsection by civil action to  
 5786 recover a civil penalty not to exceed \$500. The civil penalty shall be paid into the local treasury. No filing fee  
 5787 or other fee or cost shall be charged to the county, city, or town which instituted the action.

5788 2. For the purpose of compliance with regulations of the Substance Abuse and Mental Health Services  
 5789 Administration published at 61 Federal Register 1492, the Department of Agriculture and Consumer Services  
 5790 may promulgate regulations which allow the Department to undertake the activities necessary to comply with  
 5791 such regulations.

5792 3. Any attorney for the county, city, or town in which an alleged violation of this subsection occurred may  
 5793 enforce this subsection by civil action to recover a civil penalty not to exceed \$500. The civil penalty shall be  
 5794 paid into the local treasury. No filing fee or other fee or cost shall be charged to the county, city, or town  
 5795 which instituted the action.

5796 E. Nothing in this section shall be construed to create a private cause of action.

5797 F. Agents of the Virginia Alcoholic Beverage Control Authority designated pursuant to § 4.1-105 may  
 5798 issue a summons for any violation of this section. Additionally, any retailer selling retail tobacco products  
 5799 shall be subject to the enforcement and compliance provisions of Chapter 23.2 (§ 59.1-293.10 et seq.) of Title  
 5800 59.1.

5801 G. As used in this section:

5802 "Electronic smoking device" means any device that may be used to deliver any aerosolized or vaporized  
 5803 substance to the person inhaling from the device, including an e-cigarette, e-cigar, e-pipe, vape pen, or e-  
 5804 hookah. "Electronic smoking device" includes any component, part, or accessory of the device, whether or  
 5805 not sold separately, and also includes any substance intended to be aerosolized or vaporized during the use of  
 5806 the device, whether or not the substance contains nicotine. "Electronic smoking device" does not include any  
 5807 (i) battery or battery charger when sold separately or (ii) device used for heated tobacco products. "Electronic  
 5808 smoking device" does not include drugs or devices, as such terms are defined in 21 U.S.C. § 321, or  
 5809 combination products, as such term is used in 21 U.S.C. § 353, if such drugs, devices, or combination  
 5810 products are authorized for sale by the U.S. Food and Drug Administration.

5811 "Hemp product" and "hemp product intended for smoking" mean the same as those terms are defined in §  
 5812 ~~3.2-4112~~ 4.1-600.

5813 "Retail tobacco product" means (i) any product containing, made of, or derived from tobacco or that  
 5814 contains nicotine that is intended for human consumption or is likely to be consumed, whether smoked,  
 5815 heated, chewed, dissolved, inhaled, absorbed, or ingested by other means, including a cigarette, a heated  
 5816 tobacco product, a cigar, pipe tobacco, chewing tobacco, snuff, or snus; (ii) any electronic smoking device  
 5817 and any substances that may be aerosolized or vaporized by such device, whether or not the substance  
 5818 contains nicotine; and (iii) any component, part, or accessory of a product described in clause (i) or (ii),  
 5819 whether or not such component, part, or accessory contains tobacco or nicotine, including filters, rolling

5820 papers, blunt or hemp wraps, and pipes. "Retail tobacco product" includes any nicotine vapor product as that  
 5821 term is defined in § 58.1-1021.01. "Retail tobacco product" does not include drugs or devices, as such terms  
 5822 are defined in 21 U.S.C. § 321, or combination products, as such term is used in 21 U.S.C. § 353, if such  
 5823 drugs, devices, or combination products are authorized for sale by the U.S. Food and Drug Administration.

5824 "Wrappings" includes materials made or sold for covering or rolling tobacco or other materials for  
 5825 smoking in a manner similar to a cigarette or cigar.

5826 **§ 18.2-460. Obstructing justice; resisting arrest; fleeing from a law-enforcement officer; penalties.**

5827 A. If any person without just cause knowingly obstructs a judge, magistrate, justice, juror, attorney for the  
 5828 Commonwealth, witness, any law-enforcement officer, or animal control officer employed pursuant to  
 5829 § 3.2-6555 in the performance of his duties as such or fails or refuses without just cause to cease such  
 5830 obstruction when requested to do so by such judge, magistrate, justice, juror, attorney for the Commonwealth,  
 5831 witness, law-enforcement officer, or animal control officer employed pursuant to § 3.2-6555, he is guilty of a  
 5832 Class 1 misdemeanor.

5833 B. Except as provided in subsection C, any person who, by threats or force, knowingly attempts to  
 5834 intimidate or impede a judge, magistrate, justice, juror, attorney for the Commonwealth, witness, any  
 5835 law-enforcement officer, or an animal control officer employed pursuant to § 3.2-6555 lawfully engaged in  
 5836 his duties as such, or to obstruct or impede the administration of justice in any court, is guilty of a Class 1  
 5837 misdemeanor.

5838 C. If any person by threats of bodily harm or force knowingly attempts to intimidate or impede a judge,  
 5839 magistrate, justice, juror, attorney for the Commonwealth, witness, ~~any~~ or law-enforcement officer, lawfully  
 5840 engaged in the discharge of his duty, or to obstruct or impede the administration of justice in any court  
 5841 relating to a violation of or conspiracy to violate § 18.2-248 or subdivision (a)(3), (b) or (c) of § 18.2-248.1,  
 5842 or § 18.2-46.2, or § 18.2-46.3, or relating to the violation of or conspiracy to violate any violent felony  
 5843 offense listed in subsection C of § 17.1-805, he is guilty of a Class 5 felony.

5844 D. Any person who knowingly and willfully makes any materially false statement or representation to a  
 5845 law-enforcement officer or an animal control officer employed pursuant to § 3.2-6555 who is in the course of  
 5846 conducting an investigation of a crime by another is guilty of a Class 1 misdemeanor.

5847 E. Any person who intentionally prevents or attempts to prevent a law-enforcement officer from lawfully  
 5848 arresting him, with or without a warrant, is guilty of a Class 1 misdemeanor. For purposes of this subsection,  
 5849 intentionally preventing or attempting to prevent a lawful arrest means fleeing from a law-enforcement  
 5850 officer when (i) the officer applies physical force to the person, or (ii) the officer communicates to the person  
 5851 that he is under arrest and (a) the officer has the legal authority and the immediate physical ability to place  
 5852 the person under arrest, and (b) a reasonable person who receives such communication knows or should know  
 5853 that he is not free to leave.

5854 **§ 18.2-474.1. Delivery of drugs, firearms, explosives, etc., to prisoners or committed persons.**

5855 Notwithstanding the provisions of § 18.2-474, any person who shall willfully in any manner deliver,  
 5856 attempt to deliver, or conspire with another to deliver to any prisoner confined under authority of the  
 5857 Commonwealth of Virginia, or of any political subdivision thereof, or to any person committed to the  
 5858 Department of Juvenile Justice in any juvenile correctional center, any drug ~~which~~ *that* is a controlled  
 5859 substance regulated by the Drug Control Act in Chapter 34 (§ 54.1-3400 et seq.) of Title 54.1 or marijuana is  
 5860 guilty of a Class 5 felony. Any person who shall willfully in any manner so deliver or attempt to deliver or  
 5861 conspire to deliver to any such prisoner or confined or committed person, firearms, ammunitions, or  
 5862 explosives of any nature is guilty of a Class 3 felony.

5863 Nothing herein contained shall be construed to repeal or amend § 18.2-473.

5864 **§ 19.2-66. When Attorney General or Chief Deputy Attorney General may apply for order**  
 5865 **authorizing interception of communications.**

5866 A. The Attorney General or Chief Deputy Attorney General, if the Attorney General so designates in  
 5867 writing, in any case where the Attorney General is authorized by law to prosecute or pursuant to a request in  
 5868 his official capacity of an attorney for the Commonwealth in any city or county, may apply to a judge of  
 5869 competent jurisdiction for an order authorizing the interception of wire, electronic or oral communications by  
 5870 the Department of State Police, when such interception may reasonably be expected to provide evidence of  
 5871 the commission of a felonious offense of extortion, bribery, kidnapping, murder, any felony violation of  
 5872 § 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  
 5873 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.),  
 5874 Article 5 (§ 18.2-58 et seq.), Article 6 (§ 18.2-59 et seq.) or any felonies that are not Class 6 felonies in  
 5875 Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, or any conspiracy to commit any of the foregoing  
 5876 offenses. The Attorney General or Chief Deputy Attorney General may apply for authorization for the  
 5877 observation or monitoring of the interception by a police department of a county or city, by a sheriff's office,  
 5878 or by law-enforcement officers of the United States. Such application shall be made, and such order may be  
 5879 granted, in conformity with the provisions of § 19.2-68.

5880 B. The application for an order under subsection B of § 19.2-68 shall be made as follows:

5881 1. In the case of an application for a wire or electronic interception, a judge of competent jurisdiction shall

5882 have the authority to issue an order under subsection B of § 19.2-68 if there is probable cause to believe that  
 5883 an offense was committed, is being committed, or will be committed or the person or persons whose  
 5884 communications are to be intercepted live, work, subscribe to a wire or electronic communication system,  
 5885 maintain an address or a post office box, or are making the communication within the territorial jurisdiction  
 5886 of the court.

5887 2. In the case of an application for an oral intercept, a judge of competent jurisdiction shall have the  
 5888 authority to issue an order under subsection B of § 19.2-68 if there is probable cause to believe that an  
 5889 offense was committed, is being committed, or will be committed or the physical location of the oral  
 5890 communication to be intercepted is within the territorial jurisdiction of the court.

5891 C. For the purposes of an order entered pursuant to subsection B of § 19.2-68 for the interception of a wire  
 5892 or electronic communication, such communication shall be deemed to be intercepted in the jurisdiction where  
 5893 the order is entered, regardless of the physical location or the method by which the communication is  
 5894 captured or routed to the monitoring location.

5895 **§ 19.2-81. Arrest without warrant authorized in certain cases.**

5896 A. The following officers shall have the powers of arrest as provided in this section:

5897 1. Members of the State Police force of the Commonwealth;

5898 2. Sheriffs of the various counties and cities, and their deputies;

5899 3. Members of any county police force or any duly constituted police force of any city or town of the  
 5900 Commonwealth;

5901 4. The Commissioner, members and employees of the Marine Resources Commission granted the power  
 5902 of arrest pursuant to § 28.2-900;

5903 5. Regular conservation police officers appointed pursuant to § 29.1-200;

5904 6. United States Coast Guard and United States Coast Guard Reserve commissioned, warrant, and petty  
 5905 officers authorized under § 29.1-205 to make arrests;

5906 7. Conservation officers appointed pursuant to § 10.1-115;

5907 8. Full-time sworn members of the enforcement division of the Department of Motor Vehicles appointed  
 5908 pursuant to § 46.2-217;

5909 9. Special agents of the Virginia Alcoholic Beverage Control Authority *or the Virginia Cannabis Control*  
 5910 *Authority*;

5911 10. Campus police officers appointed under Article 3 (§ 23.1-809 et seq.) of Chapter 8 of Title 23.1; and

5912 11. Members of the Division of Capitol Police.

5913 B. Such officers may arrest without a warrant any person who commits any crime in the presence of the  
 5914 officer and any person whom he has reasonable grounds or probable cause to suspect of having committed a  
 5915 felony not in his presence.

5916 Such officers may arrest without a warrant any person whom the officer has probable cause to suspect of  
 5917 operating any watercraft or motorboat while (i) intoxicated in violation of subsection B of § 29.1-738 or a  
 5918 substantially similar ordinance of any county, city, or town in the Commonwealth or (ii) in violation of an  
 5919 order issued pursuant to § 29.1-738.4 and may thereafter transfer custody of the person arrested to another  
 5920 officer, who may obtain a warrant based upon statements made to him by the arresting officer.

5921 C. Any such officer may, at the scene of any accident involving a motor vehicle, watercraft as defined in  
 5922 § 29.1-733.2 or motorboat, or at any hospital or medical facility to which any person involved in such  
 5923 accident has been transported, or in the apprehension of any person charged with the theft of any motor  
 5924 vehicle, on any of the highways or waters of the Commonwealth, upon reasonable grounds to believe, based  
 5925 upon personal investigation, including information obtained from eyewitnesses, that a crime has been  
 5926 committed by any person then and there present, apprehend such person without a warrant of arrest. For  
 5927 purposes of this section, "the scene of any accident" shall include a reasonable location where a vehicle or  
 5928 person involved in an accident has been moved at the direction of a law-enforcement officer to facilitate the  
 5929 clearing of the highway or to ensure the safety of the motoring public.

5930 D. Such officers may, within three hours of the alleged offense, arrest without a warrant at any location  
 5931 any person whom the officer has probable cause to suspect of driving or operating a motor vehicle, watercraft  
 5932 or motorboat while intoxicated in violation of § 18.2-266, 18.2-266.1, 46.2-341.24, or subsection B of  
 5933 § 29.1-738; or a substantially similar ordinance of any county, city, or town in the Commonwealth, whether  
 5934 or not the offense was committed in such officer's presence. Such officers may, within three hours of the  
 5935 alleged offense, arrest without a warrant at any location any person whom the officer has probable cause to  
 5936 suspect of operating a watercraft or motorboat in violation of an order issued pursuant to § 29.1-738.4,  
 5937 whether or not the offense was committed in such officer's presence.

5938 E. Such officers may arrest, without a warrant or a *capias*, persons duly charged with a crime in another  
 5939 jurisdiction upon receipt of a photocopy of a warrant or a *capias*, telegram, computer printout, facsimile  
 5940 printout, a radio, telephone or teletype message, in which photocopy of a warrant, telegram, computer  
 5941 printout, facsimile printout, radio, telephone or teletype message shall be given the name or a reasonably  
 5942 accurate description of such person wanted and the crime alleged.

5943 F. Such officers may arrest, without a warrant or a *capias*, for an alleged misdemeanor not committed in

5944 his presence when the officer receives a radio message from his department or other law-enforcement agency  
5945 within the Commonwealth that a warrant or capias for such offense is on file.

5946 G. Such officers may also arrest without a warrant for an alleged misdemeanor not committed in their  
5947 presence involving (i) shoplifting in violation of § 18.2-96 or 18.2-103 or a similar local ordinance, (ii)  
5948 carrying a weapon on school property in violation of § 18.2-308.1, (iii) assault and battery, (iv) brandishing a  
5949 firearm in violation of § 18.2-282, or (v) destruction of property in violation of § 18.2-137, when such  
5950 property is located on premises used for business or commercial purposes, or a similar local ordinance, when  
5951 any such arrest is based on probable cause upon reasonable complaint of the person who observed the alleged  
5952 offense. The arresting officer may issue a summons to any person arrested under this section for a  
5953 misdemeanor violation involving shoplifting.

5954 **§ 19.2-81.1. Arrest without warrant by correctional officers in certain cases.**

5955 Any correctional officer, as defined in § 53.1-1, may arrest, in the same manner as provided in § 19.2-81,  
5956 persons for crimes involving:

- 5957 (a) 1. The escape of an inmate from a correctional institution, as defined in § 53.1-1;  
5958 (b) 2. Assisting an inmate to escape from a correctional institution, as defined in § 53.1-1;  
5959 (c) 3. The delivery of contraband to an inmate in violation of § 4.1-1117, 18.2-474, or § 18.2-474.1; and  
5960 (d) 4. Any other criminal offense ~~which~~ *that* may contribute to the disruption of the safety, welfare, or  
5961 security of the population of a correctional institution.

5962 **§ 19.2-83.1. Report of arrest of school employees and adult students for certain offenses.**

5963 A. Every state official or agency and every sheriff, police officer, or other local law-enforcement officer  
5964 or conservator of the peace having the power to arrest for a felony, upon arresting a person who is known or  
5965 discovered by the arresting official to be a full-time, part-time, permanent, or temporary teacher or any other  
5966 employee in any local school division in the Commonwealth for a felony or a Class 1 misdemeanor or an  
5967 equivalent offense in another state, shall file a report of such arrest with the division safety official designated  
5968 pursuant to subsection F of § 22.1-279.8 in the school division in which such person is employed as soon as  
5969 practicable but no later than 48 hours after such arrest. The contents of the report required pursuant to this  
5970 subsection shall be utilized by the local school division solely to implement the provisions of subsection B of  
5971 § 22.1-296.2 and § 22.1-315.

5972 B. The report required pursuant to subsection A shall be transmitted to the division safety official (i) via  
5973 certified mail, return receipt requested, to the mailing address identified by the division superintendent  
5974 pursuant to subsection F of § 22.1-279.8 or (ii) via email to the email address identified by the division  
5975 superintendent pursuant to subsection F of § 22.1-279.8. Any certified mail return receipt shall be retained in  
5976 the case file.

5977 C. (Expires July 1, 2027) In the event that the law-enforcement agency has existing access to Virginia  
5978 Employment Commission records, each arresting official shall request in writing that the Virginia  
5979 Employment Commission provide the name of the current employer of each person arrested for an offense set  
5980 forth in § 9.1-902 for purposes of determining whether a report is required pursuant to subsection A.

5981 D. Every state official or agency and every sheriff, police officer, or other local law-enforcement officer  
5982 or conservator of the peace having the power to arrest for a felony shall file a report, as soon as practicable,  
5983 with the division superintendent of the school division in which the student is enrolled upon arresting a  
5984 person who is known or discovered by the arresting official to be a student age 18 or older in any local school  
5985 division in the Commonwealth for:

- 5986 1. A firearm offense pursuant to Article 4 (§ 18.2-279 et seq.), 5 (§ 18.2-288 et seq.), 6 (§ 18.2-299 et  
5987 seq.), 6.1 (§ 18.2-307.1 et seq.), or 7 (§ 18.2-308.1 et seq.) of Chapter 7 of Title 18.2;  
5988 2. Homicide, pursuant to Article 1 (§ 18.2-30 et seq.) of Chapter 4 of Title 18.2;  
5989 3. Felonious assault and bodily wounding, pursuant to Article 4 (§ 18.2-51 et seq.) of Chapter 4 of Title  
5990 18.2;  
5991 4. Criminal sexual assault, pursuant to Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2;  
5992 5. Manufacture, sale, gift, distribution or possession of Schedule I or II controlled substances, pursuant to  
5993 Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2;  
5994 6. Manufacture, sale or distribution of marijuana pursuant to ~~Article 4~~ *Chapter 11* (§ ~~18.2-247~~ *4.1-1100* et  
5995 seq.) of ~~Chapter 7~~ *Chapter 7* of Title ~~18.2~~ *4.1*;  
5996 7. Arson and related crimes, pursuant to Article 1 (§ 18.2-77 et seq.) of Chapter 5 of Title 18.2;  
5997 8. Burglary and related offenses, pursuant to §§ 18.2-89 through 18.2-93;  
5998 9. Robbery pursuant to § 18.2-58;  
5999 10. Prohibited criminal street gang activity pursuant to § 18.2-46.2;  
6000 11. Recruitment of juveniles for criminal street gang pursuant to § 18.2-46.3;  
6001 12. An act of violence by a mob pursuant to § 18.2-42.1; or  
6002 13. Abduction of any person pursuant to § 18.2-47 or 18.2-48.

6003 **§ 19.2-188.1. Testimony regarding identification of controlled substances.**

6004 A. In any preliminary hearing on a violation of Chapter 11 (§ 4.1-1100 et seq.) of Title 4.1, Article 1  
6005 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2, or subdivision 6 of § 53.1-203, any law-enforcement officer

6006 shall be permitted to testify as to the results of field tests that have been approved by the Department of  
 6007 Forensic Science pursuant to regulations adopted in accordance with the Administrative Process Act  
 6008 (§ 2.2-4000 et seq.), regarding whether or not any substance the identity of which is at issue in such hearing is  
 6009 a controlled substance; *or* imitation controlled substance, *as defined in § 18.2-247*, or marijuana, as defined in  
 6010 § ~~18.2-247~~ *4.1-600*.

6011 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  
 6012 permitted to testify as to the results of any marijuana field test approved as accurate and reliable by the  
 6013 Department of Forensic Science pursuant to regulations adopted in accordance with the Administrative  
 6014 Process Act (§ 2.2-4000 et seq.), regarding whether or not any plant material, the identity of which is at issue,  
 6015 is marijuana provided the defendant has been given written notice of his right to request a full chemical  
 6016 analysis. Such notice shall be on a form approved by the Supreme Court and shall be provided to the  
 6017 defendant prior to trial.

6018 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  
 6019 attorney of record for the accused, desires a full chemical analysis of the alleged plant material, he may, by  
 6020 motion prior to trial before the court in which the charge is pending, request such a chemical analysis. Upon  
 6021 such motion, the court shall order that the analysis be performed by the Department of Forensic Science in  
 6022 accordance with the provisions of § ~~18.2-247~~ *9.1-1101* and shall prescribe in its order the method of custody,  
 6023 transfer, and return of evidence submitted for chemical analysis.

6024 **§ 19.2-303.01. Reduction of sentence; substantial assistance to prosecution.**

6025 Notwithstanding any other provision of law or rule of court, upon motion of the attorney for the  
 6026 Commonwealth, the sentencing court may reduce the defendant's sentence if the defendant, after entry of the  
 6027 final judgment order, provided substantial assistance in investigating or prosecuting another person for (i) an  
 6028 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  
 6029 violation of § 18.2-248, 18.2-248.01, 18.2-248.02, 18.2-248.03, ~~18.2-248.1~~, 18.2-248.5, 18.2-251.2,  
 6030 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  
 6031 similar offense in any other jurisdiction, which offense would be a felony if committed in the  
 6032 Commonwealth; (ii) a conspiracy to commit any of the offenses listed in clause (i); or (iii) violations as a  
 6033 principal in the second degree or accessory before the fact of any of the offenses listed in clause (i). In  
 6034 determining whether the defendant has provided substantial assistance pursuant to the provisions of this  
 6035 section, the court shall consider (a) the court's evaluation of the significance and usefulness of the defendant's  
 6036 assistance, taking into consideration the Commonwealth's evaluation of the assistance rendered; (b) the  
 6037 truthfulness, completeness, and reliability of any information or testimony provided by the defendant; (c) the  
 6038 nature and extent of the defendant's assistance; (d) any injury suffered or any danger or risk of injury to the  
 6039 defendant or his family resulting from his assistance; and (e) the timeliness of the defendant's assistance. If  
 6040 the motion is made more than one year after entry of the final judgment order, the court may reduce a  
 6041 sentence only if the defendant's substantial assistance involved (1) information not known to the defendant  
 6042 until more than one year after entry of the final judgment order, (2) information provided by the defendant  
 6043 within one year of entry of the final judgment order but that did not become useful to the Commonwealth  
 6044 until more than one year after entry of the final judgment order, or (3) information the usefulness of which  
 6045 could not reasonably have been anticipated by the defendant until more than one year after entry of the final  
 6046 judgment order and which was promptly provided to the Commonwealth by the defendant after its usefulness  
 6047 was reasonably apparent.

6048 **§ 19.2-386.22. Seizure of property used in connection with or derived from illegal drug transactions.**

6049 A. The following property shall be subject to lawful seizure by any officer charged with enforcing the  
 6050 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  
 6051 Title 18.2: (i) all money, medical equipment, office equipment, laboratory equipment, motor vehicles, and all  
 6052 other personal and real property of any kind or character, used in substantial connection with (a) the illegal  
 6053 manufacture, sale or distribution of controlled substances or possession with intent to sell or distribute  
 6054 controlled substances in violation of § 18.2-248, (b) the sale or distribution of marijuana ~~or possession with~~  
 6055 ~~intent to distribute marijuana~~ in violation of subdivisions (a)(2), (a)(3) and (e) of ~~§ 18.2-248.1~~ § *4.1-1103*, or  
 6056 (c) a drug-related offense in violation of § ~~4.1-1117~~ *or* 18.2-474.1; (ii) everything of value furnished, or  
 6057 intended to be furnished, in exchange for a controlled substance in violation of § 18.2-248 or for marijuana in  
 6058 violation of § ~~18.2-248.1~~ *4.1-1103* or for a controlled substance or marijuana in violation of § ~~4.1-1117~~ *or*  
 6059 18.2-474.1; and (iii) all moneys or other property, real or personal, traceable to such an exchange, together  
 6060 with any interest or profits derived from the investment of such money or other property. Under the  
 6061 provisions of clause (i), real property shall not be subject to lawful seizure unless the minimum prescribed  
 6062 punishment for the violation is a term of not less than five years.

6063 B. All seizures and forfeitures under this section shall be governed by the procedures contained in Chapter  
 6064 22.1 (§ 19.2-386.1 et seq.).

6065 **§ 19.2-386.23. Disposal of seized controlled substances, marijuana, and paraphernalia.**

6066 A. All controlled substances, imitation controlled substances, marijuana, or paraphernalia, the lawful  
 6067 possession of which is not established or the title to which cannot be ascertained, which have come into the

6068 custody of a peace officer or have been seized in connection with violations of *Chapter 11* (§ 4.1-1100 *et*  
6069 *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:

6070 1. Upon written application by (i) the Department of Forensic Science, (ii) the Department of State Police,  
6071 or (iii) any police department or sheriff's office in a locality, the court may order the forfeiture of any such  
6072 substance or paraphernalia to the Department of Forensic Science, the Department of State Police, or to such  
6073 police department or sheriff's office for research and training purposes and for destruction pursuant to  
6074 regulations of the United States Department of Justice Drug Enforcement Administration and of the Board of  
6075 Pharmacy once these purposes have been fulfilled.

6076 2. In the event no application is made under subdivision 1, the court shall order the destruction of all such  
6077 substances or paraphernalia, which order shall state the existence and nature of the substance or  
6078 paraphernalia, the quantity thereof, the location where seized, the person or persons from whom the substance  
6079 or paraphernalia was seized, if known, and the manner whereby such item shall be destroyed. However, the  
6080 court may order that paraphernalia identified in subdivision 5 of § 18.2-265.1 not be destroyed and that it be  
6081 given to a person or entity that makes a showing to the court of sufficient need for the property and an ability  
6082 to put the property to a lawful and publicly beneficial use. A return under oath, reporting the time, place and  
6083 manner of destruction shall be made to the court by the officer to whom the order is directed. A copy of the  
6084 order and affidavit shall be made a part of the record of any criminal prosecution in which the substance or  
6085 paraphernalia was used as evidence and shall, thereafter, be prima facie evidence of its contents. In the event  
6086 a law-enforcement agency recovers, seizes, finds, is given or otherwise comes into possession of any such  
6087 substances or paraphernalia that are not evidence in a trial in the Commonwealth, the chief law-enforcement  
6088 officer of the agency or his designee may, with the written consent of the appropriate attorney for the  
6089 Commonwealth, order destruction of same; provided that a statement under oath, reporting a description of  
6090 the substances and paraphernalia destroyed and the time, place and manner of destruction, is made to the  
6091 chief law-enforcement officer by the officer to whom the order is directed.

6092 B. No such substance or paraphernalia used or to be used in a criminal prosecution under *Chapter 11*  
6093 (§ 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  
6094 provided by this section until all rights of appeal have been exhausted, except as provided in § 19.2-386.24.

6095 C. The amount of any specific controlled substance, or imitation controlled substance, retained by any  
6096 law-enforcement agency pursuant to a court order issued under this section shall not exceed five pounds, or  
6097 25 pounds in the case of marijuana. Any written application to the court for controlled substances, imitation  
6098 controlled substances, or marijuana, shall certify that the amount requested shall not result in the requesting  
6099 agency's exceeding the limits allowed by this subsection.

6100 D. A law-enforcement agency that retains any controlled substance, imitation controlled substance, or  
6101 marijuana, pursuant to a court order issued under this section shall (i) be required to conduct an inventory of  
6102 such substance on a monthly basis, which shall include a description and weight of the substance, and (ii)  
6103 destroy such substance pursuant to subdivision A 1 when no longer needed for research and training  
6104 purposes. A written report outlining the details of the inventory shall be made to the chief law-enforcement  
6105 officer of the agency within 10 days of the completion of the inventory, and the agency shall detail the  
6106 substances that were used for research and training pursuant to a court order in the immediately preceding  
6107 fiscal year. Destruction of such substance shall be certified to the court along with a statement prepared under  
6108 oath, reporting a description of the substance destroyed, and the time, place, and manner of destruction.

6109 **§ 19.2-386.24. Destruction of seized controlled substances or marijuana prior to trial.**

6110 Where seizures of controlled substances or marijuana are made in excess of 10 pounds in connection with  
6111 any prosecution or investigation under *Chapter 11* (§ 4.1-1100 *et seq.*) of *Title 4.1* or *Chapter 7* (§ 18.2-247 *et*  
6112 *seq.*) of *Title 18.2*, the appropriate law-enforcement agency may retain 10 pounds of the substance randomly  
6113 selected from the seized substance for representative purposes as evidence and destroy the remainder of the  
6114 seized substance.

6115 Before any destruction is carried out under this section, the law-enforcement agency shall cause the  
6116 material seized to be photographed with identification case numbers or other means of identification and shall  
6117 prepare a report identifying the seized material. It shall also notify the accused, or other interested party, if  
6118 known, or his attorney, at least five days in advance that the photography will take place and that they may be  
6119 present. Prior to any destruction under this section, the law-enforcement agency shall also notify the accused  
6120 or other interested party, if known, and his attorney at least seven days prior to the destruction of the time and  
6121 place the destruction will occur. Any notice required under the provisions of this section shall be by first-  
6122 class mail to the last known address of the person required to be notified. In addition to the substance retained  
6123 for representative purposes as evidence, all photographs and records made under this section and properly  
6124 identified shall be admissible in any court proceeding for any purposes for which the seized substance itself  
6125 would have been admissible.

6126 **§ 19.2-386.25. Judge may order law-enforcement agency to maintain custody of controlled**  
6127 **substances, etc.**

6128 Upon request of the clerk of any court, a judge of the court may order a law-enforcement agency to take  
6129 into its custody or to maintain custody of substantial quantities of any controlled substances, imitation

6130 controlled substances, chemicals, marijuana, or paraphernalia used or to be used in a criminal prosecution  
 6131 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  
 6132 its order may make provision for ensuring integrity of these items until further order of the court.

6133 **§ 19.2-389. (Effective until July 1, 2026) Dissemination of criminal history record information.**

6134 A. Criminal history record information shall be disseminated, whether directly or through an intermediary,  
 6135 only to:

6136 1. Authorized officers or employees of criminal justice agencies, as defined by § 9.1-101, for purposes of  
 6137 the administration of criminal justice and the screening of an employment application or review of  
 6138 employment by a criminal justice agency with respect to its own employees or applicants, and dissemination  
 6139 to the Virginia Parole Board, pursuant to this subdivision, of such information on all state-responsible  
 6140 inmates for the purpose of making parole determinations pursuant to subdivisions 1, 2, 3, 4, and 6 of  
 6141 § 53.1-136 shall include collective dissemination by electronic means every 30 days. For purposes of this  
 6142 subdivision, criminal history record information includes information sent to the Central Criminal Records  
 6143 Exchange pursuant to §§ 37.2-819 and 64.2-2014 when disseminated to any full-time or part-time employee  
 6144 of the State Police, a police department or sheriff's office that is a part of or administered by the  
 6145 Commonwealth or any political subdivision thereof, and who is responsible for the prevention and detection  
 6146 of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth for the purposes of  
 6147 the administration of criminal justice;

6148 2. Such other individuals and agencies that require criminal history record information to implement a  
 6149 state or federal statute or executive order of the President of the United States or Governor that expressly  
 6150 refers to criminal conduct and contains requirements or exclusions expressly based upon such conduct, except  
 6151 that information concerning the arrest of an individual may not be disseminated to a noncriminal justice  
 6152 agency or individual if an interval of one year has elapsed from the date of the arrest and no disposition of the  
 6153 charge has been recorded and no active prosecution of the charge is pending;

6154 3. Individuals and agencies pursuant to a specific agreement with a criminal justice agency to provide  
 6155 services required for the administration of criminal justice pursuant to that agreement which shall specifically  
 6156 authorize access to data, limit the use of data to purposes for which given, and ensure the security and  
 6157 confidentiality of the data;

6158 4. Individuals and agencies for the express purpose of research, evaluative, or statistical activities pursuant  
 6159 to an agreement with a criminal justice agency that shall specifically authorize access to data, limit the use of  
 6160 data to research, evaluative, or statistical purposes, and ensure the confidentiality and security of the data;

6161 5. Agencies of state or federal government that are authorized by state or federal statute or executive order  
 6162 of the President of the United States or Governor to conduct investigations determining employment  
 6163 suitability or eligibility for security clearances allowing access to classified information;

6164 6. Individuals and agencies where authorized by court order or court rule;

6165 7. Agencies of any political subdivision of the Commonwealth, public transportation companies owned,  
 6166 operated or controlled by any political subdivision, and any public service corporation that operates a public  
 6167 transit system owned by a local government for the conduct of investigations of applicants for employment,  
 6168 permit, or license whenever, in the interest of public welfare or safety, it is necessary to determine under a  
 6169 duly enacted ordinance if the past criminal conduct of a person with a conviction record would be compatible  
 6170 with the nature of the employment, permit, or license under consideration;

6171 7a. Commissions created pursuant to the Transportation District Act of 1964 (§ 33.2-1900 et seq.) of Title  
 6172 ~~33.2~~ and their contractors, for the conduct of investigations of individuals who have been offered a position  
 6173 of employment whenever, in the interest of public welfare or safety and as authorized in the Transportation  
 6174 District Act of 1964, it is necessary to determine if the past criminal conduct of a person with a conviction  
 6175 record would be compatible with the nature of the employment under consideration;

6176 8. Public or private agencies when authorized or required by federal or state law or interstate compact to  
 6177 investigate (i) applicants for foster or adoptive parenthood or (ii) any individual, and the adult members of  
 6178 that individual's household, with whom the agency is considering placing a child or from whom the agency is  
 6179 considering removing a child due to abuse or neglect, on an emergency, temporary, or permanent basis  
 6180 pursuant to §§ 63.2-901.1 and 63.2-1505, subject to the restriction that the data shall not be further  
 6181 disseminated to any party other than a federal or state authority or court as may be required to comply with an  
 6182 express requirement of law;

6183 9. To the extent permitted by federal law or regulation, public service companies as defined in § 56-1, for  
 6184 the conduct of investigations of applicants for employment when such employment involves personal contact  
 6185 with the public or when past criminal conduct of an applicant would be incompatible with the nature of the  
 6186 employment under consideration;

6187 10. The appropriate authority for purposes of granting citizenship and for purposes of international travel,  
 6188 including, but not limited to, issuing visas and passports;

6189 11. A person requesting a copy of his own criminal history record information as defined in § 9.1-101 at  
 6190 his cost, except that criminal history record information shall be supplied at no charge to a person who has  
 6191 applied to be a volunteer with (i) a Virginia affiliate of Big Brothers/Big Sisters of America; (ii) a volunteer

6192 fire company; (iii) the Volunteer Emergency Families for Children; (iv) any affiliate of Prevent Child Abuse,  
 6193 Virginia; (v) any Virginia affiliate of Compeer; or (vi) any board member or any individual who has been  
 6194 offered membership on the board of a Crime Stoppers, Crime Solvers or Crime Line program as defined in  
 6195 § 15.2-1713.1;

6196 12. Administrators and board presidents of and applicants for licensure or registration as a child welfare  
 6197 agency as defined in § 63.2-100 for dissemination to the Commissioner of Social Services' representative  
 6198 pursuant to § 63.2-1702 for the conduct of investigations with respect to employees of and volunteers at such  
 6199 facilities, caretakers, and foster and adoptive parent applicants of private child-placing agencies, pursuant to  
 6200 §§ 63.2-1719, 63.2-1720, and 63.2-1721, subject to the restriction that the data shall not be further  
 6201 disseminated by the facility or agency to any party other than the data subject, the Commissioner of Social  
 6202 Services' representative or a federal or state authority or court as may be required to comply with an express  
 6203 requirement of law for such further dissemination; however, nothing in this subdivision shall be construed to  
 6204 prohibit the Commissioner of Social Services' representative from issuing written certifications regarding the  
 6205 results of a background check that was conducted before July 1, 2021, in accordance with subsection J of  
 6206 § 22.1-289.035 or § 22.1-289.039;

6207 13. The Department of Social Services for the purpose of screening individuals as a condition of licensure,  
 6208 employment, volunteering, or providing services on a regular basis in a licensed child welfare agency  
 6209 pursuant to §§ 63.2-1721 and 63.2-1726 or foster or adoptive home approved by a child-placing agency  
 6210 pursuant to § 63.2-901.1;

6211 14. The school boards of the Commonwealth for the purpose of screening individuals who are offered or  
 6212 who accept public school employment and those current school board employees for whom a report of arrest  
 6213 has been made pursuant to § 19.2-83.1;

6214 15. The Virginia Lottery for the conduct of investigations as set forth in the Virginia Lottery Law  
 6215 (§ 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  
 6216 Department of Agriculture and Consumer Services for the conduct of investigations as set forth in Article  
 6217 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2;

6218 16. Licensed nursing homes, hospitals and home care organizations for the conduct of investigations of  
 6219 applicants for compensated employment in licensed nursing homes pursuant to § 32.1-126.01, hospital  
 6220 pharmacies pursuant to § 32.1-126.02, and home care organizations pursuant to § 32.1-162.9:1, subject to the  
 6221 limitations set out in subsection E;

6222 17. Licensed assisted living facilities and licensed adult day centers for the conduct of investigations of  
 6223 applicants for compensated employment in licensed assisted living facilities and licensed adult day centers  
 6224 pursuant to § 63.2-1720, subject to the limitations set out in subsection F;

6225 18. The Virginia Alcoholic Beverage Control Authority for the conduct of investigations as set forth in  
 6226 § 4.1-103.1 or the Virginia Cannabis Control Authority for the conduct of investigations as set forth in  
 6227 § 4.1-622;

6228 19. The State Board of Elections and authorized officers and employees thereof and general registrars  
 6229 appointed pursuant to § 24.2-110 in the course of conducting necessary investigations with respect to voter  
 6230 registration, limited to any record of felony convictions;

6231 20. The Commissioner of Behavioral Health and Developmental Services (the Commissioner) or his  
 6232 designees for individuals who are committed to the custody of or being evaluated by the Commissioner  
 6233 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,  
 6234 19.2-182.8, and 19.2-182.9 where such information may be beneficial for the purpose of placement,  
 6235 evaluation, treatment, or discharge planning;

6236 21. Any alcohol safety action program certified by the Commission on the Virginia Alcohol Safety Action  
 6237 Program for (i) interventions with first offenders under § 18.2-251 or (ii) services to offenders under  
 6238 § 18.2-51.4, 18.2-266, or 18.2-266.1;

6239 22. Residential facilities for juveniles regulated or operated by the Department of Social Services, the  
 6240 Department of Education, or the Department of Behavioral Health and Developmental Services for the  
 6241 purpose of determining applicants' fitness for employment or for providing volunteer or contractual services;

6242 23. The Department of Behavioral Health and Developmental Services and facilities operated by the  
 6243 Department for the purpose of determining an individual's fitness for employment pursuant to departmental  
 6244 instructions;

6245 24. Pursuant to § 22.1-296.3, the governing boards or administrators of private elementary or secondary  
 6246 schools which are accredited pursuant to § 22.1-19 or a private organization coordinating such records  
 6247 information on behalf of such governing boards or administrators pursuant to a written agreement with the  
 6248 Department of State Police;

6249 25. Public institutions of higher education and nonprofit private institutions of higher education for the  
 6250 purpose of screening individuals who are offered or accept employment;

6251 26. Members of a threat assessment team established by a local school board pursuant to § 22.1-79.4, by a  
 6252 public institution of higher education pursuant to § 23.1-805, or by a private nonprofit institution of higher  
 6253 education, for the purpose of assessing or intervening with an individual whose behavior may present a threat

6254 to safety; however, no member of a threat assessment team shall redisclose any criminal history record  
 6255 information obtained pursuant to this section or otherwise use any record of an individual beyond the purpose  
 6256 that such disclosure was made to the threat assessment team;

6257 27. Executive directors of community services boards or the personnel director serving the community  
 6258 services board for the purpose of determining an individual's fitness for employment, approval as a sponsored  
 6259 residential service provider, permission to enter into a shared living arrangement with a person receiving  
 6260 medical assistance services pursuant to a waiver, or permission for any person under contract with the  
 6261 community services board to serve in a direct care position on behalf of the community services board  
 6262 pursuant to §§ 37.2-506, 37.2-506.1, and 37.2-607;

6263 28. Executive directors of behavioral health authorities as defined in § 37.2-600 for the purpose of  
 6264 determining an individual's fitness for employment, approval as a sponsored residential service provider,  
 6265 permission to enter into a shared living arrangement with a person receiving medical assistance services  
 6266 pursuant to a waiver, or permission for any person under contract with the behavioral health authority to  
 6267 serve in a direct care position on behalf of the behavioral health authority pursuant to §§ 37.2-506,  
 6268 37.2-506.1, and 37.2-607;

6269 29. The Commissioner of Social Services for the purpose of locating persons who owe child support or  
 6270 who are alleged in a pending paternity proceeding to be a putative father, provided that only the name,  
 6271 address, demographics and social security number of the data subject shall be released;

6272 30. Authorized officers or directors of agencies licensed pursuant to Article 2 (§ 37.2-403 et seq.) of  
 6273 Chapter 4 of Title 37.2 by the Department of Behavioral Health and Developmental Services for the purpose  
 6274 of determining if any applicant who accepts employment in any direct care position or requests approval as a  
 6275 sponsored residential service provider, permission to enter into a shared living arrangement with a person  
 6276 receiving medical assistance services pursuant to a waiver, or permission for any person under contract with  
 6277 the provider to serve in a direct care position has been convicted of a crime that affects his fitness to have  
 6278 responsibility for the safety and well-being of individuals with mental illness, intellectual disability, or  
 6279 substance abuse pursuant to §§ 37.2-416, 37.2-416.1, 37.2-506, 37.2-506.1, and 37.2-607;

6280 31. The Commissioner of the Department of Motor Vehicles, for the purpose of evaluating applicants for  
 6281 and holders of a motor carrier certificate or license subject to the provisions of Chapters 20 (§ 46.2-2000 et  
 6282 seq.) and 21 (§ 46.2-2100 et seq.) of Title 46.2;

6283 32. The Chairman of the Senate Committee for Courts of Justice or the Chairman of the House Committee  
 6284 for Courts of Justice for the purpose of determining if any person being considered for election to any  
 6285 judgeship has been convicted of a crime;

6286 33. Heads of state agencies in which positions have been identified as sensitive for the purpose of  
 6287 determining an individual's fitness for employment in positions designated as sensitive under Department of  
 6288 Human Resource Management policies developed pursuant to § 2.2-1201.1;

6289 34. The Office of the Attorney General, for all criminal justice activities otherwise permitted under  
 6290 subdivision A 1 and for purposes of performing duties required by the Civil Commitment of Sexually Violent  
 6291 Predators Act (§ 37.2-900 et seq.);

6292 35. Shipyards, to the extent permitted by federal law or regulation, engaged in the design, construction,  
 6293 overhaul, or repair of nuclear vessels for the United States Navy, including their subsidiary companies, for  
 6294 the conduct of investigations of applications for employment or for access to facilities, by contractors, leased  
 6295 laborers, and other visitors;

6296 36. Any employer of individuals whose employment requires that they enter the homes of others, for the  
 6297 purpose of screening individuals who apply for, are offered, or have accepted such employment;

6298 37. Public agencies when and as required by federal or state law to investigate (i) applicants as providers  
 6299 of adult foster care and home-based services or (ii) any individual with whom the agency is considering  
 6300 placing an adult on an emergency, temporary, or permanent basis pursuant to § 63.2-1601.1, subject to the  
 6301 restriction that the data shall not be further disseminated by the agency to any party other than a federal or  
 6302 state authority or court as may be required to comply with an express requirement of law for such further  
 6303 dissemination, subject to limitations set out in subsection G;

6304 38. The Department of Medical Assistance Services, or its designee, for the purpose of screening  
 6305 individuals who, through contracts, subcontracts, or direct employment, volunteer, apply for, are offered, or  
 6306 have accepted a position related to the provision of transportation services to enrollees in the Medicaid  
 6307 Program or the Family Access to Medical Insurance Security (FAMIS) Program, or any other program  
 6308 administered by the Department of Medical Assistance Services;

6309 39. The State Corporation Commission for the purpose of investigating individuals who are current or  
 6310 proposed members, senior officers, directors, and principals of an applicant or person licensed under Chapter  
 6311 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.  
 6312 Notwithstanding any other provision of law, if an application is denied based in whole or in part on  
 6313 information obtained from the Central Criminal Records Exchange pursuant to Chapter 16, 19, or 26 of Title  
 6314 6.2, the Commissioner of Financial Institutions or his designee may disclose such information to the applicant  
 6315 or its designee;

6316 40. The Department of Professional and Occupational Regulation for the purpose of investigating  
6317 individuals for initial licensure pursuant to § 54.1-2106.1;

6318 41. The Department for Aging and Rehabilitative Services and the Department for the Blind and Vision  
6319 Impaired for the purpose of evaluating an individual's fitness for various types of employment and for the  
6320 purpose of delivering comprehensive vocational rehabilitation services pursuant to Article 11 (§ 51.5-170 et  
6321 seq.) of Chapter 14 of Title 51.5 that will assist the individual in obtaining employment;

6322 42. Bail bondsmen, in accordance with the provisions of § 19.2-120;

6323 43. The State Treasurer for the purpose of determining whether a person receiving compensation for  
6324 wrongful incarceration meets the conditions for continued compensation under § 8.01-195.12;

6325 44. The Department of Education or its agents or designees for the purpose of screening individuals  
6326 seeking to enter into a contract with the Department of Education or its agents or designees for the provision  
6327 of child care services for which child care subsidy payments may be provided;

6328 45. The Department of Juvenile Justice to investigate any parent, guardian, or other adult members of a  
6329 juvenile's household when completing a predispositional or postdispositional report required by § 16.1-273 or  
6330 a Board of Juvenile Justice regulation promulgated pursuant to § 16.1-233;

6331 46. The State Corporation Commission, for the purpose of screening applicants for insurance licensure  
6332 under Chapter 18 (§ 38.2-1800 et seq.) of Title 38.2;

6333 47. Administrators and board presidents of and applicants for licensure or registration as a child day  
6334 program or family day system, as such terms are defined in § 22.1-289.02, for dissemination to the  
6335 Superintendent of Public Instruction's representative pursuant to § 22.1-289.013 for the conduct of  
6336 investigations with respect to employees of and volunteers at such facilities pursuant to §§ 22.1-289.034  
6337 through 22.1-289.037, subject to the restriction that the data shall not be further disseminated by the facility  
6338 or agency to any party other than the data subject, the Superintendent of Public Instruction's representative, or  
6339 a federal or state authority or court as may be required to comply with an express requirement of law for such  
6340 further dissemination; however, nothing in this subdivision shall be construed to prohibit the Superintendent  
6341 of Public Instruction's representative from issuing written certifications regarding the results of prior  
6342 background checks in accordance with subsection J of § 22.1-289.035 or § 22.1-289.039;

6343 48. The National Center for Missing and Exploited Children for the purpose of screening individuals who  
6344 are offered or accept employment or will be providing volunteer or contractual services with the National  
6345 Center for Missing and Exploited Children;

6346 49. The Executive Director or investigators of the Board of Accountancy for the purpose of the  
6347 enforcement of laws relating to the Board of Accountancy in accordance with § 54.1-4407; and

6348 50. Other entities as otherwise provided by law.

6349 Upon an ex parte motion of a defendant in a felony case and upon the showing that the records requested  
6350 may be relevant to such case, the court shall enter an order requiring the Central Criminal Records Exchange  
6351 to furnish the defendant, as soon as practicable, copies of any records of persons designated in the order on  
6352 whom a report has been made under the provisions of this chapter.

6353 Notwithstanding any other provision of this chapter to the contrary, upon a written request sworn to  
6354 before an officer authorized to take acknowledgments, the Central Criminal Records Exchange, or the  
6355 criminal justice agency in cases of offenses not required to be reported to the Exchange, shall furnish a copy  
6356 of conviction data covering the person named in the request to the person making the request; however, such  
6357 person on whom the data is being obtained shall consent in writing, under oath, to the making of such  
6358 request. A person receiving a copy of his own conviction data may utilize or further disseminate that data as  
6359 he deems appropriate. In the event no conviction data is maintained on the data subject, the person making  
6360 the request shall be furnished at his cost a certification to that effect.

6361 B. Use of criminal history record information disseminated to noncriminal justice agencies under this  
6362 section shall be limited to the purposes for which it was given and may not be disseminated further, except as  
6363 otherwise provided in subdivision A 47.

6364 C. No criminal justice agency or person shall confirm the existence or nonexistence of criminal history  
6365 record information for employment or licensing inquiries except as provided by law.

6366 D. Criminal justice agencies shall establish procedures to query the Central Criminal Records Exchange  
6367 prior to dissemination of any criminal history record information on offenses required to be reported to the  
6368 Central Criminal Records Exchange to ensure that the most up-to-date disposition data is being used.  
6369 Inquiries of the Exchange shall be made prior to any dissemination except in those cases where time is of the  
6370 essence and the normal response time of the Exchange would exceed the necessary time period. A criminal  
6371 justice agency to whom a request has been made for the dissemination of criminal history record information  
6372 that is required to be reported to the Central Criminal Records Exchange may direct the inquirer to the  
6373 Central Criminal Records Exchange for such dissemination. Dissemination of information regarding offenses  
6374 not required to be reported to the Exchange shall be made by the criminal justice agency maintaining the  
6375 record as required by § 15.2-1722.

6376 E. Criminal history information provided to licensed nursing homes, hospitals and to home care  
6377 organizations pursuant to subdivision A 16 shall be limited to the convictions on file with the Exchange for

6378 any offense specified in §§ 32.1-126.01, 32.1-126.02, and 32.1-162.9:1.

6379 F. Criminal history information provided to licensed assisted living facilities and licensed adult day  
6380 centers pursuant to subdivision A 17 shall be limited to the convictions on file with the Exchange for any  
6381 offense specified in § 63.2-1720.

6382 G. Criminal history information provided to public agencies pursuant to subdivision A 37 shall be limited  
6383 to the convictions on file with the Exchange for any offense set forth in clause (i) of the definition of barrier  
6384 crime in § 19.2-392.02.

6385 H. Upon receipt of a written request from an employer or prospective employer, the Central Criminal  
6386 Records Exchange, or the criminal justice agency in cases of offenses not required to be reported to the  
6387 Exchange, shall furnish at the employer's cost a copy of conviction data covering the person named in the  
6388 request to the employer or prospective employer making the request, provided that the person on whom the  
6389 data is being obtained has consented in writing to the making of such request and has presented a photo-  
6390 identification to the employer or prospective employer. In the event no conviction data is maintained on the  
6391 person named in the request, the requesting employer or prospective employer shall be furnished at his cost a  
6392 certification to that effect. The criminal history record search shall be conducted on forms provided by the  
6393 Exchange.

6394 I. The attorney for the Commonwealth shall provide a physical or electronic copy of a person's criminal  
6395 history record information, including criminal history record information maintained in the National Crime  
6396 Information Center (NCIC) and the Interstate Identification Index System (III System) that is in his  
6397 possession, pursuant to the rules of court for obtaining discovery or for review by the court. No criminal  
6398 history record information provided under this subsection shall be disseminated further.

6399 **§ 19.2-389. (Effective July 1, 2026) Dissemination of criminal history record information.**

6400 A. Criminal history record information shall be disseminated, whether directly or through an intermediary,  
6401 only to:

6402 1. Authorized officers or employees of criminal justice agencies, as defined by § 9.1-101, for purposes of  
6403 the administration of criminal justice and the screening of an employment application or review of  
6404 employment by a criminal justice agency with respect to its own employees or applicants, and dissemination  
6405 to the Virginia Parole Board, pursuant to this subdivision, of such information on all state-responsible  
6406 inmates for the purpose of making parole determinations pursuant to subdivisions 1, 2, 3, 4, and 6 of  
6407 § 53.1-136 shall include collective dissemination by electronic means every 30 days. For purposes of this  
6408 subdivision, criminal history record information includes information sent to the Central Criminal Records  
6409 Exchange pursuant to §§ 37.2-819 and 64.2-2014 when disseminated to any full-time or part-time employee  
6410 of the State Police, a police department or sheriff's office that is a part of or administered by the  
6411 Commonwealth or any political subdivision thereof, and who is responsible for the prevention and detection  
6412 of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth for the purposes of  
6413 the administration of criminal justice;

6414 2. Such other individuals and agencies that require criminal history record information to implement a  
6415 state or federal statute or executive order of the President of the United States or Governor that expressly  
6416 refers to criminal conduct and contains requirements or exclusions expressly based upon such conduct, except  
6417 that information concerning the arrest of an individual may not be disseminated to a noncriminal justice  
6418 agency or individual if an interval of one year has elapsed from the date of the arrest and no disposition of the  
6419 charge has been recorded and no active prosecution of the charge is pending;

6420 3. Individuals and agencies pursuant to a specific agreement with a criminal justice agency to provide  
6421 services required for the administration of criminal justice pursuant to that agreement which shall specifically  
6422 authorize access to data, limit the use of data to purposes for which given, and ensure the security and  
6423 confidentiality of the data;

6424 4. Individuals and agencies for the express purpose of research, evaluative, or statistical activities pursuant  
6425 to an agreement with a criminal justice agency that shall specifically authorize access to data, limit the use of  
6426 data to research, evaluative, or statistical purposes, and ensure the confidentiality and security of the data;

6427 5. Agencies of state or federal government that are authorized by state or federal statute or executive order  
6428 of the President of the United States or Governor to conduct investigations determining employment  
6429 suitability or eligibility for security clearances allowing access to classified information;

6430 6. Individuals and agencies where authorized by court order or court rule;

6431 7. Agencies of any political subdivision of the Commonwealth, public transportation companies owned,  
6432 operated or controlled by any political subdivision, and any public service corporation that operates a public  
6433 transit system owned by a local government for the conduct of investigations of applicants for employment,  
6434 permit, or license whenever, in the interest of public welfare or safety, it is necessary to determine under a  
6435 duly enacted ordinance if the past criminal conduct of a person with a conviction record would be compatible  
6436 with the nature of the employment, permit, or license under consideration;

6437 7a. Commissions created pursuant to the Transportation District Act of 1964 (§ 33.2-1900 et seq.) of Title  
6438 33-2 and their contractors, for the conduct of investigations of individuals who have been offered a position  
6439 of employment whenever, in the interest of public welfare or safety and as authorized in the Transportation

6440 District Act of 1964, it is necessary to determine if the past criminal conduct of a person with a conviction  
6441 record would be compatible with the nature of the employment under consideration;

6442 8. Public or private agencies when authorized or required by federal or state law or interstate compact to  
6443 investigate (i) applicants for foster or adoptive parenthood or (ii) any individual, and the adult members of  
6444 that individual's household, with whom the agency is considering placing a child or from whom the agency is  
6445 considering removing a child due to abuse or neglect, on an emergency, temporary, or permanent basis  
6446 pursuant to §§ 63.2-901.1 and 63.2-1505, subject to the restriction that the data shall not be further  
6447 disseminated to any party other than a federal or state authority or court as may be required to comply with an  
6448 express requirement of law;

6449 9. To the extent permitted by federal law or regulation, public service companies as defined in § 56-1, for  
6450 the conduct of investigations of applicants for employment when such employment involves personal contact  
6451 with the public or when past criminal conduct of an applicant would be incompatible with the nature of the  
6452 employment under consideration;

6453 10. The appropriate authority for purposes of granting citizenship and for purposes of international travel,  
6454 including, but not limited to, issuing visas and passports;

6455 11. A person requesting a copy of his own criminal history record information as defined in § 9.1-101 at  
6456 his cost, except that criminal history record information shall be supplied at no charge to a person who has  
6457 applied to be a volunteer with (i) a Virginia affiliate of Big Brothers/Big Sisters of America; (ii) a volunteer  
6458 fire company; (iii) the Volunteer Emergency Families for Children; (iv) any affiliate of Prevent Child Abuse,  
6459 Virginia; (v) any Virginia affiliate of Compeer; or (vi) any board member or any individual who has been  
6460 offered membership on the board of a Crime Stoppers, Crime Solvers or Crime Line program as defined in  
6461 § 15.2-1713.1;

6462 12. Administrators and board presidents of and applicants for licensure or registration as a child welfare  
6463 agency as defined in § 63.2-100 for dissemination to the Commissioner of Social Services' representative  
6464 pursuant to § 63.2-1702 for the conduct of investigations with respect to employees of and volunteers at such  
6465 facilities, caretakers, and foster and adoptive parent applicants of private child-placing agencies, pursuant to  
6466 §§ 63.2-1719, 63.2-1720, and 63.2-1721, subject to the restriction that the data shall not be further  
6467 disseminated by the facility or agency to any party other than the data subject, the Commissioner of Social  
6468 Services' representative or a federal or state authority or court as may be required to comply with an express  
6469 requirement of law for such further dissemination; however, nothing in this subdivision shall be construed to  
6470 prohibit the Commissioner of Social Services' representative from issuing written certifications regarding the  
6471 results of a background check that was conducted before July 1, 2021, in accordance with subsection J of  
6472 § 22.1-289.035 or § 22.1-289.039;

6473 13. Administrators and board presidents of and applicants for licensure as a prescribed pediatric extended  
6474 care center for dissemination to the State Health Commissioner's representative pursuant to  
6475 §§ 32.1-162.15:1.5 and 32.1-162.15:1.10 for the conduct of investigations with respect to employees of and  
6476 volunteers at such centers, pursuant to § 32.1-162.15:1.17, subject to the restriction that the data shall not be  
6477 further disseminated by the center to any party other than the data subject, the State Health Commissioner's  
6478 representative, or a federal or state authority or court as may be required to comply with an express  
6479 requirement of law;

6480 14. The Department of Social Services for the purpose of screening individuals as a condition of licensure,  
6481 employment, volunteering, or providing services on a regular basis in a licensed child welfare agency  
6482 pursuant to §§ 63.2-1721 and 63.2-1726 or foster or adoptive home approved by a child-placing agency  
6483 pursuant to § 63.2-901.1;

6484 15. The school boards of the Commonwealth for the purpose of screening individuals who are offered or  
6485 who accept public school employment and those current school board employees for whom a report of arrest  
6486 has been made pursuant to § 19.2-83.1;

6487 16. The Virginia Lottery for the conduct of investigations as set forth in the Virginia Lottery Law  
6488 (§ 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  
6489 Department of Agriculture and Consumer Services for the conduct of investigations as set forth in Article  
6490 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2;

6491 17. Licensed prescribed pediatric extended care centers for the conduct of investigations of applicants for  
6492 compensated employment and volunteers in licensed prescribed pediatric extended care centers pursuant to  
6493 § 32.1-162.15:1.17;

6494 18. Licensed nursing homes, hospitals and home care organizations for the conduct of investigations of  
6495 applicants for compensated employment in licensed nursing homes pursuant to § 32.1-126.01, hospital  
6496 pharmacies pursuant to § 32.1-126.02, and home care organizations pursuant to § 32.1-162.9:1, subject to the  
6497 limitations set out in subsection E;

6498 19. Licensed assisted living facilities and licensed adult day centers for the conduct of investigations of  
6499 applicants for compensated employment in licensed assisted living facilities and licensed adult day centers  
6500 pursuant to § 63.2-1720, subject to the limitations set out in subsection F;

6501 20. The Virginia Alcoholic Beverage Control Authority for the conduct of investigations as set forth in

6502 § 4.1-103.1 or the Virginia Cannabis Control Authority for the conduct of investigations as set forth in  
6503 § 4.1-622;

6504 21. The State Board of Elections and authorized officers and employees thereof and general registrars  
6505 appointed pursuant to § 24.2-110 in the course of conducting necessary investigations with respect to voter  
6506 registration, limited to any record of felony convictions;

6507 22. The Commissioner of Behavioral Health and Developmental Services (the Commissioner) or his  
6508 designees for individuals who are committed to the custody of or being evaluated by the Commissioner  
6509 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,  
6510 19.2-182.8, and 19.2-182.9 where such information may be beneficial for the purpose of placement,  
6511 evaluation, treatment, or discharge planning;

6512 23. Any alcohol safety action program certified by the Commission on the Virginia Alcohol Safety Action  
6513 Program for (i) interventions with first offenders under § 18.2-251 or (ii) services to offenders under  
6514 § 18.2-51.4, 18.2-266, or 18.2-266.1;

6515 24. Residential facilities for juveniles regulated or operated by the Department of Social Services, the  
6516 Department of Education, or the Department of Behavioral Health and Developmental Services for the  
6517 purpose of determining applicants' fitness for employment or for providing volunteer or contractual services;

6518 25. The Department of Behavioral Health and Developmental Services and facilities operated by the  
6519 Department for the purpose of determining an individual's fitness for employment pursuant to departmental  
6520 instructions;

6521 26. Pursuant to § 22.1-296.3, the governing boards or administrators of private elementary or secondary  
6522 schools which are accredited pursuant to § 22.1-19 or a private organization coordinating such records  
6523 information on behalf of such governing boards or administrators pursuant to a written agreement with the  
6524 Department of State Police;

6525 27. Public institutions of higher education and nonprofit private institutions of higher education for the  
6526 purpose of screening individuals who are offered or accept employment;

6527 28. Members of a threat assessment team established by a local school board pursuant to § 22.1-79.4, by a  
6528 public institution of higher education pursuant to § 23.1-805, or by a private nonprofit institution of higher  
6529 education, for the purpose of assessing or intervening with an individual whose behavior may present a threat  
6530 to safety; however, no member of a threat assessment team shall redisclose any criminal history record  
6531 information obtained pursuant to this section or otherwise use any record of an individual beyond the purpose  
6532 that such disclosure was made to the threat assessment team;

6533 29. Executive directors of community services boards or the personnel director serving the community  
6534 services board for the purpose of determining an individual's fitness for employment, approval as a sponsored  
6535 residential service provider, permission to enter into a shared living arrangement with a person receiving  
6536 medical assistance services pursuant to a waiver, or permission for any person under contract with the  
6537 community services board to serve in a direct care position on behalf of the community services board  
6538 pursuant to §§ 37.2-506, 37.2-506.1, and 37.2-607;

6539 30. Executive directors of behavioral health authorities as defined in § 37.2-600 for the purpose of  
6540 determining an individual's fitness for employment, approval as a sponsored residential service provider,  
6541 permission to enter into a shared living arrangement with a person receiving medical assistance services  
6542 pursuant to a waiver, or permission for any person under contract with the behavioral health authority to  
6543 serve in a direct care position on behalf of the behavioral health authority pursuant to §§ 37.2-506,  
6544 37.2-506.1, and 37.2-607;

6545 31. The Commissioner of Social Services for the purpose of locating persons who owe child support or  
6546 who are alleged in a pending paternity proceeding to be a putative father, provided that only the name,  
6547 address, demographics and social security number of the data subject shall be released;

6548 32. Authorized officers or directors of agencies licensed pursuant to Article 2 (§ 37.2-403 et seq.) of  
6549 Chapter 4 of Title 37.2 by the Department of Behavioral Health and Developmental Services for the purpose  
6550 of determining if any applicant who accepts employment in any direct care position or requests approval as a  
6551 sponsored residential service provider, permission to enter into a shared living arrangement with a person  
6552 receiving medical assistance services pursuant to a waiver, or permission for any person under contract with  
6553 the provider to serve in a direct care position has been convicted of a crime that affects his fitness to have  
6554 responsibility for the safety and well-being of individuals with mental illness, intellectual disability, or  
6555 substance abuse pursuant to §§ 37.2-416, 37.2-416.1, 37.2-506, 37.2-506.1, and 37.2-607;

6556 33. The Commissioner of the Department of Motor Vehicles, for the purpose of evaluating applicants for  
6557 and holders of a motor carrier certificate or license subject to the provisions of Chapters 20 (§ 46.2-2000 et  
6558 seq.) and 21 (§ 46.2-2100 et seq.) of Title 46.2;

6559 34. The Chairman of the Senate Committee for Courts of Justice or the Chairman of the House Committee  
6560 for Courts of Justice for the purpose of determining if any person being considered for election to any  
6561 judgeship has been convicted of a crime;

6562 35. Heads of state agencies in which positions have been identified as sensitive for the purpose of  
6563 determining an individual's fitness for employment in positions designated as sensitive under Department of

- 6564 Human Resource Management policies developed pursuant to § 2.2-1201.1;
- 6565 36. The Office of the Attorney General, for all criminal justice activities otherwise permitted under  
6566 subdivision A 1 and for purposes of performing duties required by the Civil Commitment of Sexually Violent  
6567 Predators Act (§ 37.2-900 et seq.);
- 6568 37. Shipyards, to the extent permitted by federal law or regulation, engaged in the design, construction,  
6569 overhaul, or repair of nuclear vessels for the United States Navy, including their subsidiary companies, for  
6570 the conduct of investigations of applications for employment or for access to facilities, by contractors, leased  
6571 laborers, and other visitors;
- 6572 38. Any employer of individuals whose employment requires that they enter the homes of others, for the  
6573 purpose of screening individuals who apply for, are offered, or have accepted such employment;
- 6574 39. Public agencies when and as required by federal or state law to investigate (i) applicants as providers  
6575 of adult foster care and home-based services or (ii) any individual with whom the agency is considering  
6576 placing an adult on an emergency, temporary, or permanent basis pursuant to § 63.2-1601.1, subject to the  
6577 restriction that the data shall not be further disseminated by the agency to any party other than a federal or  
6578 state authority or court as may be required to comply with an express requirement of law for such further  
6579 dissemination, subject to limitations set out in subsection G;
- 6580 40. The Department of Medical Assistance Services, or its designee, for the purpose of screening  
6581 individuals who, through contracts, subcontracts, or direct employment, volunteer, apply for, are offered, or  
6582 have accepted a position related to the provision of transportation services to enrollees in the Medicaid  
6583 Program or the Family Access to Medical Insurance Security (FAMIS) Program, or any other program  
6584 administered by the Department of Medical Assistance Services;
- 6585 41. The State Corporation Commission for the purpose of investigating individuals who are current or  
6586 proposed members, senior officers, directors, and principals of an applicant or person licensed under Chapter  
6587 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.  
6588 Notwithstanding any other provision of law, if an application is denied based in whole or in part on  
6589 information obtained from the Central Criminal Records Exchange pursuant to Chapter 16, 19, or 26 of Title  
6590 6.2, the Commissioner of Financial Institutions or his designee may disclose such information to the applicant  
6591 or its designee;
- 6592 42. The Department of Professional and Occupational Regulation for the purpose of investigating  
6593 individuals for initial licensure pursuant to § 54.1-2106.1;
- 6594 43. The Department for Aging and Rehabilitative Services and the Department for the Blind and Vision  
6595 Impaired for the purpose of evaluating an individual's fitness for various types of employment and for the  
6596 purpose of delivering comprehensive vocational rehabilitation services pursuant to Article 11 (§ 51.5-170 et  
6597 seq.) of Chapter 14 of Title 51.5 that will assist the individual in obtaining employment;
- 6598 44. Bail bondsmen, in accordance with the provisions of § 19.2-120;
- 6599 45. The State Treasurer for the purpose of determining whether a person receiving compensation for  
6600 wrongful incarceration meets the conditions for continued compensation under § 8.01-195.12;
- 6601 46. The Department of Education or its agents or designees for the purpose of screening individuals  
6602 seeking to enter into a contract with the Department of Education or its agents or designees for the provision  
6603 of child care services for which child care subsidy payments may be provided;
- 6604 47. The Department of Juvenile Justice to investigate any parent, guardian, or other adult members of a  
6605 juvenile's household when completing a predispositional or postdispositional report required by § 16.1-273 or  
6606 a Board of Juvenile Justice regulation promulgated pursuant to § 16.1-233;
- 6607 48. The State Corporation Commission, for the purpose of screening applicants for insurance licensure  
6608 under Chapter 18 (§ 38.2-1800 et seq.) of Title 38.2;
- 6609 49. Administrators and board presidents of and applicants for licensure or registration as a child day  
6610 program or family day system, as such terms are defined in § 22.1-289.02, for dissemination to the  
6611 Superintendent of Public Instruction's representative pursuant to § 22.1-289.013 for the conduct of  
6612 investigations with respect to employees of and volunteers at such facilities pursuant to §§ 22.1-289.034  
6613 through 22.1-289.037, subject to the restriction that the data shall not be further disseminated by the facility  
6614 or agency to any party other than the data subject, the Superintendent of Public Instruction's representative, or  
6615 a federal or state authority or court as may be required to comply with an express requirement of law for such  
6616 further dissemination; however, nothing in this subdivision shall be construed to prohibit the Superintendent  
6617 of Public Instruction's representative from issuing written certifications regarding the results of prior  
6618 background checks in accordance with subsection J of § 22.1-289.035 or § 22.1-289.039;
- 6619 50. The National Center for Missing and Exploited Children for the purpose of screening individuals who  
6620 are offered or accept employment or will be providing volunteer or contractual services with the National  
6621 Center for Missing and Exploited Children;
- 6622 51. The Executive Director or investigators of the Board of Accountancy for the purpose of the  
6623 enforcement of laws relating to the Board of Accountancy in accordance with § 54.1-4407; and
- 6624 52. Other entities as otherwise provided by law.
- 6625 Upon an ex parte motion of a defendant in a felony case and upon the showing that the records requested

6626 may be relevant to such case, the court shall enter an order requiring the Central Criminal Records Exchange  
6627 to furnish the defendant, as soon as practicable, copies of any records of persons designated in the order on  
6628 whom a report has been made under the provisions of this chapter.

6629 Notwithstanding any other provision of this chapter to the contrary, upon a written request sworn to  
6630 before an officer authorized to take acknowledgments, the Central Criminal Records Exchange, or the  
6631 criminal justice agency in cases of offenses not required to be reported to the Exchange, shall furnish a copy  
6632 of conviction data covering the person named in the request to the person making the request; however, such  
6633 person on whom the data is being obtained shall consent in writing, under oath, to the making of such  
6634 request. A person receiving a copy of his own conviction data may utilize or further disseminate that data as  
6635 he deems appropriate. In the event no conviction data is maintained on the data subject, the person making  
6636 the request shall be furnished at his cost a certification to that effect.

6637 B. Use of criminal history record information disseminated to noncriminal justice agencies under this  
6638 section shall be limited to the purposes for which it was given and may not be disseminated further, except as  
6639 otherwise provided in subdivision A 49.

6640 C. No criminal justice agency or person shall confirm the existence or nonexistence of criminal history  
6641 record information for employment or licensing inquiries except as provided by law.

6642 D. Criminal justice agencies shall establish procedures to query the Central Criminal Records Exchange  
6643 prior to dissemination of any criminal history record information on offenses required to be reported to the  
6644 Central Criminal Records Exchange to ensure that the most up-to-date disposition data is being used.  
6645 Inquiries of the Exchange shall be made prior to any dissemination except in those cases where time is of the  
6646 essence and the normal response time of the Exchange would exceed the necessary time period. A criminal  
6647 justice agency to whom a request has been made for the dissemination of criminal history record information  
6648 that is required to be reported to the Central Criminal Records Exchange may direct the inquirer to the  
6649 Central Criminal Records Exchange for such dissemination. Dissemination of information regarding offenses  
6650 not required to be reported to the Exchange shall be made by the criminal justice agency maintaining the  
6651 record as required by § 15.2-1722.

6652 E. Criminal history information provided to licensed nursing homes, hospitals and to home care  
6653 organizations pursuant to subdivision A 18 shall be limited to the convictions on file with the Exchange for  
6654 any offense specified in §§ 32.1-126.01, 32.1-126.02, and 32.1-162.9:1.

6655 F. Criminal history information provided to licensed assisted living facilities and licensed adult day  
6656 centers pursuant to subdivision A 19 shall be limited to the convictions on file with the Exchange for any  
6657 offense specified in § 63.2-1720.

6658 G. Criminal history information provided to public agencies pursuant to subdivision A 39 shall be limited  
6659 to the convictions on file with the Exchange for any offense set forth in clause (i) of the definition of barrier  
6660 crime in § 19.2-392.02.

6661 H. Upon receipt of a written request from an employer or prospective employer, the Central Criminal  
6662 Records Exchange, or the criminal justice agency in cases of offenses not required to be reported to the  
6663 Exchange, shall furnish at the employer's cost a copy of conviction data covering the person named in the  
6664 request to the employer or prospective employer making the request, provided that the person on whom the  
6665 data is being obtained has consented in writing to the making of such request and has presented a photo-  
6666 identification to the employer or prospective employer. In the event no conviction data is maintained on the  
6667 person named in the request, the requesting employer or prospective employer shall be furnished at his cost a  
6668 certification to that effect. The criminal history record search shall be conducted on forms provided by the  
6669 Exchange.

6670 I. The attorney for the Commonwealth shall provide a physical or electronic copy of a person's criminal  
6671 history record information, including criminal history record information maintained in the National Crime  
6672 Information Center (NCIC) and the Interstate Identification Index System (III System) that is in his  
6673 possession, pursuant to the rules of court for obtaining discovery or for review by the court. No criminal  
6674 history record information provided under this subsection shall be disseminated further.

6675 **§ 19.2-389.3. (Repealed effective July 1, 2026) Marijuana possession; limits on dissemination of**  
6676 **criminal history record information; prohibited practices by employers, educational institutions, and**  
6677 **state and local governments; penalty.**

6678 A. Records relating to the arrest, criminal charge, or conviction of a person for a misdemeanor violation of  
6679 *former* § 18.2-248.1 or a violation of *former* § 18.2-250.1, including any violation charged under §§ *former* §  
6680 18.2-248.1 or *former* § 18.2-250.1 that was deferred and dismissed pursuant to § 18.2-251, maintained in the  
6681 Central Criminal Records Exchange shall not be open for public inspection or otherwise disclosed, provided  
6682 that such records may be disseminated (i) to make the determination as provided in § 18.2-308.2:2 of  
6683 eligibility to possess or purchase a firearm; (ii) to aid in the preparation of a pretrial investigation report  
6684 prepared by a local pretrial services agency established pursuant to Article 5 (§ 19.2-152.2 et seq.) of Chapter  
6685 9, a pre-sentence or post-sentence investigation report pursuant to § 19.2-299 or in the preparation of the  
6686 discretionary sentencing guidelines worksheets pursuant to subsection C of § 19.2-298.01; (iii) to aid local  
6687 community-based probation services agencies established pursuant to the Comprehensive Community

6688 Corrections Act for Local-Responsible Offenders (§ 9.1-173 et seq.) with investigating or serving adult  
 6689 local-responsible offenders and all court service units serving juvenile delinquent offenders; (iv) for  
 6690 fingerprint comparison utilizing the fingerprints maintained in the Automated Fingerprint Information System  
 6691 computer; (v) to attorneys for the Commonwealth to secure information incidental to sentencing and to  
 6692 attorneys for the Commonwealth and probation officers to prepare the discretionary sentencing guidelines  
 6693 worksheets pursuant to subsection C of § 19.2-298.01; (vi) to any full-time or part-time employee of the State  
 6694 Police, a police department, or sheriff's office that is a part of or administered by the Commonwealth or any  
 6695 political subdivision thereof, and who is responsible for the prevention and detection of crime and the  
 6696 enforcement of the penal, traffic, or highway laws of the Commonwealth, for purposes of the administration  
 6697 of criminal justice as defined in § 9.1-101; (vii) to the Virginia Criminal Sentencing Commission for research  
 6698 purposes; (viii) to any full-time or part-time employee of the State Police or a police department or sheriff's  
 6699 office that is a part of or administered by the Commonwealth or any political subdivision thereof for the  
 6700 purpose of screening any person for full-time or part-time employment with the State Police or a police  
 6701 department or sheriff's office that is a part of or administered by the Commonwealth or any political  
 6702 subdivision thereof; (ix) to the State Health Commissioner or his designee for the purpose of screening any  
 6703 person who applies to be a volunteer with or an employee of an emergency medical services agency as  
 6704 provided in § 32.1-111.5; (x) to any full-time or part-time employee of the Department of Forensic Science  
 6705 for the purpose of screening any person for full-time or part-time employment with the Department of  
 6706 Forensic Science; (xi) to the chief law-enforcement officer of a locality, or his designee who shall be an  
 6707 individual employed as a public safety official of the locality, that has adopted an ordinance in accordance  
 6708 with §§ 15.2-1503.1 and 19.2-389 for the purpose of screening any person who applies to be a volunteer with  
 6709 or an employee of an emergency medical services agency as provided in § 32.1-111.5; and (xii) to any  
 6710 full-time or part-time employee of the Department of Motor Vehicles, any employer as defined in  
 6711 § 46.2-341.4, or any medical examiner as defined in 49 C.F.R. § 390.5 for the purpose of complying with the  
 6712 regulations of the Federal Motor Carrier Safety Administration.

6713 B. An employer or educational institution shall not, in any application, interview, or otherwise, require an  
 6714 applicant for employment or admission to disclose information concerning any arrest, criminal charge, or  
 6715 conviction against him when the record relating to such arrest, criminal charge, or conviction is not open for  
 6716 public inspection pursuant to subsection A. An applicant need not, in answer to any question concerning any  
 6717 arrest, criminal charge, or conviction, include a reference to or information concerning any arrest, criminal  
 6718 charge, or conviction when the record relating to such arrest, criminal charge, or conviction is not open for  
 6719 public inspection pursuant to subsection A.

6720 C. Agencies, officials, and employees of the state and local governments shall not, in any application,  
 6721 interview, or otherwise, require an applicant for a license, permit, registration, or governmental service to  
 6722 disclose information concerning any arrest, criminal charge, or conviction against him when the record  
 6723 relating to such arrest, criminal charge, or conviction is not open for public inspection pursuant to subsection

6724 A. An applicant need not, in answer to any question concerning any arrest, criminal charge, or conviction,  
 6725 include a reference to or information concerning any arrest, criminal charge, or conviction when the record  
 6726 relating to such arrest, criminal charge, or conviction is not open for public inspection pursuant to subsection

6727 A. Such an application may not be denied solely because of the applicant's refusal to disclose information  
 6728 concerning any such arrest, criminal charge, or conviction.

6729 D. A person who willfully violates subsection B or C is guilty of a Class 1 misdemeanor for each  
 6730 violation.

6731 **§ 19.2-392.02. National criminal background checks by businesses and organizations regarding**  
 6732 **employees or volunteers providing care to children or the elderly or disabled.**

6733 A. For purposes of this section:

6734 "Barrier crime" means (i) a felony violation of § 16.1-253.2; any violation of § 18.2-31, 18.2-32,  
 6735 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  
 6736 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  
 6737 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;  
 6738 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,  
 6739 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,  
 6740 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  
 6741 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,  
 6742 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,  
 6743 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  
 6744 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  
 6745 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  
 6746 § 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  
 6747 violation of subsection B of § 18.2-361; any violation of § 18.2-366, 18.2-369, 18.2-370, 18.2-370.1,  
 6748 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,  
 6749 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

6750 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,  
 6751 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,  
 6752 18.2-485, 37.2-917, or 53.1-203; or any substantially similar offense under the laws of another jurisdiction;  
 6753 (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  
 6754 offense under the laws of another jurisdiction; (iii) any felony violation of § 4.1-1101, 4.1-1114, 18.2-248,  
 6755 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,  
 6756 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  
 6757 another jurisdiction; (iv) any felony violation of § 18.2-250 or any substantially similar offense under the  
 6758 laws of another jurisdiction; (v) any offense set forth in § 9.1-902 that results in the person's requirement to  
 6759 register with the Sex Offender and Crimes Against Minors Registry pursuant to § 9.1-901, including any  
 6760 finding that a person is not guilty by reason of insanity in accordance with Chapter 11.1 (§ 19.2-182.2 et seq.)  
 6761 of Title 19.2 of an offense set forth in § 9.1-902 that results in the person's requirement to register with the  
 6762 Sex Offender and Crimes Against Minors Registry pursuant to § 9.1-901; any substantially similar offense  
 6763 under the laws of another jurisdiction; or any offense for which registration in a sex offender and crimes  
 6764 against minors registry is required under the laws of the jurisdiction where the offender was convicted; or (vi)  
 6765 any other felony not included in clause (i), (ii), (iii), (iv), or (v) unless five years have elapsed from the date  
 6766 of the conviction.

6767 "Barrier crime information" means the following facts concerning a person who has been arrested for, or  
 6768 has been convicted of, a barrier crime, regardless of whether the person was a juvenile or adult at the time of  
 6769 the arrest or conviction: full name, race, sex, date of birth, height, weight, fingerprints, a brief description of  
 6770 the barrier crime or offenses for which the person has been arrested or has been convicted, the disposition of  
 6771 the charge, and any other information that may be useful in identifying persons arrested for or convicted of a  
 6772 barrier crime.

6773 "Care" means the provision of care, treatment, education, training, instruction, supervision, or recreation  
 6774 to children or the elderly or disabled.

6775 "Department" means the Department of State Police.

6776 "Employed by" means any person who is employed by, volunteers for, seeks to be employed by, or seeks  
 6777 to volunteer for a qualified entity.

6778 "Identification document" means a document made or issued by or under the authority of the United  
 6779 States government, a state, a political subdivision of a state, a foreign government, political subdivision of a  
 6780 foreign government, an international governmental or an international quasi-governmental organization that,  
 6781 when completed with information concerning a particular individual, is of a type intended or commonly  
 6782 accepted for the purpose of identification of individuals.

6783 "Provider" means a person who (i) is employed by a qualified entity and has, seeks to have, or may have  
 6784 unsupervised access to a child or to an elderly or disabled person to whom the qualified entity provides care;  
 6785 (ii) is a volunteer of a qualified entity and has, seeks to have, or may have unsupervised access to a child to  
 6786 whom the qualified entity provides care; or (iii) owns, operates, or seeks to own or operate a qualified entity.

6787 "Qualified entity" means a business or organization that provides care to children or the elderly or  
 6788 disabled, whether governmental, private, for profit, nonprofit, or voluntary, except organizations exempt  
 6789 pursuant to subdivision A 7 of § 22.1-289.030.

6790 B. A qualified entity may request the Department of State Police to conduct a national criminal  
 6791 background check on any provider who is employed by such entity. No qualified entity may request a  
 6792 national criminal background check on a provider until such provider has:

6793 1. Been fingerprinted; and

6794 2. Completed and signed a statement, furnished by the entity, that includes (i) his name, address, and date  
 6795 of birth as it appears on a valid identification document; (ii) a disclosure of whether or not the provider has  
 6796 ever been convicted of or is the subject of pending charges for a criminal offense within or outside the  
 6797 Commonwealth, and if the provider has been convicted of a crime, a description of the crime and the  
 6798 particulars of the conviction; (iii) a notice to the provider that the entity may request a background check; (iv)  
 6799 a notice to the provider that he is entitled to obtain a copy of any background check report, to challenge the  
 6800 accuracy and completeness of any information contained in any such report, and to obtain a prompt  
 6801 determination as to the validity of such challenge before a final determination is made by the Department;  
 6802 and (v) a notice to the provider that prior to the completion of the background check the qualified entity may  
 6803 choose to deny the provider unsupervised access to children or the elderly or disabled for whom the qualified  
 6804 entity provides care.

6805 C. Upon receipt of (i) a qualified entity's written request to conduct a background check on a provider, (ii)  
 6806 the provider's fingerprints, and (iii) a completed, signed statement as described in subsection B, the  
 6807 Department shall make a determination whether the provider has been convicted of or is the subject of  
 6808 charges of a barrier crime. To conduct its determination regarding the provider's barrier crime information,  
 6809 the Department shall access the national criminal history background check system, which is maintained by  
 6810 the Federal Bureau of Investigation and is based on fingerprints and other methods of identification, and shall  
 6811 access the Central Criminal Records Exchange maintained by the Department. If the Department receives a

6812 background report lacking disposition data, the Department shall conduct research in whatever state and local  
 6813 recordkeeping systems are available in order to obtain complete data. The Department shall make reasonable  
 6814 efforts to respond to a qualified entity's inquiry within 15 business days.

6815 D. Any background check conducted pursuant to this section for a provider employed by a private entity  
 6816 shall be screened by the Department of State Police. If the provider has been convicted of or is under  
 6817 indictment for a barrier crime, the qualified entity shall be notified that the provider is not qualified to work  
 6818 or volunteer in a position that involves unsupervised access to children or the elderly or disabled.

6819 E. Any background check conducted pursuant to this section for a provider employed by a governmental  
 6820 entity shall be provided to that entity.

6821 F. In the case of a provider who desires to volunteer at a qualified entity and who is subject to a national  
 6822 criminal background check, the Department and the Federal Bureau of Investigation may each charge the  
 6823 provider the lesser of \$18 or the actual cost to the entity of the background check conducted with the  
 6824 fingerprints.

6825 G. The failure to request a criminal background check pursuant to subsection B shall not be considered  
 6826 negligence per se in any civil action.

6827 **§ 19.2-392.6. (Effective July 1, 2026) Automatic sealing of offenses resulting in conviction.**

6828 A. If a person was convicted of a violation of any of the following sections with an offense date on or  
 6829 after January 1, 1986, such conviction, including any records relating to such conviction, shall be ordered to  
 6830 be automatically sealed in the manner set forth in § 19.2-392.7, subject to the provisions of subsections B and  
 6831 C: a misdemeanor violation of § 18.2-96 or 18.2-103; § 18.2-119, 18.2-120, or 18.2-134; a misdemeanor  
 6832 violation of *former* § 18.2-248.1; or § 18.2-415.

6833 B. Subject to the provisions of subsection C, any conviction listed under subsection A shall be ordered to  
 6834 be automatically sealed if seven years have passed since the date of the conviction and the person convicted  
 6835 of such offense has not been convicted of violating any law of the Commonwealth that requires a report to the  
 6836 Central Criminal Records Exchange under subsection A of § 19.2-390 or any other state, the District of  
 6837 Columbia, or the United States or any territory thereof, excluding traffic infractions under Title 46.2, during  
 6838 that time period.

6839 C. No conviction listed under subsection A shall be automatically sealed if, on the date of the conviction,  
 6840 the person was convicted of another offense that is not eligible for automatic sealing under subsection A.

6841 This section shall not be construed as prohibiting a person from seeking sealing in the circuit court  
 6842 pursuant to the provisions of § 19.2-392.12 or 19.2-392.12:1.

6843 **§ 19.2-392.12:1. (Effective July 1, 2026) Sealing of charges and convictions related to automatic  
 6844 sealing; petition.**

6845 A. A person who has been convicted of or had a charge deferred and dismissed for a violation of  
 6846 § 4.1-305; a misdemeanor violation of § 18.2-96 or 18.2-103; a violation of § 18.2-119, 18.2-120, or  
 6847 18.2-134; a misdemeanor violation of *former* § 18.2-248.1; a violation of subsection A of § 18.2-265.3; or a  
 6848 violation of § 18.2-415, where the offense date for any such offense was on or after January 1, 1986, may file  
 6849 a petition setting forth the relevant facts and requesting the sealing of the criminal history record information  
 6850 and court records relating to the charge or conviction. In addition to requesting the sealing of a charge or  
 6851 conviction, such petition may also request the sealing of any specifically identified ancillary matter related to  
 6852 such charge or conviction.

6853 B. A person who had a conviction or offense automatically sealed pursuant to § 19.2-392.7 or 19.2-392.11  
 6854 where the offense date for such conviction or offense was on or after January 1, 1986, or who had an offense  
 6855 sealed pursuant to § 19.2-392.6:1 regardless of the date of the offense, may file a petition setting forth the  
 6856 relevant facts and requesting sealing of the criminal history record information and court records of any  
 6857 specifically identified ancillary matter related to that charge or conviction.

6858 C. A person shall not be required to pay any court fees or costs for filing a petition pursuant to this  
 6859 section.

6860 D. The petition under subsection A or B, with a copy of the warrant, summons, or indictment, if  
 6861 reasonably available, shall be filed in the circuit court of the county or city in which the case was disposed of  
 6862 and shall contain, except when not reasonably available, (i) the date of arrest; (ii) the name of the arresting  
 6863 agency; (iii) the date of conviction, deferred dismissal, or final disposition of any ancillary matter; and (iv)  
 6864 the case number associated with each court record that is the subject of the petition. When this information is  
 6865 not reasonably available, the petition shall state the reason for such unavailability. The petition shall further  
 6866 state (a) the charge, conviction, or ancillary matter to be sealed; (b) the date of final disposition of the charge,  
 6867 conviction, or ancillary matter as set forth in the petition; (c) the petitioner's date of birth, sex, race, and social  
 6868 security number, if available; and (d) the full name used by the petitioner at the time of arrest or summons. A  
 6869 petition may request the sealing of the criminal history record information and court records for multiple  
 6870 charges, convictions, or ancillary matters as set forth in subsections A and B, provided that all such charges,  
 6871 convictions, and ancillary matters are eligible for sealing under this section. A petition may not request the  
 6872 sealing of the criminal history record information and court records where the charge, conviction, or ancillary  
 6873 matter was finalized on the same date as a conviction or deferred dismissal that is not eligible for sealing

6874 under this section.

6875 E. A petitioner is not limited in the number of petitions that may be granted pursuant to this section within  
6876 his lifetime. Any petition granted pursuant to this section shall not be counted toward the lifetime maximum  
6877 of two petitions set forth in § 19.2-392.12.

6878 F. The Commonwealth shall be made party to the proceeding. The petitioner shall provide a copy of the  
6879 petition under subsection A or B by delivery or by first-class mail, postage prepaid, to the attorney for the  
6880 Commonwealth of the county or city in which the petition is filed. The attorney for the Commonwealth may  
6881 file an objection or answer to the petition or may give written notice to the court that he does not object to the  
6882 petition within 30 days after it is delivered to him or received in the mail.

6883 G. In addition to the filing of the petition under subsection D, the petitioner shall request that the Central  
6884 Criminal Records Exchange (CCRE) electronically forward a copy of the petitioner's Virginia and national  
6885 criminal history record to the circuit court in which the petition was filed. Upon receiving such request, the  
6886 CCRE shall electronically forward such record to the circuit court; however, if the circuit court is unable to  
6887 receive an electronic transmission, the CCRE shall forward a copy of such record to the circuit court which  
6888 shall be maintained under seal by the clerk unless otherwise ordered by the court. Upon completion of the  
6889 hearing, the court shall cause the criminal history record to be destroyed unless, within 30 days of the date of  
6890 the entry of the final order in the matter, the petitioner or the attorney for the Commonwealth notes an appeal  
6891 as provided by law in civil cases.

6892 H. After receiving the criminal history record of the petitioner, the court may conduct a hearing on the  
6893 petition.

6894 I. For a petition filed pursuant to subsection A, the court shall enter an order requiring the sealing of the  
6895 records related to the charge, conviction, or ancillary matter if the court finds that seven years have passed  
6896 since the date of conviction or of dismissal of the deferred charge listed in subsection A and the petitioner has  
6897 not been convicted of violating any law of the Commonwealth that requires a report to the Central Criminal  
6898 Records Exchange under subsection A of § 19.2-390 or any other state, the District of Columbia, or the  
6899 United States or any territory thereof, excluding traffic infractions under Title 46.2, during that time period.

6900 J. For a petition filed pursuant to subsection B, the court shall enter an order to seal the ancillary matter if  
6901 the charge or conviction identified in the petition has been sealed pursuant to § 19.2-392.6:1, 19.2-392.7, or  
6902 19.2-392.11.

6903 K. If the attorney for the Commonwealth of the county or city in which the petition is filed (i) gives  
6904 written notice to the court pursuant to subsection F that he does not object to the petition and (ii) stipulates in  
6905 such written notice that the petitioner is eligible to have such charge, conviction, or ancillary matter sealed,  
6906 the court may enter an order of sealing without conducting a hearing.

6907 L. Any party aggrieved by the decision of the court may appeal, as provided by law in civil cases.

6908 M. Upon the entry of an order of sealing, the clerk of the court shall maintain a copy of such order under  
6909 seal and shall cause an electronic notification of such order to be forwarded to the Department of State Police.  
6910 Such electronic notification shall contain (i) the petitioner's full name, date of birth, sex, race, and social  
6911 security number, if available; (ii) the full name used by the petitioner at the time of arrest or summons; (iii)  
6912 the petitioner's state identification number from the criminal history record; (iv) the court case number of the  
6913 charge, conviction, or ancillary matter to be sealed, if available; and (v) the document control number, if  
6914 available. The Department of State Police shall validate the accuracy of any criminal history record ordered  
6915 to be sealed pursuant to this section but shall not validate whether such record is eligible for sealing. Upon  
6916 receipt of such electronic notification, the Department of State Police shall seal such records in accordance  
6917 with § 19.2-392.13. The Department of State Police shall also electronically notify the Office of the  
6918 Executive Secretary of the Supreme Court and any other agencies and individuals known to maintain or to  
6919 have obtained such a record that such record has been ordered to be sealed and may only be disseminated in  
6920 accordance with § 19.2-392.13.

6921 N. Any order entered where (i) the court or parties failed to strictly comply with the procedures set forth  
6922 in this section or (ii) the court entered an order for the sealing of records contrary to law shall be voidable  
6923 upon motion and notice made within two years of the entry of such order.

6924 O. A petition filed under this section and any responsive pleadings filed by the attorney for the  
6925 Commonwealth shall be maintained under seal by the clerk unless otherwise ordered by the court. Any order  
6926 to seal issued pursuant to this section shall be sealed and may only be disseminated for the purposes set forth  
6927 in § 19.2-392.13.

6928 P. Nothing in this chapter shall prohibit the circuit court from entering an order to seal a charge,  
6929 conviction, or ancillary matter under this section when such charge, conviction, or ancillary matter is eligible  
6930 for sealing under some other section of this chapter.

6931 **§ 22.1-206. Instruction concerning drugs, alcohol, substance abuse, retail tobacco products, hemp**  
6932 **products intended for smoking, and gambling.**

6933 A. Instruction concerning drugs and drug abuse shall be provided by the public schools as prescribed by  
6934 the Board of Education.

6935 B. Instruction concerning the public safety hazards and dangers of alcohol abuse, underage drinking,

6936 *underage marijuana use*, and drunk driving shall be provided in the public schools. The Virginia Alcoholic  
 6937 Beverage Control Authority *and the Virginia Cannabis Control Authority* shall provide educational materials  
 6938 to the Department of Education. The Department of Education shall review and shall distribute such materials  
 6939 as are approved to the public schools.

6940 The Virginia Foundation for Healthy Youth shall develop and the Department of Education shall  
 6941 distribute to each local school division educational materials concerning the health and safety risks of using  
 6942 retail tobacco products and hemp products intended for smoking, as such terms are defined in § 18.2-371.2.  
 6943 Instruction concerning the health and safety risks of using *retail* tobacco products and hemp products  
 6944 intended for smoking, as such terms are defined in § 18.2-371.2, shall be provided in each public elementary  
 6945 and secondary school in the Commonwealth, consistent with such educational materials.

6946 C. Instruction concerning gambling and the addictive potential thereof shall be provided by the public  
 6947 schools as prescribed by the Board.

6948 **§ 22.1-277.08. Expulsion of students for certain drug offenses.**

6949 A. School boards shall expel from school attendance any student whom such school board has  
 6950 determined, in accordance with the procedures set forth in this article, to have brought a controlled substance,  
 6951 *or imitation controlled substance, or marijuana as those terms are defined in § 18.2-247* onto school property  
 6952 or to a school-sponsored activity. A school administrator, pursuant to school board policy, or a school board  
 6953 may, however, determine, based on the facts of a particular situation, that special circumstances exist and no  
 6954 disciplinary action or another disciplinary action or another term of expulsion is appropriate. A school board  
 6955 may, by regulation, authorize the division superintendent or his designee to conduct a preliminary review of  
 6956 such cases to determine whether a disciplinary action other than expulsion is appropriate. Such regulations  
 6957 shall ensure that, if a determination is made that another disciplinary action is appropriate, any such  
 6958 subsequent disciplinary action is to be taken in accordance with the procedures set forth in this article.  
 6959 Nothing in this section shall be construed to require a student's expulsion regardless of the facts of the  
 6960 particular situation.

6961 B. Each school board shall revise its standards of student conduct to incorporate the requirements of this  
 6962 section no later than three months after the date on which this act becomes effective.

6963 **§ 23.1-1301. Governing boards; powers.**

6964 A. The board of visitors of each baccalaureate public institution of higher education or its designee may:

- 6965 1. Make regulations and policies concerning the institution;
- 6966 2. Manage the funds of the institution and approve an annual budget;
- 6967 3. Appoint the chief executive officer of the institution;
- 6968 4. Appoint professors and fix their salaries; and
- 6969 5. Fix the rates charged to students for tuition, mandatory fees, and other necessary charges.

6970 B. The governing board of each public institution of higher education or its designee may:

6971 1. In addition to the powers set forth in Restructured Higher Education Financial and Administrative  
 6972 Operations Act (§ 23.1-1000 et seq.), lease or sell and convey its interest in any real property that it has  
 6973 acquired by purchase, will, or deed of gift, subject to the prior approval of the Governor and any terms and  
 6974 conditions of the will or deed of gift, if applicable. The proceeds shall be held, used, and administered in the  
 6975 same manner as all other gifts and bequests;

6976 2. Grant easements for roads, streets, sewers, waterlines, electric and other utility lines, or other purposes  
 6977 on any property owned by the institution;

6978 3. Adopt regulations or institution policies for parking and traffic on property owned, leased, maintained,  
 6979 or controlled by the institution;

6980 4. Adopt regulations or institution policies for the employment and dismissal of professors, teachers,  
 6981 instructors, and other employees;

6982 5. Adopt regulations or institution policies for the acceptance and assistance of students in addition to the  
 6983 regulations or institution policies required pursuant to § 23.1-1303;

6984 6. Adopt regulations or institution policies for the conduct of students in attendance and for the rescission  
 6985 or restriction of financial aid, suspension, and dismissal of students who fail or refuse to abide by such  
 6986 regulations or policies;

6987 7. Establish programs, in cooperation with the Council and the Office of the Attorney General, to promote  
 6988 (i) student compliance with state laws on the use of alcoholic beverages *and marijuana* and (ii) the awareness  
 6989 and prevention of sexual crimes committed upon students;

6990 8. Establish guidelines for the initiation or induction of students into any social fraternity or sorority in  
 6991 accordance with the prohibition against hazing as defined in § 18.2-56;

6992 9. Assign any interest it possesses in intellectual property or in materials in which the institution claims an  
 6993 interest, provided such assignment is in accordance with the terms of the institution's intellectual property  
 6994 policies adopted pursuant to § 23.1-1303. The Governor's prior written approval is required for transfers of  
 6995 such property (i) developed wholly or predominantly through the use of state general funds, exclusive of  
 6996 capital assets and (ii)(a) developed by an employee of the institution acting within the scope of his assigned  
 6997 duties or (b) for which such transfer is made to an entity other than (1) the Innovation and Entrepreneurship

6998 Investment Authority, (2) an entity whose purpose is to manage intellectual properties on behalf of nonprofit  
 6999 organizations, colleges, and universities, or (3) an entity whose purpose is to benefit the respective  
 7000 institutions. The Governor may attach conditions to these transfers as he deems necessary. In the event the  
 7001 Governor does not approve such transfer, the materials shall remain the property of the respective institutions  
 7002 and may be used and developed in any manner permitted by law;

7003 10. Conduct closed meetings pursuant to §§ 2.2-3711 and 2.2-3712 and conduct business through  
 7004 electronic communication means pursuant to § 2.2-3708.3; and

7005 11. Adopt a resolution to require the governing body of a locality that is contiguous to the institution to  
 7006 enforce state statutes and local ordinances with respect to offenses occurring on the property of the  
 7007 institution. Upon receipt of such resolution, the governing body of such locality shall enforce statutes and  
 7008 local ordinances with respect to offenses occurring on the property of the institution.

7009 **§ 46.2-105.2. Obtaining documents from the Department when not entitled thereto; penalty.**

7010 A. It shall be unlawful for any person to obtain a Virginia driver's license, special identification card,  
 7011 vehicle registration, certificate of title, or other document issued by the Department if such person has not  
 7012 satisfied all legal and procedural requirements for the issuance thereof, or is otherwise not legally entitled  
 7013 thereto, including obtaining any document issued by the Department through the use of counterfeit, forged, or  
 7014 altered documents.

7015 B. It shall be unlawful to aid any person to obtain any driver's license, special identification card, vehicle  
 7016 registration, certificate of title, or other document in violation of the provisions of subsection A.

7017 C. It shall be unlawful to knowingly possess or use for any purpose any driver's license, special  
 7018 identification card, vehicle registration, certificate of title, or other document obtained in violation of the  
 7019 provisions of subsection A.

7020 D. A violation of any provision of this section shall constitute a Class 2 misdemeanor if a person is  
 7021 charged and convicted of a violation of this section that involved the unlawful obtaining or possession of any  
 7022 document issued by the Department for the purpose of engaging in any age-limited activity, including but not  
 7023 limited to obtaining, possessing, or consuming alcoholic beverages *or marijuana*. However, if a person is  
 7024 charged and convicted of any other violation of this section, such offense shall constitute a Class 6 felony.

7025 E. Whenever it appears to the satisfaction of the Commissioner that any driver's license, special  
 7026 identification card, vehicle registration, certificate of title, or other document issued by the Department has  
 7027 been obtained in violation of this section, it may be cancelled by the Commissioner, who shall mail notice of  
 7028 the cancellation to the address of record maintained by the Department.

7029 F. A violation of this section may be prosecuted in the jurisdiction (i) from which any person obtained any  
 7030 document issued by the Department, (ii) where any person received or created any counterfeit, forged, or  
 7031 altered document used to obtain any document issued by the Department, or (iii) where any counterfeit,  
 7032 forged, or altered document has been filed with the Department.

7033 **§ 46.2-347. Fraudulent use of driver's license or Department of Motor Vehicles identification card  
 7034 to obtain alcoholic beverages or marijuana; penalties.**

7035 Any underage person as specified in § 4.1-304 who knowingly uses or attempts to use a forged, deceptive  
 7036 or otherwise nongenuine driver's license issued by any state, territory or possession of the United States, the  
 7037 District of Columbia, the Commonwealth of Puerto Rico or any foreign country or government; United States  
 7038 Armed Forces identification card; United States passport or foreign government visa; Virginia Department of  
 7039 Motor Vehicles special identification card; official identification issued by any other federal, state or foreign  
 7040 government agency; or official student identification card of an institution of higher education to obtain  
 7041 alcoholic beverages ~~shall be~~ *or marijuana* is guilty of a Class 3 misdemeanor, and upon conviction of a  
 7042 violation of this section, the court shall revoke such convicted person's driver's license or privilege to drive a  
 7043 motor vehicle for a period of not less than 30 days nor more than one year.

7044 **§ 48-17.1. Temporary injunctions against alcoholic beverage sales or marijuana sales.**

7045 A. Any locality by or through its mayor, chief executive, or attorney may petition a circuit court to  
 7046 temporarily enjoin the sale of alcohol *or marijuana* at any establishment licensed by the Virginia Alcoholic  
 7047 Beverage Control Authority *or the Virginia Cannabis Control Authority*. The basis for such petition shall be  
 7048 the operator of the establishment has allowed it to become a meeting place for persons committing serious  
 7049 criminal violations of the law on or immediately adjacent to the premises so frequent and serious as to be  
 7050 deemed a continuing threat to public safety, as represented in an affidavit by the chief law-enforcement  
 7051 officer of the locality, supported by records of such criminal acts. The court shall, upon the presentation of  
 7052 evidence at a hearing on the matter, grant a temporary injunction, without bond, enjoining the sale of alcohol  
 7053 *or marijuana* at the establishment, if it appears to the satisfaction of the court that the threat to public safety  
 7054 complained of exists and is likely to continue if such injunction is not granted. The court hearing on the  
 7055 petition shall be held within 10 days of service upon the respondent. The respondent shall be served with  
 7056 notice of the time and place of the hearing and copies of all documentary evidence to be relied upon by the  
 7057 complainant at such hearing. Any injunction issued by the court shall be dissolved in the event the court later  
 7058 finds that the threat to public safety that is the basis of the injunction has been abated by reason of a change  
 7059 of ownership, management, or business operations at the establishment, or other change in circumstance.

7060 B. The Virginia Alcoholic Beverage Control Authority *or the Virginia Cannabis Control Authority* shall  
 7061 be given notice of any hearing under this section. In the event an injunction is granted, the Virginia Alcoholic  
 7062 Beverage Control Authority *or the Virginia Cannabis Control Authority* shall initiate an investigation into the  
 7063 activities at the establishment complained of and conduct an administrative hearing. After the Virginia  
 7064 Alcoholic Beverage Control Authority *or the Virginia Cannabis Control Authority* hearing and when a final  
 7065 determination has been issued by the Virginia Alcoholic Beverage Control Authority *or the Virginia*  
 7066 *Cannabis Control Authority*, regardless of disposition, any injunction issued hereunder shall be null, without  
 7067 further action by the complainant, respondent, or the court.

7068 **§ 53.1-231.2. Restoration of the civil right to be eligible to register to vote to certain persons.**

7069 This section shall apply to any person who is not a qualified voter because of a felony conviction, who  
 7070 seeks to have his right to register to vote restored and become eligible to register to vote, and who meets the  
 7071 conditions and requirements set out in this section.

7072 Any person, other than a person (i) convicted of a violent felony as defined in § 19.2-297.1 or in  
 7073 subsection C of § 17.1-805 and any crime ancillary thereto; (ii) convicted of a felony pursuant to § 4.1-1101,  
 7074 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  
 7075 felony pursuant to § 24.2-1016, may petition the circuit court of the county or city in which he was convicted  
 7076 of a felony, or the circuit court of the county or city in which he presently resides, for restoration of his civil  
 7077 right to be eligible to register to vote through the process set out in this section. On such petition, the court  
 7078 may approve the petition for restoration to the person of his right if the court is satisfied from the evidence  
 7079 presented that the petitioner has completed, five or more years previously, service of any sentence and any  
 7080 modification of sentence including probation, parole, and suspension of sentence; that the petitioner has  
 7081 demonstrated civic responsibility through community or comparable service; and that the petitioner has been  
 7082 free from criminal convictions, excluding traffic infractions, for the same period.

7083 If the court approves the petition, it shall so state in an order, provide a copy of the order to the petitioner,  
 7084 and transmit its order to the Secretary of the Commonwealth. The order shall state that the petitioner's right to  
 7085 be eligible to register to vote may be restored by the date that is 90 days after the date of the order, subject to  
 7086 the approval or denial of restoration of that right by the Governor. The Secretary of the Commonwealth shall  
 7087 transmit the order to the Governor who may grant or deny the petition for restoration of the right to be  
 7088 eligible to register to vote approved by the court order. The Secretary of the Commonwealth shall send,  
 7089 within 90 days of the date of the order, to the petitioner at the address stated on the court's order, a certificate  
 7090 of restoration of that right or notice that the Governor has denied the restoration of that right. The Governor's  
 7091 denial of a petition for the restoration of voting rights shall be a final decision and the petitioner shall have no  
 7092 right of appeal. The Secretary shall notify the court and the State Board of Elections in each case of the  
 7093 restoration of the right or denial of restoration by the Governor.

7094 On receipt of the certificate of restoration of the right to register to vote from the Secretary of the  
 7095 Commonwealth, the petitioner, who is otherwise a qualified voter, shall become eligible to register to vote.

7096 **§ 54.1-2903. What constitutes practice; advertising in connection with medical practice.**

7097 A. Any person shall be regarded as practicing the healing arts who actually engages in such practice as  
 7098 defined in this chapter, or who opens an office for such purpose, or who advertises or announces to the public  
 7099 in any manner a readiness to practice or who uses in connection with his name the words or letters "Doctor,"  
 7100 "Dr.," "M.D.," "D.O.," "D.P.M.," "D.C.," "Healer," "N.P.," or any other title, word, letter or designation  
 7101 intending to designate or imply that he is a practitioner of the healing arts or that he is able to heal, cure or  
 7102 relieve those suffering from any injury, deformity or disease.

7103 Signing a birth or death certificate, or signing any statement certifying that the person so signing has  
 7104 rendered professional service to the sick or injured, or signing or issuing a prescription for drugs or other  
 7105 remedial agents, shall be prima facie evidence that the person signing or issuing such writing is practicing the  
 7106 healing arts within the meaning of this chapter except where persons other than physicians are required to  
 7107 sign birth certificates.

7108 B. No person regulated under this chapter shall use the title "Doctor" or the abbreviation "Dr." in writing  
 7109 or in advertising in connection with his practice unless he simultaneously uses words, initials, an abbreviation  
 7110 or designation, or other language that identifies the type of practice for which he is licensed. No person  
 7111 regulated under this chapter shall include in any advertisement a reference to marijuana, as defined in §  
 7112 ~~18.2-247~~ 54.1-3401, unless such advertisement is for the treatment of addiction or substance abuse. However,  
 7113 nothing in this subsection shall prevent a person from including in any advertisement that such person is  
 7114 registered with the Board of Directors of the Virginia Cannabis Control Authority to issue written  
 7115 certifications for the use of cannabis products, as defined in § 4.1-1600.

7116 **§ 54.1-3401. Definitions.**

7117 As used in this chapter, unless the context requires a different meaning:

7118 "Administer" means the direct application of a controlled substance, whether by injection, inhalation,  
 7119 ingestion, or any other means, to the body of a patient or research subject by (i) a practitioner or by his  
 7120 authorized agent and under his direction or (ii) the patient or research subject at the direction and in the  
 7121 presence of the practitioner.

7122 "Advertisement" means all representations disseminated in any manner or by any means, other than by  
7123 labeling, for the purpose of inducing, or which are likely to induce, directly or indirectly, the purchase of  
7124 drugs or devices.

7125 "Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer,  
7126 distributor, or dispenser. "Agent" does not include a common or contract carrier, public warehouseman, or  
7127 employee of the carrier or warehouseman.

7128 "Anabolic steroid" means any drug or hormonal substance, chemically and pharmacologically related to  
7129 testosterone, other than estrogens, progestins, corticosteroids, and dehydroepiandrosterone.

7130 "Animal" means any nonhuman animate being endowed with the power of voluntary action.

7131 "Automated drug dispensing system" means a mechanical or electronic system that performs operations or  
7132 activities, other than compounding or administration, relating to pharmacy services, including the storage,  
7133 dispensing, or distribution of drugs and the collection, control, and maintenance of all transaction  
7134 information, to provide security and accountability for such drugs.

7135 "Biological product" means a virus, therapeutic serum, toxin, antitoxin, vaccine, blood, blood component  
7136 or derivative, allergenic product, protein other than a chemically synthesized polypeptide, or analogous  
7137 product, or arsphenamine or any derivative of arsphenamine or any other trivalent organic arsenic compound,  
7138 applicable to the prevention, treatment, or cure of a disease or condition of human beings.

7139 "Biosimilar" means a biological product that is highly similar to a specific reference biological product,  
7140 notwithstanding minor differences in clinically inactive compounds, such that there are no clinically  
7141 meaningful differences between the reference biological product and the biological product that has been  
7142 licensed as a biosimilar pursuant to 42 U.S.C. § 262(k) in terms of safety, purity, and potency of the product.

7143 "Board" means the Board of Pharmacy.

7144 "Bulk drug substance" means any substance that is represented for use, and that, when used in the  
7145 compounding, manufacturing, processing, or packaging of a drug, becomes an active ingredient or a finished  
7146 dosage form of the drug; however, "bulk drug substance" does not include intermediates that are used in the  
7147 synthesis of such substances.

7148 "Change of ownership" of an existing entity permitted, registered, or licensed by the Board means (i) the  
7149 sale or transfer of all or substantially all of the assets of the entity or of any corporation that owns or controls  
7150 the entity; (ii) the creation of a partnership by a sole proprietor, the dissolution of a partnership, or a change  
7151 in partnership composition; (iii) the acquisition or disposal of 50 percent or more of the outstanding shares of  
7152 voting stock of a corporation owning the entity or of the parent corporation of a wholly owned subsidiary  
7153 owning the entity, except that this shall not apply to any corporation the voting stock of which is actively  
7154 traded on any securities exchange or in any over-the-counter market; (iv) the merger of a corporation owning  
7155 the entity or of the parent corporation of a wholly owned subsidiary owning the entity with another business  
7156 or corporation; or (v) the expiration or forfeiture of a corporation's charter.

7157 "Co-licensed partner" means a person who, with at least one other person, has the right to engage in the  
7158 manufacturing or marketing of a prescription drug, consistent with state and federal law.

7159 "Compounding" means the combining of two or more ingredients to fabricate such ingredients into a  
7160 single preparation and includes the mixing, assembling, packaging, or labeling of a drug or device (i) by a  
7161 pharmacist, or within a permitted pharmacy, pursuant to a valid prescription issued for a medicinal or  
7162 therapeutic purpose in the context of a bona fide practitioner-patient-pharmacist relationship, or in  
7163 expectation of receiving a valid prescription based on observed historical patterns of prescribing and  
7164 dispensing; (ii) by a practitioner of medicine, osteopathy, podiatry, dentistry, or veterinary medicine as an  
7165 incident to his administering or dispensing, if authorized to dispense, a controlled substance in the course of  
7166 his professional practice; or (iii) for the purpose of, or as incident to, research, teaching, or chemical analysis  
7167 and not for sale or for dispensing. The mixing, diluting, or reconstituting of a manufacturer's product drugs  
7168 for the purpose of administration to a patient, when performed by a practitioner of medicine or osteopathy  
7169 licensed under Chapter 29 (§ 54.1-2900 et seq.), a person supervised by such practitioner pursuant to  
7170 subdivision A 6 or 19 of § 54.1-2901, or a person supervised by such practitioner or a licensed advanced  
7171 practice registered nurse or physician assistant pursuant to subdivision A 4 of § 54.1-2901 shall not be  
7172 considered compounding.

7173 "Controlled substance" means a drug, substance, or immediate precursor in Schedules I through VI of this  
7174 chapter. "Controlled substance" does not include distilled spirits, wine, malt beverages, or tobacco as those  
7175 terms are defined or used in Title 3.2 or Title 4.1. The term "controlled substance" includes a controlled  
7176 substance analog that has been placed into Schedule I or II by the Board pursuant to the regulatory authority  
7177 in subsection D of § 54.1-3443.

7178 "Controlled substance analog" means a substance the chemical structure of which is substantially similar  
7179 to the chemical structure of a controlled substance in Schedule I or II and either (i) which has a stimulant,  
7180 depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater  
7181 than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled  
7182 substance in Schedule I or II or (ii) with respect to a particular person, which such person represents or  
7183 intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous system that is

- 7184 substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central  
7185 nervous system of a controlled substance in Schedule I or II. "Controlled substance analog" does not include  
7186 (a) any substance for which there is an approved new drug application as defined under § 505 of the Federal  
7187 Food, Drug, and Cosmetic Act (21 U.S.C. § 355) or that is generally recognized as safe and effective  
7188 pursuant to §§ 501, 502, and 503 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. §§ 351, 352, and  
7189 353) and 21 C.F.R. Part 330; (b) with respect to a particular person, any substance for which an exemption is  
7190 in effect for investigational use for that person under § 505 of the Federal Food, Drug, and Cosmetic Act to  
7191 the extent that the conduct with respect to that substance is pursuant to such exemption; or (c) any substance  
7192 to the extent not intended for human consumption before such an exemption takes effect with respect to that  
7193 substance.
- 7194 "DEA" means the Drug Enforcement Administration, U.S. Department of Justice, or its successor agency.
- 7195 "Deliver" or "delivery" means the actual, constructive, or attempted transfer of any item regulated by this  
7196 chapter, whether or not there exists an agency relationship, including delivery of a Schedule VI prescription  
7197 device to an ultimate user or consumer on behalf of a medical equipment supplier by a manufacturer,  
7198 nonresident manufacturer, wholesale distributor, nonresident wholesale distributor, warehouse, nonresident  
7199 warehouse, third-party logistics provider, or nonresident third-party logistics provider at the direction of a  
7200 medical equipment supplier in accordance with § 54.1-3415.1.
- 7201 "Device" means instruments, apparatus, and contrivances, including their components, parts, and  
7202 accessories, intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or  
7203 animals or to affect the structure or any function of the body of man or animals.
- 7204 "Dialysis care technician" or "dialysis patient care technician" means an individual who is certified by an  
7205 organization approved by the Department of Health Professions pursuant to Chapter 27.01 (§ 54.1-2729.1 et  
7206 seq.) and who, under the supervision of a licensed physician, an advanced practice registered nurse, a  
7207 physician assistant, or a registered nurse, assists in the care of patients undergoing renal dialysis treatments in  
7208 a Medicare-certified renal dialysis facility.
- 7209 "Dialysis solution" means either the commercially available, unopened, sterile solutions whose purpose is  
7210 to be instilled into the peritoneal cavity during the medical procedure known as peritoneal dialysis, or  
7211 commercially available solutions whose purpose is to be used in the performance of hemodialysis not to  
7212 include any solutions administered to the patient intravenously.
- 7213 "Dispense" means to deliver a drug to an ultimate user or research subject by or pursuant to the lawful  
7214 order of a practitioner, including the prescribing and administering, packaging, labeling, or compounding  
7215 necessary to prepare the substance for that delivery. However, "dispensing" does not include the  
7216 transportation of drugs mixed, diluted, or reconstituted in accordance with this chapter to other sites operated  
7217 by such practitioner or that practitioner's medical practice for the purpose of administration of such drugs to  
7218 patients of the practitioner or that practitioner's medical practice at such other sites. For practitioners of  
7219 medicine or osteopathy, "dispense" includes only the provision of drugs by a practitioner to patients to take  
7220 with them away from the practitioner's place of practice.
- 7221 "Dispenser" means a practitioner who dispenses.
- 7222 "Distribute" means to deliver other than by administering or dispensing a controlled substance.
- 7223 "Distributor" means a person who distributes.
- 7224 "Drug" means (i) articles or substances recognized in the official United States Pharmacopoeia National  
7225 Formulary or official Homeopathic Pharmacopoeia of the United States, or any supplement to any of them;  
7226 (ii) articles or substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of  
7227 disease in man or animals; (iii) articles or substances, other than food, intended to affect the structure or any  
7228 function of the body of man or animals; (iv) articles or substances intended for use as a component of any  
7229 article specified in clause (i), (ii), or (iii); or (v) a biological product. "Drug" does not include devices or their  
7230 components, parts, or accessories.
- 7231 "Drug product" means a specific drug in dosage form from a known source of manufacture, whether by  
7232 brand or therapeutically equivalent drug product name.
- 7233 "Electronic prescription" means a written prescription that is generated on an electronic application and is  
7234 transmitted to a pharmacy as an electronic data file; Schedules II through V prescriptions shall be transmitted  
7235 in accordance with 21 C.F.R. Part 1300.
- 7236 "Facsimile (FAX) prescription" means a written prescription or order that is transmitted by an electronic  
7237 device over telephone lines that sends the exact image to the receiving pharmacy in hard copy form.
- 7238 "FDA" means the U.S. Food and Drug Administration.
- 7239 "Immediate precursor" means a substance which the Board of Pharmacy has found to be and by regulation  
7240 designates as being the principal compound commonly used or produced primarily for use, and which is an  
7241 immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance, the  
7242 control of which is necessary to prevent, curtail, or limit manufacture.
- 7243 "Interchangeable" means a biosimilar that meets safety standards for determining interchangeability  
7244 pursuant to 42 U.S.C. § 262(k)(4).
- 7245 "Label" means a display of written, printed, or graphic matter upon the immediate container of any article.

7246 A requirement made by or under authority of this chapter that any word, statement, or other information  
7247 appear on the label shall not be considered to be complied with unless such word, statement, or other  
7248 information also appears on the outside container or wrapper, if any, of the retail package of such article or is  
7249 easily legible through the outside container or wrapper.

7250 "Labeling" means all labels and other written, printed, or graphic matter on an article or any of its  
7251 containers or wrappers, or accompanying such article.

7252 "Manufacture" means the production, preparation, propagation, conversion, or processing of any item  
7253 regulated by this chapter, either directly or indirectly by extraction from substances of natural origin, or  
7254 independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and  
7255 includes any packaging or repackaging of the substance or labeling or relabeling of its container.  
7256 "Manufacture" does not include compounding.

7257 "Manufacturer" means every person who manufactures, a manufacturer's co-licensed partner, or a  
7258 repackager.

7259 "Marijuana" means any part of a plant of the genus *Cannabis* whether growing or not, its seeds, or its  
7260 resin; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, its  
7261 resin, or any extract containing one or more cannabinoids. "Marijuana" does not include (i) the mature stalks  
7262 of such plant, fiber produced from such stalk, or oil or cake made from the seeds of such plant, unless such  
7263 stalks, fiber, oil, or cake is combined with other parts of plants of the genus *Cannabis*; (ii) industrial hemp, as  
7264 defined in § 3.2-4112, that is possessed by a person registered pursuant to subsection A of § 3.2-4115 or his  
7265 agent; (iii) industrial hemp, as defined in § 3.2-4112, that is possessed by a person who holds a hemp  
7266 producer license issued by the U.S. Department of Agriculture pursuant to 7 C.F.R. Part 990; (iv) a hemp  
7267 product, as defined in § ~~3.2-4112~~ 4.1-600; (v) an industrial hemp extract, as defined in § 3.2-5145.1; or (vi)  
7268 any substance containing a tetrahydrocannabinol isomer, ester, ether, salt, or salts of such isomer, ester, or  
7269 ether that has been placed by the Board of Pharmacy into one of the schedules set forth in the Drug Control  
7270 Act (§ 54.1-3400 et seq.) pursuant to § 54.1-3443.

7271 "Medical equipment supplier" means any person, as defined in § 1-230, engaged in the delivery to the  
7272 ultimate consumer, pursuant to the lawful order of a practitioner, of hypodermic syringes and needles,  
7273 medicinal oxygen, Schedule VI controlled devices, those Schedule VI controlled substances with no  
7274 medicinal properties that are used for the operation and cleaning of medical equipment, solutions for  
7275 peritoneal dialysis, and sterile water or saline for irrigation.

7276 "Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from  
7277 substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of  
7278 extraction and chemical synthesis: (i) opium, opiates, and any salt, compound, derivative, or preparation of  
7279 opium or opiates; (ii) any salt, compound, isomer, derivative, or preparation thereof which is chemically  
7280 equivalent or identical with any of the substances referred to in clause (i), but not including the isoquinoline  
7281 alkaloids of opium; (iii) opium poppy and poppy straw; or (iv) coca leaves and any salt, compound,  
7282 derivative, or preparation of coca leaves, and any salt, compound, isomer, derivative, or preparation thereof  
7283 which is chemically equivalent or identical with any of these substances, but not including decocainized coca  
7284 leaves or extraction of coca leaves which do not contain cocaine or ecgonine.

7285 "New drug" means (i) any drug, except a new animal drug or an animal feed bearing or containing a new  
7286 animal drug, the composition of which is such that such drug is not generally recognized, among experts  
7287 qualified by scientific training and experience to evaluate the safety and effectiveness of drugs, as safe and  
7288 effective for use under the conditions prescribed, recommended, or suggested in the labeling, except that such  
7289 a drug not so recognized shall not be deemed to be a "new drug" if at any time prior to the enactment of this  
7290 chapter it was subject to the Food and Drugs Act of June 30, 1906, as amended, and if at such time its  
7291 labeling contained the same representations concerning the conditions of its use, or (ii) any drug, except a  
7292 new animal drug or an animal feed bearing or containing a new animal drug, the composition of which is  
7293 such that such drug, as a result of investigations to determine its safety and effectiveness for use under such  
7294 conditions, has become so recognized, but which has not, otherwise than in such investigations, been used to  
7295 a material extent or for a material time under such conditions.

7296 "Nuclear medicine technologist" means an individual who holds a current certification with the American  
7297 Registry of Radiological Technologists or the Nuclear Medicine Technology Certification Board.

7298 "Official compendium" means the official United States Pharmacopoeia National Formulary, official  
7299 Homeopathic Pharmacopoeia of the United States, or any supplement to any of them.

7300 "Official written order" means an order written on a form provided for that purpose by the U.S. Drug  
7301 Enforcement Administration, under any laws of the United States making provision therefor, if such order  
7302 forms are authorized and required by federal law, and if no such order form is provided then on an official  
7303 form provided for that purpose by the Board of Pharmacy.

7304 "Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to  
7305 morphine or being capable of conversion into a drug having such addiction-forming or addiction-sustaining  
7306 liability. "Opiate" does not include, unless specifically designated as controlled under Article 4 (§ 54.1-3437  
7307 et seq.), the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan).

- 7308 "Opiate" does include its racemic and levorotatory forms.
- 7309 "Opium poppy" means the plant of the species *Papaver somniferum* L., except the seeds thereof.
- 7310 "Original package" means the unbroken container or wrapping in which any drug or medicine is enclosed
- 7311 together with label and labeling, put up by or for the manufacturer, wholesaler, or distributor for use in the
- 7312 delivery or display of such article.
- 7313 "Outsourcing facility" means a facility that is engaged in the compounding of sterile drugs and is currently
- 7314 registered as an outsourcing facility with the U.S. Secretary of Health and Human Services and that complies
- 7315 with all applicable requirements of federal and state law, including the Federal Food, Drug, and Cosmetic
- 7316 Act, 21 U.S.C. § 301 et seq.
- 7317 "Person" means both the plural and singular, as the case demands, and includes an individual, partnership,
- 7318 corporation, association, governmental agency, trust, or other institution or entity.
- 7319 "Pharmacist-in-charge" means the person who, being licensed as a pharmacist, signs the application for a
- 7320 pharmacy permit and assumes full legal responsibility for the operation of the relevant pharmacy in a manner
- 7321 complying with the laws and regulations for the practice of pharmacy and the sale and dispensing of
- 7322 controlled substances; the "pharmacist-in-charge" shall personally supervise the pharmacy and the
- 7323 pharmacy's personnel as required by § 54.1-3432.
- 7324 "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.
- 7325 "Practitioner" means a physician, dentist, licensed advanced practice registered nurse pursuant to
- 7326 § 54.1-2957.01, licensed physician assistant pursuant to § 54.1-2952.1, pharmacist pursuant to § 54.1-3300,
- 7327 TPA-certified optometrist pursuant to Article 5 (§ 54.1-3222 et seq.) of Chapter 32, veterinarian, scientific
- 7328 investigator, or other person licensed, registered, or otherwise permitted to distribute, dispense, prescribe and
- 7329 administer, or conduct research with respect to a controlled substance in the course of professional practice or
- 7330 research in the Commonwealth.
- 7331 "Prescriber" means a practitioner who is authorized pursuant to §§ 54.1-3303 and 54.1-3408 to issue a
- 7332 prescription.
- 7333 "Prescription" means an order for drugs or medical supplies, written or signed or transmitted by word of
- 7334 mouth, telephone, telegraph, or other means of communication to a pharmacist by a duly licensed physician,
- 7335 dentist, veterinarian, or other practitioner authorized by law to prescribe and administer such drugs or medical
- 7336 supplies.
- 7337 "Prescription drug" means any drug required by federal law or regulation to be dispensed only pursuant to
- 7338 a prescription, including finished dosage forms and active ingredients subject to § 503(b) of the Federal Food,
- 7339 Drug, and Cosmetic Act (21 U.S.C. § 353(b)).
- 7340 "Production" or "produce" includes the manufacture, planting, cultivation, growing, or harvesting of a
- 7341 controlled substance or marijuana.
- 7342 "Proprietary medicine" means a completely compounded nonprescription drug in its unbroken, original
- 7343 package which does not contain any controlled substance or marijuana as defined in this chapter and is not in
- 7344 itself poisonous, and which is sold, offered, promoted, or advertised directly to the general public by or under
- 7345 the authority of the manufacturer or primary distributor, under a trademark, trade name, or other trade symbol
- 7346 privately owned, and the labeling of which conforms to the requirements of this chapter and applicable
- 7347 federal law. However, "proprietary medicine" does not include a drug that is only advertised or promoted
- 7348 professionally to licensed practitioners, a narcotic or drug containing a narcotic, a drug that may be dispensed
- 7349 only upon prescription or the label of which bears substantially the statement "Warning may be habit-
- 7350 forming," or a drug intended for injection.
- 7351 "Radiopharmaceutical" means any drug that exhibits spontaneous disintegration of unstable nuclei with
- 7352 the emission of nuclear particles or photons and includes any non-radioactive reagent kit or radionuclide
- 7353 generator that is intended to be used in the preparation of any such substance, but does not include drugs such
- 7354 as carbon-containing compounds or potassium-containing salts that include trace quantities of naturally
- 7355 occurring radionuclides. "Radiopharmaceutical" also includes any biological product that is labeled with a
- 7356 radionuclide or intended solely to be labeled with a radionuclide.
- 7357 "Reference biological product" means the single biological product licensed pursuant to 42 U.S.C. §
- 7358 262(a) against which a biological product is evaluated in an application submitted to the U.S. Food and Drug
- 7359 Administration for licensure of biological products as biosimilar or interchangeable pursuant to 42 U.S.C. §
- 7360 262(k).
- 7361 "Remote dispensing system" means a profile-driven automated drug dispensing system that performs
- 7362 operations or activities relative to the storage, packaging, labeling, or dispensing of medications employing
- 7363 bidirectional audio-visual technology to facilitate pharmacist communication with a patient, authorized agent
- 7364 of the patient, or person licensed to administer drugs, and collects, controls, and maintains all information
- 7365 online. Drugs intended to be administered by the patient or a person not licensed to administer drugs must
- 7366 fully comply with the labeling requirements in §§ 54.1-3410 and 54.1-3463 and Board regulations. Directions
- 7367 for use may only be abbreviated when drugs are administered exclusively by persons licensed to administer
- 7368 drugs.
- 7369 "Sale" includes barter, exchange, or gift, or offer therefor, and each such transaction made by any person,

7370 whether as an individual, proprietor, agent, servant, or employee.

7371 "Tetrahydrocannabinol" means any naturally occurring or synthetic tetrahydrocannabinol, including its  
7372 salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is  
7373 possible within the specific chemical designation and any preparation, mixture, or substance containing, or  
7374 mixed or infused with, any detectable amount of tetrahydrocannabinol. For the purposes of this definition,  
7375 "isomer" means the optical, position, and geometric isomers.

7376 "Therapeutically equivalent drug products" means drug products that contain the same active ingredients  
7377 and are identical in strength or concentration, dosage form, and route of administration and that are classified  
7378 as being therapeutically equivalent by the U.S. Food and Drug Administration pursuant to the definition of  
7379 "therapeutically equivalent drug products" set forth in the most recent edition of the Approved Drug Products  
7380 with Therapeutic Equivalence Evaluations, otherwise known as the "Orange Book."

7381 "Third-party logistics provider" means a person that provides or coordinates warehousing of or other  
7382 logistics services for a drug or device in interstate commerce on behalf of a manufacturer, wholesale  
7383 distributor, or dispenser of the drug or device but does not take ownership of the product or have  
7384 responsibility for directing the sale or disposition of the product.

7385 "Total tetrahydrocannabinol" means the sum, after the application of any necessary conversion factor, of  
7386 the percentage by weight of tetrahydrocannabinol and the percentage by weight of tetrahydrocannabinolic  
7387 acid.

7388 "USP-NF" means the current edition of the United States Pharmacopeia-National Formulary.

7389 "Warehouser" means any person, other than a wholesale distributor, manufacturer, or third-party logistics  
7390 provider, engaged in the business of (i) selling or otherwise distributing prescription drugs or devices to any  
7391 person who is not the ultimate user or consumer and (ii) delivering Schedule VI prescription devices to the  
7392 ultimate user or consumer pursuant to § 54.1-3415.1. No person shall be subject to any state or local tax by  
7393 reason of this definition.

7394 "Wholesale distribution" means (i) distribution of prescription drugs to persons other than consumers or  
7395 patients and (ii) delivery of Schedule VI prescription devices to the ultimate user or consumer pursuant to  
7396 § 54.1-3415.1, subject to the exemptions set forth in the federal Drug Supply Chain Security Act.

7397 "Wholesale distributor" means any person other than a manufacturer, a manufacturer's co-licensed partner,  
7398 a third-party logistics provider, or a repackager that engages in wholesale distribution.

7399 The words "drugs" and "devices" as used in Chapter 33 (§ 54.1-3300 et seq.) and in this chapter do not  
7400 include surgical or dental instruments, physical therapy equipment, X-ray apparatus, or glasses or lenses for  
7401 the eyes.

7402 The terms "pharmacist," "pharmacy," and "practice of pharmacy" as used in this chapter have the same  
7403 meanings as provided in Chapter 33 (§ 54.1-3300 et seq.) unless the context requires a different meaning.

7404 **§ 54.1-3443. Board to administer article.**

7405 A. The Board shall administer this article and may add substances to or deschedule or reschedule all  
7406 substances enumerated in the schedules in this article pursuant to the procedures of the Administrative  
7407 Process Act (§ 2.2-4000 et seq.). In making a determination regarding a substance, the Board shall consider  
7408 the following:

- 7409 1. The actual or relative potential for abuse;
- 7410 2. The scientific evidence of its pharmacological effect, if known;
- 7411 3. The state of current scientific knowledge regarding the substance;
- 7412 4. The history and current pattern of abuse;
- 7413 5. The scope, duration, and significance of abuse;
- 7414 6. The risk to the public health;
- 7415 7. The potential of the substance to produce psychic or physical dependence; and
- 7416 8. Whether the substance is an immediate precursor of a substance already controlled under this article.

7417 B. After considering the factors enumerated in subsection A, the Board shall make findings and issue a  
7418 regulation controlling the substance if it finds the substance has a potential for abuse.

7419 C. If the Board designates a substance as an immediate precursor, substances which are precursors of the  
7420 controlled precursor shall not be subject to control solely because they are precursors of the controlled  
7421 precursor.

7422 D. If the Board, in consultation with the Department of Forensic Science, determines the substance shall  
7423 be placed into Schedule I or II pursuant to § 54.1-3445 or 54.1-3447, the Board may amend its regulations  
7424 pursuant to Article 2 (§ 2.2-4006 et seq.) of the Administrative Process Act. Prior to making such  
7425 amendments, the Board shall conduct a public hearing. At least 30 days prior to conducting such hearing, it  
7426 shall post notice of the hearing on the Virginia Regulatory Town Hall and shall send notice of the hearing to  
7427 any persons requesting to be notified of a regulatory action. In the notice, the Board shall include a list of all  
7428 substances it intends to schedule by regulation. The Board shall notify the House and Senate Committees for  
7429 Courts of Justice of any new substance added to Schedule I or II pursuant to this subsection. Any substance  
7430 added to Schedule I or II pursuant to this subsection shall remain on Schedule I or II for a period of 18  
7431 months. Upon expiration of such 18-month period, such substance shall be descheduled unless a general law

7432 is enacted adding such substance to Schedule I or II. Nothing in this subsection shall preclude the Board from  
 7433 adding substances to or descheduling or rescheduling all substances enumerated in the schedules pursuant to  
 7434 the provisions of subsections A, B, and E.

7435 E. If any substance is designated, rescheduled, or descheduled as a controlled substance under federal law  
 7436 and notice of such action is given to the Board, the Board may similarly control the substance under this  
 7437 chapter after the expiration of 30 days from publication in the Federal Register of a final or interim final order  
 7438 or rule designating a substance as a controlled substance or rescheduling or descheduling a substance by  
 7439 amending its regulations in accordance with the requirements of Article 2 (§ 2.2-4006 et seq.) of the  
 7440 Administrative Process Act. Prior to making such amendments, the Board shall post notice of the hearing on  
 7441 the Virginia Regulatory Town Hall and shall send notice of the hearing to any persons requesting to be  
 7442 notified of a regulatory action. The Board shall include a list of all substances it intends to schedule by  
 7443 regulation in such notice.

7444 F. Authority to control under this section does not extend to distilled spirits, wine, malt beverages, or  
 7445 tobacco as those terms are defined or used in Title 4.1.

7446 G. The Board shall exempt any nonnarcotic substance from a schedule if such substance may, under the  
 7447 provisions of the federal Food, Drug, and Cosmetic Act (21 U.S.C. § 301 et seq.) or state law, be lawfully  
 7448 sold over the counter without a prescription.

7449 H. Any tetrahydrocannabinol isomer, ester, ether, salt, or salts of such isomer, ester, or other scheduled  
 7450 pursuant to this section shall not be included in the definition of marijuana set forth in § 4.1-600; ~~18.2-247~~; or  
 7451 54.1-3401.

7452 **§ 54.1-4426. Accounting services for licensed marijuana establishments.**

7453 A. As used in this section, "licensed" and "marijuana establishment" have the same meanings as provided  
 7454 in § 4.1-600.

7455 B. A CPA, CPA firm, or officer, director, or employee of a CPA or CPA firm that provides accounting  
 7456 services to a licensed marijuana establishment shall not be held liable pursuant to any state law or regulation  
 7457 solely for providing such accounting services.

7458 C. Nothing in this section shall require a CPA or CPA firm to provide accounting services to a licensed  
 7459 marijuana establishment.

7460 **§ 58.1-301. Conformity to Internal Revenue Code.**

7461 A. Any term used in this chapter shall have the same meaning as when used in a comparable context in  
 7462 the laws of the United States relating to federal income taxes, unless a different meaning is clearly required.

7463 B. Any reference in this chapter to the laws of the United States relating to federal income taxes shall  
 7464 mean the provisions of the Internal Revenue Code of 1954, and amendments thereto, and other provisions of  
 7465 the laws of the United States relating to federal income taxes, except for:

7466 1. The special depreciation allowance for certain property provided for under §§ 168(k), 168(l), 168(m),  
 7467 1400L, and 1400N of the Internal Revenue Code;

7468 2. The carry-back of certain net operating losses for five years under § 172(b)(1)(H) of the Internal  
 7469 Revenue Code;

7470 3. The original issue discount on applicable high yield discount obligations under § 163(e)(5)(F) of the  
 7471 Internal Revenue Code;

7472 4. The deferral of certain income under § 108(i) of the Internal Revenue Code. For Virginia income tax  
 7473 purposes, income from the discharge of indebtedness in connection with the reacquisition of an "applicable  
 7474 debt instrument" (as defined under § 108(i) of the Internal Revenue Code) reacquired in the taxable year shall  
 7475 be fully included in the taxpayer's Virginia taxable income for the taxable year, unless the taxpayer elects to  
 7476 include such income in the taxpayer's Virginia taxable income ratably over a three-taxable-year period  
 7477 beginning with taxable year 2009 for transactions completed in taxable year 2009, or over a three-taxable-  
 7478 year period beginning with taxable year 2010 for transactions completed in taxable year 2010 on or before  
 7479 April 21, 2010. For purposes of such election, all other provisions of § 108(i) of the Internal Revenue Code  
 7480 shall apply mutatis mutandis. No other deferral shall be allowed for income from the discharge of  
 7481 indebtedness in connection with the reacquisition of an "applicable debt instrument";

7482 5. For taxable years beginning on and after January 1, 2019, the suspension of the overall limitation on  
 7483 itemized deductions under § 68(f) of the Internal Revenue Code;

7484 6. For taxable years beginning on and after January 1, 2017, but before January 1, 2018, and for taxable  
 7485 years beginning on and after January 1, 2019, the 7.5 percent of federal adjusted gross income threshold set  
 7486 forth in § 213(a) of the Internal Revenue Code that is used for purposes of computing the deduction allowed  
 7487 for expenses for medical care pursuant to § 213 of the Internal Revenue Code. For such taxable years, the  
 7488 threshold utilized for Virginia income tax purposes to compute the deduction allowed for expenses for  
 7489 medical care pursuant to § 213 of the Internal Revenue Code shall be 10 percent of federal adjusted gross  
 7490 income;

7491 7. The provisions of §§ 2303(a) and 2303(b) of the federal Coronavirus Aid, Relief, and Economic  
 7492 Security Act, P.L. 116-136 (2020), related to the net operating loss limitation and carryback;

7493 8. The provisions of § 2304(a) of the federal Coronavirus Aid, Relief, and Economic Security Act, P.L.

7494 116-136 (2020), related to a loss limitation applicable to taxpayers other than corporations;

7495 9. The provisions of § 2306 of the federal Coronavirus Aid, Relief, and Economic Security Act, P.L.  
7496 116-136 (2020), related to the limitation on business interest;

7497 10. For taxable years beginning before January 1, 2021, the provisions of §§ 276(a), 276(b)(2), 276(b)(3),  
7498 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  
7499 Consolidated Appropriations Act, P.L. 116-260 (2020), and §§ 9672(2), 9672(3), 9673(2), and 9673(3) of the  
7500 federal American Rescue Plan Act, P.L. 117-2 (2021) related to deductions, tax attributes, and basis increases  
7501 for certain loan forgiveness and other business financial assistance; ~~and~~

7502 11. a. (1) Any amendment enacted on or after January 1, 2023, with a projected impact that would  
7503 increase or decrease general fund revenues by greater than \$15 million in the fiscal year in which the  
7504 amendment was enacted or any of the succeeding four fiscal years. The provisions of this subdivision shall  
7505 not apply to any amendment to federal income tax law that is either subsequently adopted by the General  
7506 Assembly or a federal tax extender as defined in subdivision b.

7507 (2) All amendments enacted on or after January 1, 2023, and occurring between adjournment sine die of  
7508 the previous regular session of the General Assembly and the first day of the subsequent regular session of  
7509 the General Assembly if the cumulative projected impact of such amendments would increase or decrease  
7510 general fund revenues by greater than \$75 million in the fiscal year in which the amendments were enacted or  
7511 any of the succeeding four fiscal years. The provisions of this subdivision shall not apply to any amendment  
7512 to federal income tax law that is (i) subsequently adopted by the General Assembly, (ii) a federal tax extender  
7513 as defined in subdivision b, or (iii) enacted before the date on which the cumulative projected impact is met.  
7514 However, any amendment conformed to pursuant to clause (iii) shall be included in the calculation of the \$75  
7515 million threshold for purposes of determining whether such threshold has been met.

7516 (3) Beginning January 1, 2024, the threshold provided by subdivision (1) shall be adjusted annually based  
7517 on the preceding change in the Chained Consumer Price Index for All Urban Consumers (C-CPI-U), as  
7518 published by the Bureau of Labor Statistics for the U.S. Department of Labor or any successor index for the  
7519 previous year.

7520 b. For purposes of this subdivision 11, "amendment" means a single amendment to federal income tax law  
7521 or a group of such amendments enacted in the same act of Congress that collectively surpass the threshold  
7522 impact, and "federal tax extender" means an amendment to federal tax law that extends the expiration date of  
7523 a federal tax provision to which Virginia conforms or has previously conformed.

7524 c. The Secretary of Finance, in consultation with the Chairmen of the Senate Committee on Finance and  
7525 Appropriations and the House Committees on Appropriations and Finance, shall be responsible for  
7526 determining whether the criteria of subdivision a are met.

7527 d. The Secretary of Finance shall annually provide a report on or before November 15 of each year on the  
7528 fiscal impact of amendments to federal income tax law occurring since the adjournment sine die of the  
7529 preceding regular session of the General Assembly to the Chairmen of the Senate Committee on Finance and  
7530 Appropriations and the House Committees on Appropriations and Finance. The Secretary of Finance shall  
7531 also provide updates to the same Chairmen on any further amendments to federal income tax law occurring  
7532 between submission of the required report and the first day of the subsequent regular session of the General  
7533 Assembly; *and*

7534 12. *For taxable years beginning on and after January 1, 2026, the prohibition on utilizing tax deductions*  
7535 *for ordinary and necessary expenditures made in connection with carrying on a trade or business licensed in*  
7536 *Virginia pursuant to the Cannabis Control Act (§ 4.1-600 et seq.) under § 280E of the Internal Revenue*  
7537 *Code.*

7538 C. The Department of Taxation is hereby authorized to develop procedures or guidelines for  
7539 implementation of the provisions of this section, which procedures or guidelines shall be exempt from the  
7540 provisions of the Administrative Process Act (§ 2.2-4000 et seq.).

7541 **§ 59.1-200. Prohibited practices.**

7542 A. The following fraudulent acts or practices committed by a supplier in connection with a consumer  
7543 transaction are hereby declared unlawful:

7544 1. Misrepresenting goods or services as those of another;

7545 2. Misrepresenting the source, sponsorship, approval, or certification of goods or services;

7546 3. Misrepresenting the affiliation, connection, or association of the supplier, or of the goods or services,  
7547 with another;

7548 4. Misrepresenting geographic origin in connection with goods or services;

7549 5. Misrepresenting that goods or services have certain quantities, characteristics, ingredients, uses, or  
7550 benefits;

7551 6. Misrepresenting that goods or services are of a particular standard, quality, grade, style, or model;

7552 7. Advertising or offering for sale goods that are used, secondhand, repossessed, defective, blemished,  
7553 deteriorated, or reconditioned, or that are "seconds," irregulars, imperfects, or "not first class," without clearly  
7554 and unequivocally indicating in the advertisement or offer for sale that the goods are used, secondhand,  
7555 repossessed, defective, blemished, deteriorated, reconditioned, or are "seconds," irregulars, imperfects, or

7556 "not first class";

7557 8. Advertising goods or services with intent not to sell them as advertised, or with intent not to sell at the  
7558 price or upon the terms advertised.

7559 In any action brought under this subdivision, the refusal by any person, or any employee, agent, or servant  
7560 thereof, to sell any goods or services advertised or offered for sale at the price or upon the terms advertised or  
7561 offered, shall be prima facie evidence of a violation of this subdivision. This paragraph shall not apply when  
7562 it is clearly and conspicuously stated in the advertisement or offer by which such goods or services are  
7563 advertised or offered for sale, that the supplier or offeror has a limited quantity or amount of such goods or  
7564 services for sale, and the supplier or offeror at the time of such advertisement or offer did in fact have or  
7565 reasonably expected to have at least such quantity or amount for sale;

7566 9. Making false or misleading statements of fact concerning the reasons for, existence of, or amounts of  
7567 price reductions;

7568 10. Misrepresenting that repairs, alterations, modifications, or services have been performed or parts  
7569 installed;

7570 11. Misrepresenting by the use of any written or documentary material that appears to be an invoice or bill  
7571 for merchandise or services previously ordered;

7572 12. Notwithstanding any other provision of law, using in any manner the words "wholesale,"  
7573 "wholesaler," "factory," or "manufacturer" in the supplier's name, or to describe the nature of the supplier's  
7574 business, unless the supplier is actually engaged primarily in selling at wholesale or in manufacturing the  
7575 goods or services advertised or offered for sale;

7576 13. Using in any contract or lease any liquidated damage clause, penalty clause, or waiver of defense, or  
7577 attempting to collect any liquidated damages or penalties under any clause, waiver, damages, or penalties that  
7578 are void or unenforceable under any otherwise applicable laws of the Commonwealth, or under federal  
7579 statutes or regulations;

7580 13a. Failing to provide to a consumer, or failing to use or include in any written document or material  
7581 provided to or executed by a consumer, in connection with a consumer transaction any statement, disclosure,  
7582 notice, or other information however characterized when the supplier is required by 16 C.F.R. Part 433 to so  
7583 provide, use, or include the statement, disclosure, notice, or other information in connection with the  
7584 consumer transaction;

7585 14. Using any other deception, fraud, false pretense, false promise, or misrepresentation in connection  
7586 with a consumer transaction;

7587 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,  
7588 or 3.2-6519 is a violation of this chapter;

7589 16. Failing to disclose all conditions, charges, or fees relating to:

7590 a. The return of goods for refund, exchange, or credit. Such disclosure shall be by means of a sign  
7591 attached to the goods, or placed in a conspicuous public area of the premises of the supplier, so as to be  
7592 readily noticeable and readable by the person obtaining the goods from the supplier. If the supplier does not  
7593 permit a refund, exchange, or credit for return, he shall so state on a similar sign. The provisions of this  
7594 subdivision shall not apply to any retail merchant who has a policy of providing, for a period of not less than  
7595 20 days after date of purchase, a cash refund or credit to the purchaser's credit card account for the return of  
7596 defective, unused, or undamaged merchandise upon presentation of proof of purchase. In the case of  
7597 merchandise paid for by check, the purchase shall be treated as a cash purchase and any refund may be  
7598 delayed for a period of 10 banking days to allow for the check to clear. This subdivision does not apply to  
7599 sale merchandise that is obviously distressed, out of date, post season, or otherwise reduced for clearance; nor  
7600 does this subdivision apply to special order purchases where the purchaser has requested the supplier to order  
7601 merchandise of a specific or unusual size, color, or brand not ordinarily carried in the store or the store's  
7602 catalog; nor shall this subdivision apply in connection with a transaction for the sale or lease of motor  
7603 vehicles, farm tractors, or motorcycles as defined in § 46.2-100;

7604 b. A layaway agreement. Such disclosure shall be furnished to the consumer (i) in writing at the time of  
7605 the layaway agreement, or (ii) by means of a sign placed in a conspicuous public area of the premises of the  
7606 supplier, so as to be readily noticeable and readable by the consumer, or (iii) on the bill of sale. Disclosure  
7607 shall include the conditions, charges, or fees in the event that a consumer breaches the agreement;

7608 16a. Failing to provide written notice to a consumer of an existing open-end credit balance in excess of \$5  
7609 (i) on an account maintained by the supplier and (ii) resulting from such consumer's overpayment on such  
7610 account. Suppliers shall give consumers written notice of such credit balances within 60 days of receiving  
7611 overpayments. If the credit balance information is incorporated into statements of account furnished  
7612 consumers by suppliers within such 60-day period, no separate or additional notice is required;

7613 17. If a supplier enters into a written agreement with a consumer to resolve a dispute that arises in  
7614 connection with a consumer transaction, failing to adhere to the terms and conditions of such an agreement;

7615 18. Violating any provision of the Virginia Health Club Act, Chapter 24 (§ 59.1-294 et seq.);

7616 19. Violating any provision of the Virginia Home Solicitation Sales Act, Chapter 2.1 (§ 59.1-21.1 et seq.);

7617 20. Violating any provision of the Automobile Repair Facilities Act, Chapter 17.1 (§ 59.1-207.1 et seq.);

- 7618 21. Violating any provision of the Virginia Lease-Purchase Agreement Act, Chapter 17.4 (§ 59.1-207.17  
7619 et seq.);
- 7620 22. Violating any provision of the Prizes and Gifts Act, Chapter 31 (§ 59.1-415 et seq.);
- 7621 23. Violating any provision of the Virginia Public Telephone Information Act, Chapter 32 (§ 59.1-424 et  
7622 seq.);
- 7623 24. Violating any provision of § 54.1-1505;
- 7624 25. Violating any provision of the Motor Vehicle Manufacturers' Warranty Adjustment Act, Chapter 17.6  
7625 (§ 59.1-207.34 et seq.);
- 7626 26. Violating any provision of § 3.2-5627, relating to the pricing of merchandise;
- 7627 27. Violating any provision of the Pay-Per-Call Services Act, Chapter 33 (§ 59.1-429 et seq.);
- 7628 28. Violating any provision of the Extended Service Contract Act, Chapter 34 (§ 59.1-435 et seq.);
- 7629 29. Violating any provision of the Virginia Membership Camping Act, Chapter 25 (§ 59.1-311 et seq.);
- 7630 30. Violating any provision of the Comparison Price Advertising Act, Chapter 17.7 (§ 59.1-207.40 et  
7631 seq.);
- 7632 31. Violating any provision of the Virginia Travel Club Act, Chapter 36 (§ 59.1-445 et seq.);
- 7633 32. Violating any provision of §§ 46.2-1231 and 46.2-1233.1;
- 7634 33. Violating any provision of Chapter 40 (§ 54.1-4000 et seq.) of Title 54.1;
- 7635 34. Violating any provision of Chapter 10.1 (§ 58.1-1031 et seq.) of Title 58.1;
- 7636 35. Using the consumer's social security number as the consumer's account number with the supplier, if  
7637 the consumer has requested in writing that the supplier use an alternate number not associated with the  
7638 consumer's social security number;
- 7639 36. Violating any provision of Chapter 18 (§ 6.2-1800 et seq.) of Title 6.2;
- 7640 37. Violating any provision of § 8.01-40.2;
- 7641 38. Violating any provision of Article 7 (§ 32.1-212 et seq.) of Chapter 6 of Title 32.1;
- 7642 39. Violating any provision of Chapter 34.1 (§ 59.1-441.1 et seq.);
- 7643 40. Violating any provision of Chapter 20 (§ 6.2-2000 et seq.) of Title 6.2;
- 7644 41. Violating any provision of the Virginia Post-Disaster Anti-Price Gouging Act, Chapter 46 (§ 59.1-525  
7645 et seq.). For the purposes of this subdivision, "consumer transaction" has the same meaning as provided in  
7646 § 59.1-526;
- 7647 42. Violating any provision of Chapter 47 (§ 59.1-530 et seq.);
- 7648 43. Violating any provision of § 59.1-443.2;
- 7649 44. Violating any provision of Chapter 48 (§ 59.1-533 et seq.);
- 7650 45. Violating any provision of Chapter 25 (§ 6.2-2500 et seq.) of Title 6.2;
- 7651 46. Violating the provisions of clause (i) of subsection B of § 54.1-1115;
- 7652 47. Violating any provision of § 18.2-239;
- 7653 48. Violating any provision of Chapter 26 (§ 59.1-336 et seq.);
- 7654 49. Selling, offering for sale, or manufacturing for sale a children's product the supplier knows or has  
7655 reason to know was recalled by the U.S. Consumer Product Safety Commission. There is a rebuttable  
7656 presumption that a supplier has reason to know a children's product was recalled if notice of the recall has  
7657 been posted continuously at least 30 days before the sale, offer for sale, or manufacturing for sale on the  
7658 website of the U.S. Consumer Product Safety Commission. This prohibition does not apply to children's  
7659 products that are used, secondhand or "seconds";
- 7660 50. Violating any provision of Chapter 44.1 (§ 59.1-518.1 et seq.);
- 7661 51. Violating any provision of Chapter 22 (§ 6.2-2200 et seq.) of Title 6.2;
- 7662 52. Violating any provision of § 8.2-317.1;
- 7663 53. Violating subsection A of § 9.1-149.1;
- 7664 54. Selling, offering for sale, or using in the construction, remodeling, or repair of any residential dwelling  
7665 in the Commonwealth, any drywall that the supplier knows or has reason to know is defective drywall. This  
7666 subdivision shall not apply to the sale or offering for sale of any building or structure in which defective  
7667 drywall has been permanently installed or affixed;
- 7668 55. Engaging in fraudulent or improper or dishonest conduct as defined in § 54.1-1118 while engaged in a  
7669 transaction that was initiated (i) during a declared state of emergency as defined in § 44-146.16 or (ii) to  
7670 repair damage resulting from the event that prompted the declaration of a state of emergency, regardless of  
7671 whether the supplier is licensed as a contractor in the Commonwealth pursuant to Chapter 11 (§ 54.1-1100 et  
7672 seq.) of Title 54.1;
- 7673 56. Violating any provision of Chapter 33.1 (§ 59.1-434.1 et seq.);
- 7674 57. Violating any provision of § 18.2-178, 18.2-178.1, or 18.2-200.1;
- 7675 58. Violating any provision of Chapter 17.8 (§ 59.1-207.45 et seq.). For the purposes of this subdivision,  
7676 "consumer transaction" also includes transactions involving an automatic renewal or continuous service offer  
7677 by a supplier to a small business, as those terms are defined in § 59.1-207.45;
- 7678 59. Violating any provision of subsection E of § 32.1-126;
- 7679 60. Violating any provision of § 54.1-111 relating to the unlicensed practice of a profession licensed under

- 7680 Chapter 11 (§ 54.1-1100 et seq.) or Chapter 21 (§ 54.1-2100 et seq.) of Title 54.1;
- 7681 61. Violating any provision of § 2.2-2001.5;
- 7682 62. Violating any provision of Chapter 5.2 (§ 54.1-526 et seq.) of Title 54.1;
- 7683 63. Violating any provision of § 6.2-312;
- 7684 64. Violating any provision of Chapter 20.1 (§ 6.2-2026 et seq.) of Title 6.2;
- 7685 65. Violating any provision of Chapter 26 (§ 6.2-2600 et seq.) of Title 6.2;
- 7686 66. Violating any provision of Chapter 54 (§ 59.1-586 et seq.);
- 7687 67. Knowingly violating any provision of § 8.01-27.5;
- 7688 68. Failing to, in accordance with § 59.1-207.46, (i) make available a conspicuous online option to cancel
- 7689 a recurring purchase of a good or service or (ii) with respect to a free trial lasting more than 30 days, notify a
- 7690 consumer of his option to cancel such free trial within 30 days of the end of the trial period to avoid an
- 7691 obligation to pay for the goods or services;
- 7692 69. Selling or offering for sale any substance intended for human consumption, orally or by inhalation,
- 7693 that contains a synthetic derivative of tetrahydrocannabinol. As used in this subdivision, "synthetic
- 7694 derivative" means a chemical compound produced by man through a chemical transformation to turn a
- 7695 compound into a different compound by adding or subtracting molecules to or from the original compound.
- 7696 This subdivision shall not (i) apply to products that are approved for marketing by the U.S. Food and Drug
- 7697 Administration and scheduled in the Drug Control Act (§ 54.1-3400 et seq.) or (ii) be construed to prohibit
- 7698 any conduct permitted under ~~Chapter 16 (§ 4.1-1600 et seq.) of Title 4.1~~ *the Cannabis Control Act (§ 4.1-600*
- 7699 *et seq.)*;
- 7700 70. Selling or offering for sale to a person younger than 21 years of age any substance intended for human
- 7701 consumption, orally or by inhalation, that contains tetrahydrocannabinol. This subdivision shall not (i) apply
- 7702 to products that are approved for marketing by the U.S. Food and Drug Administration and scheduled in the
- 7703 Drug Control Act (§ 54.1-3400 et seq.) or (ii) be construed to prohibit any conduct permitted under ~~Chapter~~
- 7704 ~~16 (§ 4.1-1600 et seq.) of Title 4.1~~ *the Cannabis Control Act (§ 4.1-600 et seq.)*;
- 7705 71. Selling or offering for sale any substance intended for human consumption, orally or by inhalation,
- 7706 that contains tetrahydrocannabinol, unless such substance is (i) contained in child-resistant packaging, as
- 7707 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
- 7708 inch, (a) that the substance contains tetrahydrocannabinol and may not be sold to persons younger than 21
- 7709 years of age, (b) all ingredients contained in the substance, (c) the amount of such substance that constitutes a
- 7710 single serving, and (d) the total percentage and milligrams of tetrahydrocannabinol included in the substance
- 7711 and the number of milligrams of tetrahydrocannabinol that are contained in each serving; and (iii)
- 7712 accompanied by a certificate of analysis, produced by ~~an independent laboratory that is accredited pursuant to~~
- 7713 ~~standard ISO/IEC 17025 of the International Organization of Standardization by a third-party accrediting~~
- 7714 ~~body a licensed marijuana testing facility~~, that states the tetrahydrocannabinol concentration of the substance
- 7715 or the tetrahydrocannabinol concentration of the batch from which the substance originates. This subdivision
- 7716 shall not (i) apply to products that are approved for marketing by the U.S. Food and Drug Administration and
- 7717 scheduled in the Drug Control Act (§ 54.1-3400 et seq.) or (ii) be construed to prohibit any conduct permitted
- 7718 under ~~Chapter 16 (§ 4.1-1600 et seq.) of Title 4.1~~ *the Cannabis Control Act (§ 4.1-600 et seq.)*;
- 7719 72. Manufacturing, offering for sale at retail, or selling at retail an industrial hemp extract, as defined in
- 7720 § 3.2-5145.1, a food containing an industrial hemp extract, or a substance containing tetrahydrocannabinol
- 7721 that depicts or is in the shape of a human, animal, vehicle, or fruit;
- 7722 73. Selling or offering for sale any substance intended for human consumption, orally or by inhalation,
- 7723 that contains tetrahydrocannabinol and, without authorization, bears, is packaged in a container or wrapper
- 7724 that bears, or is otherwise labeled to bear the trademark, trade name, famous mark as defined in 15 U.S.C. §
- 7725 1125, or other identifying mark, imprint, or device, or any likeness thereof, of a manufacturer, processor,
- 7726 packer, or distributor of a product intended for human consumption other than the manufacturer, processor,
- 7727 packer, or distributor that did in fact so manufacture, process, pack, or distribute such substance;
- 7728 74. Selling or offering for sale a topical hemp product, as defined in ~~§ 3.2-4112~~ *4.1-600*, that does not
- 7729 include a label stating that the product is not intended for human consumption. This subdivision shall not (i)
- 7730 apply to products that are approved for marketing by the U.S. Food and Drug Administration and scheduled
- 7731 in the Drug Control Act (§ 54.1-3400 et seq.), (ii) be construed to prohibit any conduct permitted under
- 7732 Chapter 16 (§ 4.1-1600 et seq.) of Title 4.1, or (iii) apply to topical hemp products that were manufactured
- 7733 prior to July 1, 2023, provided that the person provides documentation of the date of manufacture if
- 7734 requested;
- 7735 75. Violating any provision of § 59.1-466.8;
- 7736 76. Violating subsection F of § 36-96.3:1;
- 7737 77. Selling or offering for sale (i) any kratom product to a person younger than 21 years of age or (ii) any
- 7738 kratom product that does not include a label listing all ingredients and with the following guidance: "This
- 7739 product may be harmful to your health, has not been evaluated by the FDA, and is not intended to diagnose,
- 7740 treat, cure, or prevent any disease." As used in this subdivision, "kratom" means any part of the leaf of the
- 7741 plant *Mitragyna speciosa* or any extract thereof;

7742 78. Advertising of any ignition interlock system in Virginia by an ignition interlock vendor not approved  
 7743 by the Commission on the Virginia Alcohol Safety Action Program to operate in Virginia; targeted  
 7744 advertising of any ignition interlock system to a person before determination of guilt; and any advertising,  
 7745 whether before or after determination of guilt, without a conspicuous statement that such advertisement is not  
 7746 affiliated with any government agency. For purposes of this subdivision, "ignition interlock system" has the  
 7747 same meaning as ascribed to that term in § 18.2-270.1 and "targeted advertising" has the same meaning  
 7748 ascribed to that term in § 59.1-575 and includes direct mailings to an individual. This provision shall not  
 7749 apply to ignition interlock service vendor ads, pamphlets, or kiosk advertisements approved by the  
 7750 Commission on the Virginia Alcohol Safety Action Program and provided at a Commission-approved  
 7751 location;

7752 79. Failing to disclose the total cost of a good or continuous service, as defined in § 59.1-207.45, to a  
 7753 consumer, including any mandatory fees or charges, prior to entering into an agreement for the sale of any  
 7754 such good or provision of any such continuous service;

7755 80. Violating any provision of the Unfair Real Estate Service Agreement Act (§ 55.1-3200 et seq.);

7756 81. Selling or offering for sale services as a professional mold remediator to be performed upon any  
 7757 residential dwelling without holding a mold remediation certification from a nationally or internationally  
 7758 recognized certifying body for mold remediation, and failing to comply with (i) the U.S. Environmental  
 7759 Protection Agency's publication on Mold Remediation in Schools and Commercial Buildings, as revised; (ii)  
 7760 the ANSI/IICRC S520 Standard for Professional Mold Remediation, as revised; or (iii) any other equivalent  
 7761 ANSI-accredited mold remediation standard, when conducting or offering to conduct mold remediation in the  
 7762 Commonwealth;

7763 82. Willfully violating any provision of § 59.1-444.4;

7764 83. Violating any provision of Chapter 23.2 (§ 59.1-293.10 et seq.);

7765 84. Selling any food that is required by the FDA to have a nutrition label that does not meet the  
 7766 requirements of 21 C.F.R. Part 101;

7767 85. Obtaining, disclosing, selling, or disseminating any personally identifiable reproductive or sexual  
 7768 health information without the consent of the consumer;

7769 86. Violating any provision of Chapter 58 (§ 59.1-607 et seq.); and

7770 87. (Effective July 1, 2026) Violating any provision of the Medical Debt Protection Act (§ 59.1-611 et  
 7771 seq.).

7772 B. Nothing in this section shall be construed to invalidate or make unenforceable any contract or lease  
 7773 solely by reason of the failure of such contract or lease to comply with any other law of the Commonwealth  
 7774 or any federal statute or regulation, to the extent such other law, statute, or regulation provides that a violation  
 7775 of such law, statute, or regulation shall not invalidate or make unenforceable such contract or lease.

7776 **2. That §§ 3.2-4112 and 3.2-5145.2:1 of the Code of Virginia are amended and reenacted and that the**  
 7777 **§ 4.1-700 of the Code of Virginia, as created by the first enactment of this act, is amended and**  
 7778 **reenacted as follows:**

7779 **§ 3.2-4112. Definitions.**

7780 As used in this chapter, unless the context requires a different meaning:

7781 "Cannabis sativa product" means a product made from any part of the plant Cannabis sativa with a  
 7782 concentration of tetrahydrocannabinol that is greater than that allowed by federal law.

7783 "~~Edible hemp product" means any hemp product that is or includes an industrial hemp extract, as defined~~  
 7784 ~~in § 3.2-5145.1, and that is intended to be consumed orally.~~

7785 "Federally licensed hemp producer" means a person who holds a hemp producer license issued by the  
 7786 U.S. Department of Agriculture pursuant to 7 C.F.R. Part 990.

7787 "Grow" means to plant, cultivate, or harvest a plant or crop.

7788 "Grower" means any person registered pursuant to subsection A of § 3.2-4115 to grow industrial hemp.

7789 "Handle" means to temporarily possess industrial hemp grown in compliance with state or federal law that  
 7790 (i) has not been processed and (ii) was not grown by and will not be processed by the person temporarily  
 7791 possessing it.

7792 "Handler" means any person who is registered pursuant to subsection A of § 3.2-4115 to handle industrial  
 7793 hemp. "Handler" does not include a retail establishment that sells or offers for sale a hemp product.

7794 "Handler's storage site" means the location at which a handler stores or intends to store the industrial  
 7795 hemp he handles.

7796 "Hemp product" means a ~~product, including any raw materials from industrial hemp that are used for or~~  
 7797 ~~added to a food or beverage, that (i) contains industrial hemp and has completed all stages of processing~~  
 7798 ~~needed for the product and (ii) when offered for retail sale (a) contains a total tetrahydrocannabinol~~  
 7799 ~~concentration of no greater than 0.3 percent and (b) contains either no more than two milligrams of total~~  
 7800 ~~tetrahydrocannabinol per package or an amount of cannabidiol that is no less than 25 times greater than the~~  
 7801 ~~amount of total tetrahydrocannabinol per package the same as that term is defined in § 4.1-600.~~

7802 "~~Hemp product intended for smoking" means any hemp product intended to be consumed by inhalation.~~

7803 "Industrial hemp" means any part of the plant Cannabis sativa, including seeds thereof, whether growing

7804 or not, with a concentration of tetrahydrocannabinol that is no greater than that allowed by federal law.  
 7805 "Industrial hemp" includes an industrial hemp extract that has not completed all stages of processing needed  
 7806 to convert the extract into a hemp product.

7807 "Process" means to convert industrial hemp into a hemp product.

7808 "Processor" means a person registered pursuant to subsection A of § 3.2-4115 to process industrial hemp.

7809 "Process site" means the location at which a processor processes or intends to process industrial hemp.

7810 "Production field" means the land or area on which a grower or a federally licensed hemp producer is  
 7811 growing or intends to grow industrial hemp.

7812 "Regulated hemp product" means a hemp product intended for smoking or an edible hemp product.

7813 "Tetrahydrocannabinol" means any naturally occurring or synthetic tetrahydrocannabinol, including its  
 7814 salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is  
 7815 possible within the specific chemical designation and any preparation, mixture, or substance containing, or  
 7816 mixed or infused with, any detectable amount of tetrahydrocannabinol. For the purposes of this definition,  
 7817 "isomer" means the optical, position, and geometric isomers *the same as that term is defined in § 4.1-600.*

7818 "Topical hemp product" means a hemp product that (i) is intended to be rubbed, poured, sprinkled, or  
 7819 sprayed on or otherwise applied to the human body or any part thereof and (ii) is not intended to be consumed  
 7820 orally or by inhalation.

7821 "Total tetrahydrocannabinol" means the sum, after the application of any necessary conversion factor, of  
 7822 the percentage by weight of tetrahydrocannabinol and the percentage by weight of tetrahydrocannabinolic  
 7823 acid *same as that term is defined in § 4.1-600.*

7824 **§ 3.2-5145.2:1. Manufacturers of industrial hemp extract; penalties.**

7825 A. Any person who manufactures, sells, or offers for sale an industrial hemp extract or food containing an  
 7826 industrial hemp extract shall be subject to the requirements of this chapter and regulations adopted pursuant  
 7827 to this chapter.

7828 B. Any person who (i) manufactures, sells, or offers for sale an industrial hemp extract or food containing  
 7829 an industrial hemp extract without first obtaining a permit to do so from the Commissioner pursuant to  
 7830 § 3.2-5100; ~~unless exempt from a permit pursuant to subdivision C 6 of § 3.2-5130;~~ (ii) continues to  
 7831 manufacture, sell, or offer for sale an industrial hemp extract or food containing an industrial hemp extract  
 7832 after revocation or suspension of such permit; (iii) fails to disclose on a form prescribed by the Commissioner  
 7833 that he intends to manufacture, sell, or offer for sale a substance intended to be consumed orally that contains  
 7834 an industrial hemp-derived cannabinoid; (iv) sells or offers for sale at retail a food that (a) contains a total  
 7835 tetrahydrocannabinol concentration that is greater than 0.3 percent or (b) contains more than two milligrams  
 7836 of total tetrahydrocannabinol per package and does not contain an amount of cannabidiol that is at least 25  
 7837 times greater than the amount of total tetrahydrocannabinol per package; (v) manufactures, offers for sale, or  
 7838 sells in violation of this chapter or a regulation adopted pursuant to this chapter a substance intended to be  
 7839 consumed orally that is advertised or labeled as containing an industrial hemp-derived cannabinoid; or (vi) (v)  
 7840 otherwise violates any provision of this chapter or a regulation adopted pursuant to this chapter, in addition to  
 7841 any other penalties provided, is subject to a civil penalty not to exceed \$10,000 for each day a violation  
 7842 occurs. Such penalty shall be collected by the Commissioner and the proceeds shall be payable to the State  
 7843 Treasurer for remittance to the Department.

7844 C. Any person who (i) manufactures, sells, or offers for sale an industrial hemp extract or food containing  
 7845 an industrial hemp extract without first obtaining a permit to do so from the Commissioner pursuant to  
 7846 § 3.2-5100; ~~unless exempt from a permit pursuant to subdivision C 6 of § 3.2-5130;~~ (ii) continues to  
 7847 manufacture, sell, or offer for sale an industrial hemp extract or food containing an industrial hemp extract  
 7848 after revocation or suspension of such permit; (iii) fails to disclose on a form prescribed by the Commissioner  
 7849 that he intends to manufacture, sell, or offer for sale a substance intended to be consumed orally that contains  
 7850 an industrial hemp-derived cannabinoid; (iv) manufactures, offers for sale, or sells in violation of this chapter  
 7851 or a regulation adopted pursuant to this chapter a substance intended to be consumed orally that is advertised  
 7852 or labeled as containing an industrial hemp-derived cannabinoid; or (v) otherwise violates any provision of  
 7853 this chapter or a regulation adopted pursuant to this chapter, in addition to any other penalties provided, is  
 7854 guilty of a Class 1 misdemeanor. Each day in which a violation occurs shall constitute a separate offense.

7855 D. The Commissioner may, in accordance with the Administrative Process Act (§ 2.2-4000 et seq.), deny,  
 7856 suspend, or revoke a permit issued pursuant to § 3.2-5100 if the permitted entity is found to have violated  
 7857 subdivision A 69, 70, 71, 72, 73, or 74 of § 59.1-200 by a court of competent jurisdiction.

7858 E. This section shall not apply to products that are (i) approved for marketing by the U.S. Food and Drug  
 7859 Administration and scheduled in the Drug Control Act (§ 54.1-3400 et seq.) or (ii) dispensed pursuant to  
 7860 Article 4.2 (§ 54.1-3442.5 et seq.) of Chapter 34 of Title 54.1.

7861 **§ 4.1-700. Exemptions from licensure.**

7862 *The licensure requirements of this subtitle shall not apply to (i) a handler, grower, or processor of*  
 7863 *industrial hemp that is registered with the Commissioner of Agriculture and Consumer Services pursuant to*  
 7864 *Chapter 41.1 (§ 3.2-4112 et seq.) of Title 3.2 and is acting in accordance with the provisions of Title 3.2; (ii)*  
 7865 *a person that has been issued a regulated hemp product retail facility registration and is acting in*

7866 *accordance with the provisions of Chapter 17 (§ 4.1-1700 et seq.); (iii) a manufacturer of an edible hemp*  
 7867 *product operating in accordance with Article 5 (§ 3.2-5145.1 et seq.) of Chapter 51 of Title 3.2; or (iv) a*  
 7868 *person who cultivates marijuana at home for personal use pursuant to § 4.1-1101. Nothing in this subtitle*  
 7869 *shall be construed to (a) prevent any person described in clauses (i) through (iii) from obtaining a license*  
 7870 *pursuant to this subtitle, provided such person satisfies applicable licensing requirements; (b) prevent a*  
 7871 *licensee from acquiring hemp products from an industrial hemp processor in accordance with the provisions*  
 7872 *of Chapter 41.1 (§ 3.2-4112 et seq.) of Title 3.2; or (c) prevent a cultivation, processing, transporter,*  
 7873 *microbusiness, or retail licensee from operating on the licensed premises of an industrial hemp processing*  
 7874 *facility in accordance with Chapter 41.1 (§ 3.2-4112 et seq.) of Title 3.2.*

7875 **3. That Article 4 (§§ 3.2-4122 through 3.2-4126) of Chapter 41.1 of Title 3.2 and §§ 3.2-5145.4:1,**  
 7876 **4.1-1101.1, 4.1-1105.1, 18.2-248.1, and 18.2-251.1 of the Code of Virginia are repealed.**

7877 **4. That the following provisions of the first enactment of this act shall become effective on January 1,**  
 7878 **2027: (i) §§ 2.2-2499.8, 3.2-4113, 4.1-1121, 4.1-1601, 4.1-1604, 16.1-260, 16.1-273, 16.1-278.9, 18.2-46.1,**  
 7879 **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,**  
 7880 **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,**  
 7881 **18.2-265.3, 18.2-287.2, 18.2-308.4, 18.2-460, 18.2-474.1, 19.2-66, 19.2-81.1, 19.2-83.1, 19.2-188.1,**  
 7882 **19.2-303.01, 19.2-386.22, 19.2-389.3, 19.2-392.02, 19.2-392.6, 19.2-392.12:1, 22.1-277.08, 46.2-105.2,**  
 7883 **46.2-347, 53.1-231.2, 54.1-2903, 54.1-3443, and 59.1-200 of the Code of Virginia, as amended by this**  
 7884 **act; (ii) §§ 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,**  
 7885 **4.1-1119, 4.1-1300, 4.1-1301, 4.1-1303 through 4.1-1309, and Chapter 17 (§§ 4.1-1700 through 4.1-705)**  
 7886 **of Title 4.1 of the Code of Virginia, as created by this act; and (iii) Article 4 (§§ 3.2-4122 through**  
 7887 **3.2-4126) of Chapter 41.1 of Title 3.2 and §§ 3.2-5145.4:1, 4.1-1101.1, 4.1-1105.1, 18.2-248.1, and**  
 7888 **18.2-251.1 of the Code of Virginia, as repealed by this act.**

7889 **5. That the provisions of the second enactment of this act shall become effective on January 1, 2027.**

7890 **6. That by December 1, 2026, the Virginia Cannabis Control Authority (the Authority) shall issue up to**  
 7891 **100 microbusiness licenses pursuant to § 4.1-803 of the Code of Virginia, as created by this act, to**  
 7892 **applicants that (i) (a) are industrial hemp processors or growers that (1) are registered with the**  
 7893 **Commissioner of Agriculture and Consumer Services pursuant to Chapter 41.1 (§ 3.2-4112 et seq.) of**  
 7894 **Title 3.2 of the Code of Virginia, completed such registration prior to January 1, 2021, and are in good**  
 7895 **standing as of September 1, 2026, or (2) were previously registered with the Commissioner of**  
 7896 **Agriculture and Consumer Services pursuant to Chapter 41.1 (§ 3.2-4112 et seq.) of Title 3.2 of the**  
 7897 **Code of Virginia, completed such registration prior to January 1, 2021, were in good standing prior to**  
 7898 **forfeiting such registration or allowing such registration to expire, and have established the reason for**  
 7899 **the previous forfeiture or lapse of such registration and disclosed any violations, enforcement actions,**  
 7900 **or compliance issues related to the previous registration; (b) qualify as an impact license applicant**  
 7901 **pursuant to subdivision B 13 of § 4.1-606 of the Code of Virginia, as amended by this act; or (c) qualify**  
 7902 **as a farmer under the U.S. Department of Agriculture qualifications and (ii) meet any applicable**  
 7903 **licensing requirements and financial, security, and operational readiness criteria as established by the**  
 7904 **Authority. The Authority shall begin accepting applications for such microbusiness licenses no later**  
 7905 **than September 1, 2026.**

7906 **7. That a pharmaceutical processor issued a permit by the Board of Directors (the Board) of the**  
 7907 **Virginia Cannabis Control Authority (the Authority) pursuant to Chapter 16 (§ 4.1-1600 et seq.) of**  
 7908 **Title 4.1 of the Code of Virginia shall apply to the Board for dual-use privileges pursuant to**  
 7909 **§ 4.1-1602.1 of the Code of Virginia, as created by this act, in a manner prescribed by the Board**  
 7910 **between September 1, 2026, and December 1, 2026. No later than September 1, 2026, the Authority**  
 7911 **shall create a streamlined application process for pharmaceutical processors to apply for such dual-use**  
 7912 **privileges which shall include a requirement that a pharmaceutical processor submit to and obtain**  
 7913 **approval from the Authority for a detailed medical cannabis program preservation plan describing**  
 7914 **how such processor will prioritize sales and access to medical cannabis products for qualifying**  
 7915 **patients, including a plan for managing customer traffic flow, preventing supply shortages, and**  
 7916 **ensuring appropriate staffing. Provided the applicable licensing requirements are met and upon (i) the**  
 7917 **payment in full of a one-time \$10 million fee to the Authority by the pharmaceutical processor by**  
 7918 **December 1, 2026, or (ii) the pharmaceutical processor's entry, by December 1, 2026, into an**  
 7919 **installment payment plan approved by the Board for payment of such fee, the Board shall verify that**  
 7920 **such pharmaceutical processor and its cannabis dispensing facilities may exercise dual-use privileges**  
 7921 **pursuant to § 4.1-1602.1 of the Code of Virginia, as created by this act. The Board shall allow a**  
 7922 **pharmaceutical processor to pay such fee in installments over a period not to exceed three years**  
 7923 **pursuant to terms and conditions established by the Board. In addition, in order to exercise such dual-**  
 7924 **use privileges, a pharmaceutical processor shall enter into an agreement to participate in an impact**  
 7925 **licensee business accelerator plan, as defined by the Cannabis Impact Business Support Team**  
 7926 **pursuant to § 4.1-604 of the Code of Virginia, as amended by this act, for at least three years after**  
 7927 **dual-use privilege verification. On and after December 1, 2026, a pharmaceutical processor issued a**

7928 permit pursuant to Chapter 16 (§ 4.1-1600 et seq.) of Title 4.1 of the Code of Virginia that has not  
7929 applied for verification to exercise dual-use privileges and paid the conversion fee in full or entered  
7930 into an approved installment payment plan shall not exercise such dual-use privileges or renew its  
7931 permit.

7932 8. That by December 1, 2026, the Virginia Cannabis Control Authority (the Authority) shall issue up to  
7933 20 licenses, consisting of no more than 10 marijuana cultivation facility licenses and no more than 10  
7934 marijuana processing facility licenses, to applicants that are industrial processors or growers that (i)(a)  
7935 are registered with the Commissioner of Agriculture and Consumer Services pursuant to Chapter 41.1  
7936 (§ 3.2-4112 et seq.) of Title 3.2 of the Code of Virginia and completed such registration prior to  
7937 January 1, 2021, or (b) (1) were previously registered with the Commissioner of Agriculture and  
7938 Consumer Services pursuant to Chapter 41.1 (§ 3.2-4112 et seq.) of Title 3.2 of the Code of Virginia; (2)  
7939 completed such registration prior to January 1, 2021; (3) were in good standing prior to forfeiting such  
7940 registration or allowing such registration to expire; and (4) have established the reason for the previous  
7941 forfeiture or lapse of such registration and disclosed any violations, enforcement actions, or compliance  
7942 issues related to the previous registration; (ii) meet any applicable licensing requirements; and (iii) pay  
7943 a one-time \$500,000 fee to the Authority. The Board shall allow such applicants to pay such \$500,000  
7944 fee in installments over a period not to exceed three years pursuant to terms and conditions established  
7945 by the Board. No later than September 1, 2026, the Authority shall create a streamlined application  
7946 process for such industrial hemp processors or growers to apply for such licenses.

7947 9. That the Virginia Cannabis Control Authority (the Authority) may, on and after, September 1, 2026,  
7948 begin accepting license applications from all applicants and issuing licenses pursuant to the provisions  
7949 of § 4.1-1000 of the Code of Virginia, as created by this act.

7950 10. That by December 1, 2026, the Virginia Cannabis Control Authority (the Authority) shall have (i)  
7951 issued up to 100 microbusiness licenses pursuant to the sixth enactment of this act; (ii) verified the  
7952 pharmaceutical processors' dual-use privileges as required by the seventh enactment of this act; (iii)  
7953 issued no more than 10 marijuana cultivation facility licenses and no more than 10 marijuana  
7954 processing facility licenses to industrial hemp growers or processors as required by the eighth  
7955 enactment of this act; and (iv) issued at least 55 additional licenses distributed among impact licensees  
7956 and other license types determined by the Board of Directors of the Authority.

7957 11. That, notwithstanding the fourth enactment of this act, any applicant issued a license by the  
7958 Virginia Cannabis Control Authority (the Authority) or pharmaceutical processor that the Board of  
7959 Directors (the Board) of the Authority has verified may exercise dual-use privileges may operate in  
7960 accordance with the provisions of this act prior to January 1, 2027; however, prior to January 1, 2027,  
7961 no licensee may engage in the retail sale of marijuana, marijuana products, immature marijuana  
7962 plants, or marijuana seeds unless such licensee is (i) a pharmaceutical processor or cannabis dispensing  
7963 facility dispensing cannabis products to a patient, his registered agent, or if such patient is a minor or  
7964 vulnerable adult as defined in § 18.2-369 of the Code of Virginia, such patient's parent or legal  
7965 guardian and (ii) acting in accordance with the provisions of Chapter 16 (§ 4.1-1600 et seq.) of Title 4.1  
7966 of the Code of Virginia. Notwithstanding any other provision of law, on or after September 1, 2026,  
7967 and prior to January 1, 2027, no marijuana cultivation facility licensee, marijuana processing facility  
7968 licensee, marijuana transporter licensee, marijuana delivery operator, retail marijuana store licensee,  
7969 microbusiness licensee, marijuana testing facility licensee, or agent or employee thereof shall be subject  
7970 to arrest or prosecution for a violation of Chapter 11 (§ 4.1-1100 et seq.) of Title 4.1 of the Code of  
7971 Virginia or § 18.2-248, 18.2-248.01, 18.2-255, 18.2-255.1, 18.2-255.2, 18.2-258, 18.2-258.02, 18.2-265.3,  
7972 or 18.2-308.4 of the Code of Virginia, as amended by this act, or § 18.2-248.1 of the Code of Virginia, as  
7973 repealed by this act, involving marijuana if such violation is related to acts committed within the scope  
7974 of the permit, licensure, or employment and in accordance with the provisions of the Cannabis Control  
7975 Act (§ 4.1-600 et seq. of the Code of Virginia) and this enactment. By no later than January 1, 2027, the  
7976 Board shall have promulgated regulations governing outdoor growth pursuant to § 4.1-606 of the Code  
7977 of Virginia, as amended by this act.

7978 12. That the Board of Directors of the Virginia Cannabis Control Authority shall establish a seed-to-  
7979 sale tracking system pursuant to § 4.1-611 of the Code of Virginia, as amended by this act, by  
7980 September 1, 2026.

7981 13. That the Virginia Cannabis Control Authority (the Authority) shall (i) analyze whether any limits  
7982 should be placed on the number of licenses issued to operate a marijuana establishment, (ii) analyze  
7983 and identify any necessary adjustments regarding canopy limits for marijuana cultivation facility  
7984 licensees, and (iii) report its findings to the General Assembly by November 1, 2026. The Authority  
7985 shall continue such analysis and submit updated findings to the General Assembly for two years after  
7986 such initial report and shall submit such updated findings by November 1 during the two subsequent  
7987 years.

7988 14. That the Board of Directors (the Board) of the Virginia Cannabis Control Authority shall  
7989 promulgate regulations to implement the provisions of this act by September 1, 2026. With the

7990 exception of § 2.2-4031 of the Code of Virginia, neither the provisions of the Administrative Process  
7991 Act (§ 2.2-4000 et seq. of the Code of Virginia) nor public participation guidelines adopted pursuant  
7992 thereto shall apply to the Board's initial adoption of such regulations.

7993 15. That, from July 1, 2026, to July 1, 2027, the Virginia Cannabis Control Authority (the Authority)  
7994 shall deposit 75 percent of all funds collected through marijuana establishment annual license fees into  
7995 the Cannabis Equity Business Loan Fund established pursuant to § 4.1-1501 of the Code of Virginia, as  
7996 amended by this act. Such deposits shall occur within 60 days of the Authority's receipt of such license  
7997 fees.

7998 16. That the Joint Commission to Oversee the Transition of the Commonwealth into a Cannabis Retail  
7999 Market (the Joint Commission) shall consider and make recommendations on (i) the establishment and  
8000 implementation of (a) on-site consumption licenses allowing adults to use cannabis on the premises of a  
8001 licensed marijuana establishment and (b) microbusiness cannabis event permits allowing  
8002 microbusiness licensees to hold temporary age-restricted sales events at approved venues such as  
8003 farmers markets or pop-up locations where such licensees may sell marijuana or marijuana products  
8004 directly to consumers outside of their licensed premises and (ii) the benefits, limitations, and feasibility  
8005 of the Virginia Alcoholic Beverage Control Authority's involvement in the enforcement of laws and  
8006 regulations related to the cannabis retail market in the Commonwealth. The Joint Commission shall  
8007 report its findings and recommendations to the Chairs of the House Committee on General Laws and  
8008 the Senate Committee on Rehabilitation and Social Services by November 1, 2026.

8009 17. That the Virginia Alcoholic Beverage Control Authority (the ABC) and the Virginia Cannabis  
8010 Control Authority (the Authority) shall jointly submit to the Chairs of the House Committees on  
8011 General Laws and Appropriations and the Senate Committees on Rehabilitation and Social Services  
8012 and Finance and Appropriations, no later than January 1, 2027, a plan describing the respective  
8013 organizational structures and enforcement roles of the ABC and the Authority with respect to the  
8014 retail marijuana market in the Commonwealth. The ABC and the Authority may hire an outside  
8015 consultant to assist with the plan and such plan shall include (i) the current organizational structures  
8016 of the ABC and the Authority as they relate to marijuana regulation and enforcement; (ii) the  
8017 delineation of enforcement and regulatory responsibilities between the ABC and the Authority; (iii)  
8018 identification of any areas of overlapping or shared authority; (iv) an analysis of the fiscal and  
8019 operational implications of any such overlap; (v) opportunities for coordination, efficiencies, or cost  
8020 savings; (vi) estimated staffing levels, personnel classifications, and other resource needs associated  
8021 with carrying out such regulatory and enforcement responsibilities; and (vii) and any  
8022 recommendations for statutory, regulatory, or organizational changes to improve enforcement and  
8023 coordination between the ABC and the Authority.

8024 18. That the Virginia Department of Education (the Department), with assistance from the Virginia  
8025 Cannabis Control Authority (the Authority) and other appropriate agencies, local school divisions, and  
8026 appropriate experts, shall implement a plan to ensure that teachers have access to sufficient  
8027 information, resources, and lesson ideas to assist them in teaching about the harms of marijuana use  
8028 among the youth and about substance abuse, as provided in the 2025 Health Standards of Learning.  
8029 The Department shall (i) review resources currently provided to teachers to determine if additional or  
8030 updated material or lesson ideas are needed and (ii) provide or develop any additional materials and  
8031 resources deemed necessary and make the same available to teachers by January 1, 2027.

8032 19. That the Secretary of Education, in conjunction with the Virginia Department of Education, shall  
8033 develop a plan for introducing teachers, particularly those teaching health, to the information and  
8034 resources available to them to assist them in teaching the 2025 Health Standards of Learning as it  
8035 relates to marijuana use. Such plan shall include providing professional development webinars as soon  
8036 as practicable, as well as ongoing periodic professional development relating to marijuana, as well as  
8037 alcohol, tobacco, and other drugs as appropriate. The plan shall include the estimated cost of  
8038 implementation and any potential source of funds to cover such cost and shall be submitted to the  
8039 Governor and the General Assembly by November 1, 2026.

8040 20. That the Secretary of Education, the State Council of Higher Education for Virginia, the Virginia  
8041 Higher Education Substance Use Advisory Committee, and the Department of Behavioral Health and  
8042 Developmental Services shall work with existing collegiate recovery programs to determine what, if  
8043 any, additional evidence-based efforts should be undertaken for college-age individuals to promote  
8044 education and prevention strategies relating to marijuana. The plan shall include the estimated cost of  
8045 implementation and any potential source of funds to cover such cost and shall be submitted to the  
8046 Governor and the General Assembly by November 1, 2026.

8047 21. That the Virginia Cannabis Control Authority shall be vested with all the powers and duties held  
8048 by the Department of Agriculture and Consumer Services prior to January 1, 2027, in its  
8049 administration of the provisions set forth in Article 4 (§ 3.2-4122 et seq.) of Chapter 41.1 of Title 3.2 of  
8050 the Code of Virginia, as repealed by this act.

8051 22. That any valid, active registration issued by the Commissioner of Agriculture and Consumer

8052 Services pursuant to § 3.2-4122 of the Code of Virginia, as repealed by this act, prior to January 1,  
8053 2027, shall remain valid until its expiration date and be considered to have been issued by the Board of  
8054 Directors of the Virginia Cannabis Control Authority.

8055 23. That the regulations governing the manufacturing and sale of products that contain industrial  
8056 hemp extracts intended for human consumption in 2VAC5-595 of the Virginia Administrative Code as  
8057 promulgated or amended by the Board of Agriculture and Consumer Services pursuant to Article 5  
8058 (§ 3.2-5145.1 et seq.) of Chapter 51 of Title 3.2 of the Code of Virginia shall remain in full force and  
8059 effect and shall be administered by the Virginia Cannabis Control Authority (the Authority) until the  
8060 Board of Directors of the Authority promulgates regulations governing the sale of regulated hemp  
8061 products pursuant to § 4.1-606 of the Code of Virginia, as amended by this act. The Board of  
8062 Agriculture and Consumer Services shall repeal the regulations governing the manufacturing and sale  
8063 of products that contain industrial hemp extracts intended for human consumption in 2VAC5-595 of  
8064 the Virginia Administrative Code upon the effective date of the regulations promulgated by the Board  
8065 of Directors of the Authority governing the sale of regulated hemp products pursuant to § 4.1-606 of  
8066 the Code of Virginia, as amended by this act. With the exception of § 2.2-4031 of the Code of Virginia,  
8067 neither the provisions of the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia) nor  
8068 public participation guidelines adopted pursuant thereto shall apply to the Board of Agriculture and  
8069 Consumer Services' repeal of regulations governing the manufacturing and sale of products that  
8070 contain industrial hemp extracts intended for human consumption in 2VAC5-595 of the Virginia  
8071 Administrative Code.

8072 24. That notwithstanding any other provision of law, the Virginia Cannabis Control Authority (the  
8073 Authority) shall give preference in hiring to employees of the Department of Agriculture and  
8074 Consumer Services (the Department). The Authority shall issue a written notice to all persons whose  
8075 employment at the Department will be transferred to the Authority. The date upon which such written  
8076 notice is issued shall be referred to herein as the "Option Date." In order to facilitate an orderly and  
8077 efficient transition and ensure the continuation of operations during the transition from the  
8078 Department to the Authority, the Authority shall have discretion, subject to the time limitations  
8079 contained herein, to determine the date upon which any employee's employment with the Department  
8080 will end or be transferred to the Authority. This date shall be stated in the written notice and shall be  
8081 referred to herein as the "Transition Date." No Transition Date shall occur prior to July 1, 2026,  
8082 without the mutual agreement of the employee and the Authority. No Transition Date shall be set  
8083 beyond January 1, 2027. Each person whose employment will be transferred to the Authority may, by  
8084 written request made within 120 days of the Option Date, elect not to become employed by the  
8085 Authority. Any employee of the Department who (i) is not offered the opportunity to transfer to  
8086 employment by the Authority or (ii) is not offered a position with the Authority for which the employee  
8087 is qualified or is offered a position that requires relocation or a reduction in salary shall be eligible for  
8088 the severance benefits conferred by the provisions of the Workforce Transition Act (§ 2.2-3200 et seq.  
8089 of the Code of Virginia). Any employee who accepts employment with the Authority shall not be  
8090 considered to be involuntarily separated from state employment and shall not be eligible for the  
8091 severance benefits conferred by the provisions of the Workforce Transition Act. Any eligibility for such  
8092 severance benefits shall be contingent on the continued employment through an employee's Transition  
8093 Date.

8094 25. That notwithstanding any other provision of law to the contrary, any person whose employment is  
8095 transferred to the Authority as a result of the twenty-fourth enactment of this act and who is a member  
8096 of any plan for providing health insurance coverage pursuant to Chapter 28 (§ 2.2-2800 et seq.) of Title  
8097 2.2 of the Code of Virginia shall continue to be a member of such health insurance plan under the same  
8098 terms and conditions as if no transfer had occurred.

8099 26. That notwithstanding any other provision of law to the contrary, any person whose employment is  
8100 transferred to the Authority as a result of the twenty-fourth enactment this act and who is a member of  
8101 the Virginia Retirement System or other retirement plan as authorized by Article 4 (§ 51.1-125 et seq.)  
8102 of Chapter 1 of Title 51.1 of the Code of Virginia shall continue to be a member of the Virginia  
8103 Retirement System or other such authorized retirement plan under the same terms and conditions as if  
8104 no transfer had occurred.

8105 27. That the provisions of this act may result in a net increase in periods of imprisonment or  
8106 commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary  
8107 appropriation cannot be determined for periods of imprisonment in state adult correctional facilities;  
8108 therefore, Chapter 725 of the Acts of Assembly of 2025 requires the Virginia Criminal Sentencing  
8109 Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4 of the Code of  
8110 Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of  
8111 commitment to the custody of the Department of Juvenile Justice.